



Local Agency Formation Commission
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**ACTION MINUTES OF REGULAR MEETING
OF THE
LOCAL AGENCY FORMATION COMMISSION
MERCED, CALIFORNIA**

July 22, 2004

Chairman Cortez-Keene called the meeting to order at 2:01 p.m. in the Board Chambers on the Third Floor of the Merced County Administration Building.

I. ROLL CALL

**Commissioners Present: Commissioner Cortez-Keene
Commissioner Amabile
Commissioner Bertao
Commissioner O'Banion
Commissioner Melville**

**Staff Present: William Nicholson, Executive Officer
John LeVan, Staff Planner
Victoria Lane, Recording Secretary**

Counsel Present: Ruben Castillo, LAFCO Counsel

II. APPROVAL OF MINUTES

MOTION: M/S O'BANION/BERTAO, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION APPROVES THE MINUTES OF THE MEETING OF JUNE 24, 2004.

III. CITIZEN COMMUNICATION

None.

IV. PUBLIC HEARINGS

**A. Stonecreek Annexation to the City of Los Banos
LAFCO File No. 0608**

The public hearing was opened at 2:19 p.m.

No one spoke.

The public hearing was closed at 2:19 p.m.

MOTION: M/S AMABILE/O'BANION, AND CARRIED BY A UNANIMOUS VOTE , THE COMMISSION CERTIFIES THAT THEY HAVE REVIEWED AND CONSIDERED THE STONECREEK AREA PLAN EIR PREPARED BY THE CITY OF LOS BANOS AS LEAD AGENCY, INCLUDING THE MITIGATION MEASURES UNDER SECTION III A.(2a-b) AND ADOPTS A "STATEMENT OF OVERRIDING CONSIDERATIONS" CONSISTENT WITH THE CITY'S FINDINGS ADOPTED BY CITY COUNCIL RESOLUTION #4480, AND APPROVES THE STONECREEK ANNEXATION TO THE CITY OF LOS BANOS, LAFCO FILE NO. 0608, BASED UPON DETERMINATIONS 1-9 UNDER SECTION III B. OF THE EXECUTIVE OFFICER'S REPORT, INCLUDING THE SECOND CONDITION OF APPROVAL UNDER SECTION III B. (THE FIRST CONDITION IS TO BE ADDRESSED AT THE BUILDING PERMIT STAGE AND WAS THUS REMOVED AS A CONDITION UNDER LAFCO'S JURISDICTION) AND THE COMMISSION ASSIGNS THE PROJECT THE FOLLOWING SHORT FORM DESIGNATION: "STONECREEK ANNEXATION TO THE CITY OF LOS BANOS."

- B. Flanagan Park Annexation to the City of Merced
LAFCO File No. 0609

The public hearing was opened at 2:35 p.m.

The following person spoke: Kim Espinosa, City of Merced Planning Manager

The public hearing was closed at 2:36 p.m.

MOTION: M/S BERTAO/O'BANION, AND CARRIED BY A UNANMOUS VOTE, THE COMMISSION CERTIFIES THAT THEY CONCURRED WITH THE NOTICE OF EXEMPTION PREPARED BY THE CITY OF MERCED AS LEAD AGENCY AND APPROVES THE FLANAGAN PARK ANNEXATION TO THE CITY OF MERCED, LAFCO FILE NO. 0609, BASED UPON DETERMINATIONS 1-8 UNDER SECTION III B. OF THE EXECUTIVE OFFICER'S REPORT INCLUDING THE CONDITION OF APPROVAL UNDER SECTION III B. (4) AND ASSIGNS THE PROJECT THE FOLLOWING SHORT FORM DESIGNATION: "FLANAGAN PARK ANNEXATION TO THE CITY OF MERCED."

- C. City of Merced Municipal Service Review

The public hearing was opened at 3:11 p.m.

The following person spoke: Kim Espinosa, City of Merced Planning Manager

The public hearing was closed at 3:16 p.m.

MOTION: M/S O'BANION/MELVILLE, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION DETERMINES THAT THIS MUNICIPAL SERVICE REVIEW IS CATEGORICALLY EXEMPT FROM CEQA AND THAT ANY FUTURE LAFCO ACTION INVOLVING THE CITY OF MERCED WILL INVOLVE A SEPARATE ENVIRONMENTAL DETERMINATION AND ACTION, AND APPROVES THE CITY OF MERCED MUNICIPAL SERVICE REVIEW BASED UPON DETERMINATIONS 1-4 UNDER SECTION IV OF THE EXECUTIVE OFFICER'S REPORT.

V. **GENERAL BUSINESS**

None.

VI. **ADJOURNMENT**

There being no further business, Chairman Cortez-Keene adjourned the meeting at 3:32 p.m.

NOTE: The LAFCO meeting was recorded and a tape is available to the public at the Merced LAFCO Office. Copies of the tape may also be purchased.