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**SAN JOAQUIN  
LOCAL AGENCY FORMATION COMMISSION**

AGENDA ITEM #1

**LAFCo**

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

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CHAIR

VACANT

SUMMARY MINUTES

DECEMBER 10, 2010

MEMBERS

JOHN W. HARRIS  
MANTECA CITY COUNCIL

BOARD OF SUPERVISORS CHAMBERS  
44 N. SAN JOAQUIN STREET, 6<sup>th</sup> 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 10:00 A.M.

MEMBERS PRESENT: Commissioners John W. Harris, Steven Nilssen,  
Larry Ruhstaller and Ken Vogel

ALTERNATE MEMBERS

STEVE BESTOLARIDES  
COUNTY BOARD  
OF SUPERVISORS

MEMBERS ABSENT: None

PATRICK STOCKAR  
PUBLIC MEMBER

ALTERNATE MEMBERS  
PRESENT: Commissioners Pat Stockar and Chuck Winn

RIPON CITY COUNCIL

ALTERNATE MEMBERS  
ABSENT: Commissioner Steve Bestolarides

EXECUTIVE OFFICER  
JAMES E. GLASER

OTHERS PRESENT: James Glaser, Executive Officer; Thomas  
Shephard Sr., Legal Counsel; Elizabeth  
Contreras, LAFCo Analyst and Linda Lund,  
Commission Clerk

COUNSEL  
THOMAS SHEPARD SR.

ANALYST  
ELIZABETH  
CONTRERAS

MOMENT OF SILENCE: Vice Chair Vogel gave highlights on Michael  
McGrew's history with San Joaquin LAFCo and  
asked for a Moment of Silence in his honor.

COMMISSION CLERK  
LINDA LUND

CONSENT ITEMS  
A motion was made by Commissioner  
Nilssen with a second by Commissioner  
Ruhstaller to approve the minutes of the  
November 19, 2010 Special Meeting.  
The motion passed by the unanimous vote of all  
Commissioners present with Commissioner  
Harris abstaining.

PUBLIC HEARING

**3. AUSTIN ROAD BUSINESS PARK REORGANIZATION (LAFC 31-10)**

Proposal to annex 1,032.4 acres to the City of Manteca with concurrent detachments from the Lathrop-Manteca Fire District, Ripon Consolidated Fire District, and the San Joaquin County Resource Conservation District.

Mr. Glaser gave a brief presentation addressing this proposal from the City of Manteca to annex 1,032 acres. He reported that the City and the affected fire districts had reached an agreement to mitigate loss of property tax and special assessment revenues. He also discussed the situation with the Ripon Fire District Ambulance Service. He concluded by stating since 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.

Vice Chair Vogel opened the public hearing.

Attorney Michael Hakeem came forward and said that as stated in the staff report an agreement has been reached by all parties concerned on detachment of the fire districts. He also said that all municipal services will be provided by the City of Manteca. He concurred with the staff report and offered to answer further questions.

Commissioner Winn asked if the City of Manteca and the developers have considered fees for the possible building of an interchange for the freeway as a way to mitigate the impact of the additional traffic that will be generated by this project. Commissioner Winn further inquired what the developer planned to do about the fact that the Ripon School District would need to add classrooms in order to accommodate the students that come from this area.

Mr. Hakeem said that the Environmental Document calls for traffic studies to be conducted and there has been discussion between the two cities. As to the issue of the need for additional classrooms he said that they are working to bring that issue to closure.

Commissioner Nilssen asked for further clarity on the fire district issue and how it might be impacted by the findings when the final report on the Fire District Municipal Service Review is concluded. He also asked if this project could be handled in the same manner as the Tidewater project, whereby the fire districts were not detached.

Mr. Glaser said that since this project is before the Commission before the completion of the final Fire District Municipal Service Review, there is no policy in place at this time. Mr. Glaser and Mr. Hakeem stated that because there is an agreement in place with this project it is different from the Tidewater situation.

Kevin Kilpatrick, a property owner, came forward to express his concerns as to how all of the services are going to be paid for. He stated that the residents of Ripon are the ones who are going to have to bear the burden and he questioned how this will impact their taxes. He would like to see more agreements in place before this project goes forward.

Linda Hatch, also an affected property owner, said that she had never received any notification from the City on this pending project. She said that she objected to the amount of farmland that will be lost if this project goes forward.

