



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

October 28, 2004

Chairman Cortez-Keene called the meeting to order at 2:00 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 Ingram
Commissioner O'Banion
Commissioner Hunter
Commissioner Melville

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

Counsel Present: Ruben Castillo, LAFCO Counsel
James Fincher, LAFCO Counsel

II. APPROVAL OF MINUTES

MOTION: M/S AMABILE/O'BANION, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION APPROVES THE MINUTES OF THE MEETING OF SEPTEMBER 23, 2004.

III. CITIZEN COMMUNICATION

The following person spoke: Marshall Krupp, Community Systems Associates, consultant for the Merced City School District, the Merced Union High School District, and the Weaver Union School District.

IV. PUBLIC HEARINGS

A. Bandoni Annexation to the City of Merced
LAFCO File No. 0612

The public hearing was opened at 2:15 p.m.

The following person spoke: Marshall Krupp, Community Systems Associates.

The public hearing was closed at 2:28 p.m.

In response to questions from the Commission, Bill King, Senior Planner with the City of Merced, commented on City General Plan policy.

MOTION: M/S O'BANION/INGRAM, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION CERTIFIES THAT THEY HAVE REVIEWED AND CONSIDERED THE BANDONI EXPANDED INITIAL STUDY PREPARED BY THE CITY OF MERCED AS LEAD AGENCY, INCLUDING THE FIVE MITIGATION MEASURES UNDER SECTION III A.(2) AND ADOPTS A "STATEMENT OF OVERRIDING CONSIDERATIONS" CONSISTENT WITH THE CITY'S FINDINGS ADOPTED BY CITY COUNCIL RESOLUTION #97-22, AND APPROVES THE BANDONI ANNEXATION TO THE CITY OF MERCED, LAFCO FILE NO. 0612, BASED UPON DETERMINATIONS 1-8 UNDER SECTION III B. OF THE EXECUTIVE OFFICER'S REPORT AND ASSIGNS THE PROJECT THE FOLLOWING SHORT FORM DESIGNATION: "BANDONI ANNEXATION TO THE CITY OF MERCED."

B. Franco Annexation to the City of Merced
LAFCO File No. 0613

The public hearing was opened at 3:03 p.m.

The following people spoke: Marshall Krupp, Community Systems Associates and Bill Gnass, attorney on behalf of Heritage Homes.

The public hearing was closed at 3:18 p.m.

MOTION: M/S AMABILE/O'BANION, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION CERTIFIES THAT THEY HAVE REVIEWED AND CONSIDERED THE FRANCO EXPANDED INITIAL STUDY PREPARED BY THE CITY OF MERCED AS LEAD AGENCY, INCLUDING THE ONE MITIGATION MEASURE UNDER SECTION III A.(2) AND ADOPTS A "STATEMENT OF OVERRIDING CONSIDERATIONS" CONSISTENT WITH THE CITY'S FINDINGS ADOPTED BY CITY COUNCIL RESOLUTION #97-22, AND APPROVES THE FRANCO ANNEXATION TO THE CITY OF MERCED, LAFCO FILE NO. 0613, BASED UPON DETERMINATIONS 1-8 UNDER SECTION III B. OF THE EXECUTIVE OFFICER'S REPORT INCLUDING THE CONDITION OF APPROVAL FROM THE MERCED COUNTY DEPARTMENT OF PUBLIC WORKS – PROFESSIONAL SERVICES DIVISION REQUESTING THE BOUNDARIES OF THE PROJECT BE EXPANDED TO INCLUDE THE FULL WIDTH OF BAKER DRIVE BETWEEN COFFEE STREET AND HIGHWAY 140 AND INCLUDE THE FULL WIDTH OF THE AT&SR RAILROAD AND THE COMMISSION ASSIGNS THE PROJECT THE FOLLOWING SHORT FORM DESIGNATION: "FRANCO ANNEXATION TO THE CITY OF MERCED."

C. City of Los Banos Municipal Service Review

The public hearing was opened at 3:37 p.m.

The following person spoke: Tim Miller, former planning director and current planning consultant for the City of Los Banos.

The public hearing was closed at 3:42 p.m.

MOTION: M/S AMABILE/BERTAO, 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 LOS BANOS WILL INVOLVE A SEPARATE ENVIRONMENTAL DETERMINATION AND ACTION, AND APPROVES THE CITY OF LOS BANOS MUNICIPAL SERVICE REVIEW BASED UPON DETERMINATIONS 1-4 UNDER SECTION IV OF THE EXECUTIVE OFFICER'S REPORT.

V. GENERAL BUSINESS

Note: Executive Officer Nicholson asked the Commission to consider moving the LAFCO Meetings for the next calendar year to the 3rd Thursday of the month instead of the typical 4th Thursday of the month.

VI. ADJOURNMENT

There being no further business, Chairman Cortez-Keene adjourned the meeting at 3:53 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.