
**SAN JOAQUIN
LOCAL AGENCY FORMATION COMMISSION**

AGENDA ITEM #1

LAFCo

509 W. WEBER AVENUE SUITE 420 □ STOCKTON, CA 95203

CHAIR

KRISTY SAYLES
LATHROP CITY COUNCIL

SUMMARY MINUTES

NOVEMBER 19, 2010

MEMBERS

JOHN W. HARRIS
MANTECA CITY COUNCIL

**BOARD OF SUPERVISORS CHAMBERS
44 N. SAN JOAQUIN STREET, 6th FLOOR
STOCKTON, CALIFORNIA**

STEVEN NILSSEN
PUBLIC MEMBER

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LARRY RUHSTALLER
COUNTY BOARD OF
SUPERVISORS

VICE CHAIR

KEN VOGEL
COUNTY BOARD
OF SUPERVISORS

Vice Chairmen Vogel called the meeting to order at 10:02 A.M.

MEMBERS PRESENT: Commissioners Steve Nilssen and Ken Vogel

MEMBERS ABSENT: Commissioners John W. Harris, Larry Ruhstaller
and Kristy Sayles

ALTERNATE MEMBERS

STEVE BESTOLARIDES
COUNTY BOARD
OF SUPERVISORS

**ALTERNATE MEMBERS
PRESENT:** Commissioners Pat Stockar and Chuck Winn

PATRICK STOCKAR
PUBLIC MEMBER

**ALTERNATE MEMBERS
ABSENT:** Commissioner Steve Bestolarides

CHUCK WINN
RIPON CITY COUNCIL

EXECUTIVE OFFICER

JAMES E. GLASER

OTHERS PRESENT: James Glaser, Executive Officer; Michael McGrew, Legal Counsel; Elizabeth Contreras, LAFCo Analyst and Linda Lund, Commission Clerk

COUNSEL

MICHAEL F. MCGREW

ANALYST

**ELIZABETH
CONTRERAS**

CONSENT ITEMS A motion was made by Commissioner Nilssen with a second by Commissioner Winn to approve the minutes of the September 17, 2010 regular meeting and Resolution No. 1249 approving the two requests from City of Stockton to provide Out-of-Agency sanitary sewer service. The motion and resolution passed by the unanimous vote of all Commissioners present.

COMMISSION CLERK

LINDA LUND

PUBLIC HEARING

3. ALTAMONT COMMUTER EXPRESS REORGANIZATION (LAFc 27-10)
Proposal to annex 230 acres to the City of Stockton with concurrent detachments from the Lincoln Rural Fire District, Eastside Rural Fire District, the San Joaquin County Resource Conservation District, County Service Area #54, North Oaks Lighting Maintenance District, and the West Lane Lighting District. The proposed territory is located south of Alpine Avenue, north of Harding Way, between Cemetery Lane and West Lane and the Union Pacific Railroad.

Mr. Glaser gave a brief presentation addressing this proposal from the City of Stockton to annex 230 acres for a train maintenance facility. Mr. Glaser reviewed the factors and also addressed the environmental issues and advised that because this project does not have 100% owner consent a protest hearing is required. He recommended that the Commission approve this proposal as submitted subject to a Protest Hearing.

In answer to a question from Commissioner Nilssen, Mr. Glaser explained the outreach program employed to reach all affected parties.

Vice Chair Vogel opened the public hearing.

Mike Niblock, Director of the Community Development Department for the City of Stockton, asked for approval of this request. He stated the City's concurrence with the recommendation by LAFCo Staff and offered to answer any questions. Commissioner Nilssen asked if the remaining sites not included are on septic systems. Mr. Niblock answered some are receiving Out-of-Agency Service and have agreed to annexation when necessary.

Rod Attebery, from Neumiller & Beardslee, also came forward and presented the background on how this project was developed. He said that two mailed notices had been sent to all residents, one by the City and one by the Rail Commission. He said his clients accept and concur with the staff report.

Property owners Roy Hoggard, Mark Taylor and Robert Smith, all addressed the Commission with their concerns about the noise that would be produced by the train maintenance facility. They asked if the City could implement a no horn ordinance as other cities have done. Property owner Craig Gilmore also was concerned about the zoning in this area and how it would affect his business. Thomas Krist, also a property owner asked that the boundary be changed so that his house would not be in the affected area.

Kathy Garcia, with the Eastside Fire District, came forward to request that the annexation not include the detachment of the Eastside Fire District.

Bob Bentz questioned how taxes and assessments would impact the residents.

Mr. Niblock returned to inform the Commission that Mr. Gilmore's restaurant could continue and would not be affected by re-zoning and Mr. Krist's property will also not be affected.

Bryan Pennino, consultant with Pennino & Associates, said that the noise issue has been studied and that maintenance on the trains would be done in buildings with the doors closed.

Mr. Attebery said that they will work with the operational department to see if something could be done to mute or lessen the impact of the horn. He said that the noise issue had been addressed in the Environmental Impact Report.

Commissioner Nilssen questioned if the City was looking into any type of noise mitigation ordinance.

Mr. Niblock said that to institute such an ordinance is a very long and formal process.

No one else came forward. Vice Chair Vogel closed the public hearing and brought the matter back to the Commission for comments.

Commissioners Vogel and Winn both expressed concern about the issue of the noise produced by the train horns and urged the city to see what could be done to minimize the impact.

Commissioner Nilssen also requested that the Rail Commission work with the surrounding residents to minimize the impact of noise.

Commissioner Nilssen made a motion to approve the request subject to a Protest Hearing and the matter to be brought back to the Commission for final approval. Commissioner Winn seconded the motion. The motion passed by the following vote:

AYES: Commissioners Nilssen, Winn, and Vogel

NOS: None

ABSENT: Commissioners Harris, Ruhstaller and Sayles

SPECIAL MATTERS

4. CITY OF ESCALON DRAFT MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE WORKSHOP

The MSR examines the cost, adequacy of service, availability and quality of municipal services provided by the City. The proposed SOI Update consists of the City's Sphere Plan and Boundary.

Mr. Glaser reviewed with the Commission the requirements for LAFCo to review and update Spheres of Influence plans every five years.

Mark Niskanen, Senior Planner with JB Anderson Planning came forward to present the draft of the City of Escalon's Municipal Service Review (MSR) and Sphere of Influence (SOI). He said the City's SOI contains approximately 736 acres with anticipated population growth through 2025. He displayed maps of the existing and proposed SOI and also discussed Area of Interest. He said the next steps will be to finalize the MSR and SOI update and come back to this Commission.

5. PUBLIC COMMENTS

No one came forward.

6. EXECUTIVE OFFICER COMMENTS

Mr. Glaser provided a brief overview of the status of pending projects including the Rural Fire Municipal Service Review.

7. COMMISSIONER COMMENTS

Vice Chair Vogel advised that all Commissioners make note of the next LAFCo meeting date which is December 10, 2010.

There being no further business the meeting adjourned at 11:32 a.m. to the next regular meeting.