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

Commissioner Ruhstaller 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 Harris seconded the motion. The motion passed by the following vote:

AYES: Commissioners Harris, Ruhstaller, Winn and Vogel

NOS: Commissioner Nilssen

3. NORTHWEST AIRPORT WAY REORGANIZATION (LAFC 28-10 A)  
Request to annex 300.3 acres to the City of Manteca for development of the CenterPoint Intermodal Facility with concurrent detachments from the Lathrop-Manteca Fire District, and the San Joaquin County Resource Conservation District.
4. NORTHWEST AIRPORT WAY REORGANIZATION (LAFC 28-10 B)  
Request to annex 77 acres, located north of Lathrop Road and east of Airport Way, to the City of Manteca with concurrent detachments from the Lathrop-Manteca Fire District, and the San Joaquin County Resource Conservation District.
5. NORTHWEST AIRPORT WAY REORGANIZATION (LAFC 28-10 C)  
Request to annex 144 acres, located south of Lathrop Road and west of Airport Way, to the City of Manteca with concurrent detachments from the Lathrop-Manteca Fire District, County Service Area No. 34 and the San Joaquin County Resource Conservation District.

Vice Chair Vogel explained that all three parts of this project would be presented as one staff report and will be part of the public hearing.

Mr. Glaser began the staff report by showing where Areas A, B and C are located. After giving specifics on each location he said that annexation of each area would require Protest Proceedings. After discussing the Property Tax Agreement, the Phasing Plan and the Environmental Impacts he reviewed the procedures for conducting the Protest Proceedings. He said that approval of Area A only would create an island. He recommended the approval of all three areas subject to Protest Hearings for each area.

Vice Chair Vogel opened the public hearing.

Steve Pinkerton, City Manager for the City of Manteca, came forward to state that this project will create jobs in this area. He also said the City was in agreement with the staff report.

Attorney, Tom Terpstra, came forward saying that he also concurs with the staff report. He said that he does support the rights of the land owners who live in Areas B and C to determine their own process.

Several residents came forward to speak among them were: Angie Cruz Espinoza; Georgianna Reichelt; Ivine Willson; A. Alexander; Karen Duke; Barbie Brown; Kenneth Beal; Patricia LaMar;

Mary Jane Clark; and Clay Vegsund. The majority of these residents live in areas B and C. They asked not be annexed into the City. Each one mentioned their concern with lack of information from the City and also they have concerns as to the traffic impact to this area. Another major concern is how City ordinances may eventually not allow their present use of the land thereby jeopardizing their means of income.

Ben Cantu, from BC Planning represented Livermore Acres and said they have property in Area C and they support the annexation.

No one else came forward. Vice Chair Vogel closed the public hearing.

Mr. Terpstra returned to advise the Commission that the City had used several methods of outreach to assure that the citizens in Areas B and C had been informed. Representatives from the City of Manteca also came forward to inform the Commission the City sent letters and conducted workshops to keep the residents informed.

Commissioner Ruhstaller said that it appears that Area A is the major issue and that Areas B and C were included due to LAFCo policy of trying to avoid the creation of islands. He said that he sees after today's hearing that the majority of residents in Areas B and C do not want to be annexed.

Commissioner Harris said Area A is very important because it creates much needed jobs. He said that the City of Manteca asked that Areas B and C not be included in the annexation because of the concerns of the residents in those areas.

Commissioner Winn stated that there are times we get caught up in rules, but other concerns also need to be considered. He said that today the residents had expressed legitimate concerns therefore he felt that only Area A should be approved for annexation.

Commissioner Ruhstaller made a motion to approve the annexation of Area A only subject to a Protest Hearing and the matter to be brought back to the Commission for final approval. Commissioner Harris seconded the motion.

Commissioner Nilssen made a motion to deny annexation of Areas B and C. Commissioner Ruhstaller seconded the motion.

Both motions passed by the following vote:

AYES: Commissioners Harris, Nilssen, Ruhstaller, Winn and Vogel

NOS: None

#### PUBLIC COMMENTS

6. Persons wishing to address the Commission on matters not otherwise on the agenda.

No one came forward

EXECUTIVE OFFICER COMMENTS

7. Comments from the Executive Officer

Mr. Glaser advised that there will be a new member from the City of Lathrop appointed to serve on the Commission. He also said that the City of Escalon will return at the next meeting with their final Municipal Service Review.

COMMISSIONER COMMENTS

8. Comments, reports, or questions from LAFCo Commissioners.

Commissioner Winn thanked the members of the Commission for the opportunity to be a part of the Commission and announced that the new Mayor for the City of Ripon will be replacing him.

Commissioner Harris asked that the meeting be adjourned in memory of Mike McGrew.

There being no further business the meeting adjourned at 12:40 p.m. to the next regular meeting.

