

**FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)**  
**(Fresno County, California)**

**“MINUTES”**

**REGULAR LAFCo MEETING – February 6, 2008**

**Call to Order:** Chairman Lopez called the meeting to order at 1:30 p.m.

**Members Present:** Commissioners Susan Anderson, Larry Fortune, Victor Lopez, Henry Perea, and Trinidad Rodriguez

**Members Absent:** None

**Staff Present:** Rick Ballantyne, LAFCo Executive Officer  
Darrel Schmidt, LAFCo Deputy Executive Officer  
Kenneth J. Price, LAFCo Counsel  
Candie Fleming, Clerk to the Commission  
Susan Pool, LAFCo Office Assistant II

1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Minutes from the regular LAFCo Meeting of January 9, 2008.**

The minutes were unanimously approved as presented.

4. **Potential Conflicts of Interest: Any Commission Member who has a potential conflict of interest may now identify the item and recues themselves from discussing and voting on the matter.**

Commissioner Perea stated he would recues himself from participating in Agenda Item No. 6. Commissioner Fortune noted for the public record that while his company had done business with John Bonadelle (proponent of Agenda Item No. 6) in the past, that he has no current interests related to Mr. Bonadelle’s current application.

**PUBLIC HEARINGS**

5. **Municipal Service Review and Sphere of Influence Update for County Service Area No. 35 (Road Maintenance).**

This item was continued to March 5, 2008.

6. **City of Fresno “Shields-Locan No. 3 Reorganization” (LAFCo File No. RO-07-26).**

Executive Officer Rick Ballantyne presented staff’s report. He noted that approval of the proposal would result in the creation of an approximate 70-acre substantially

surrounded island inconsistent with adopted LAFCo's Policies, Standards and Procedures.

Three possible alternatives the Commission could consider included:

1. Approve the Reorganization as proposed.
2. Revise the application to include the additional territory and continue application for pre-zoning, or
3. Deny the application

Chairman Lopez opened the public hearing. John Bonadelle spoke in favor of the first alternative. He indicated that he had met with neighbors and that they desired to maintain their rural lifestyles.

Dave Braun, representing the City of Fresno, offered comments. He stated that the City's Zoning Overlay District being established for Rural Residential properties would be considered by the City Council on February 26, 2008.

Paul Humphrey a neighbor offered comments. The public hearing was then closed and a motion to approve Alternative No. 1 was made, seconded and passed unanimously with Commissioner Perea recusing himself.

**7. City of Fresno "Barstow-Grantland No. 3 Reorganization". (LAFCo File No. RO-07-27).**

Executive Officer Ballantyne presented staff's report. Chairman Lopez opened the public hearing.

Mike Slater, representing Lennar Homes, spoke in support of staff's recommendation. However, he requested that that the condition requiring that his project not be allowed to record prior to recordation of the Barstow-Garfield No.1 Reorganization (Granville Homes) be waived since it could create a hardship should the Granville development not move forward timely.

Commissioner Perea inquired as to staff's reason for the condition. Executive Officer Ballantyne explained that the condition was recommended by the County in response to the Tax Sharing Agreement. It was his understanding that the condition was recommended to assure for logical and orderly development in relationship to surrounding development. The item was tabled until a member of the County could address the item.

- 8. A. Fresno County Fire Protection District "Sphere of Influence Revision" (LAFCo File No. RSOI-149).**
- B. North Central Fire Protection District "Sphere of Influence Revision" (LAFCo File No. RSOI-148).**
- C. North Central Fire Protection District "North Central No. 1 Reorganization" (LAFCo File No. RO-07-25).**

Deputy Executive Officer Darrel Schmidt presented staff's report. He noted that the proposals had been initiated at the request of the Commission in response to the *Municipal Service Reviews* that had been prepared for the Fire Protection Districts last June. Chairman Lopez then opened the public hearing.

Chief Keith Larkin of the Fresno County Fire Protection District spoke in favor of the proposals. He indicated that emergency calls will switch over to Emergency Medical Service dispatch on March 3, 2008. Chief Larkin also indicated that the financial impact to the District would be a loss of \$ 220,000.00.

Commissioner Perea inquired why there was not a transition agreement in place. It was explained that such agreements occur between the Cities and the Districts. This proposal is between two districts. Commissioner Perea then asked if LAFCo had the authority to require a transition agreement. Ken Price, LAFCo Counsel stated that LAFCo could, but it is not required under this scenario.

Chairman Lopez then closed the public hearing where a second was offered to Commissioner Anderson's earlier motion and passed by a vote of 4-1 with Commissioner Perea voting no. The Commission set the protest hearing set for April 9, 2008.

**9. City of Sanger "California-Academy Northwest Reorganization" (LAFCo File No. RO-07-21). (Continued from November 7, 2007 and January 9, 2008)**

Executive Officer Ballantyne presented staff's report. He noted that the application had been continued twice in order to allow a facilitation process between the Cities of Sanger, Fowler, Selma, Parlier, and Kingsburg (five cities); the Consolidated Irrigation District (CID); and Fresno LAFCo to take place that addressed potential impacts to regional groundwater impacts and impacts to CID facilities. The continuances had also allowed the City time to prepare a Revised Service Plan that addressed these potential impacts.

Chairman Lopez opened the public hearing. Mr. Bruce O'Neal, representing the City of Sanger, spoke in support of the facilitation process and concurred with staff's report and recommendations.

Chairman Lopez then closed the public hearing. A motion for approval was made, seconded, and passed unanimously. The Commission set the protest hearing for April 9, 2008.

**7. (Continuation of City of Fresno "Barstow-Grantland No. 3 Reorganization")**

Commissioner Perea asked Mr. Bernard Jimenez, Development Services Manager of the Fresno County Public Works and Planning Department, the reason for the condition related to limiting recordation of the subject property only after the tract to the north had been recorded. Mr. Jimenez responded that it was initially required due to the configuration and timing of the two proposals—but stated it should not matter which one recorded first as long as both proposals annex.

A motion to accept conditions as written was made, but failed for lack of a second. Another motion, to delete condition C-4 (to have Barstow-Garfield No. 1 Reorganization recorded prior to recordation of this Proposal) was made, seconded and passed by a vote of four to one with Commissioner Perea voting No.

**OTHER ITEMS:**

**10. Public Presentation: “Fresno County Regional Housing Allocation Plan” and “Valley Blueprint” Update – Barbara Goodwin, Executive Director Council of Fresno County Governments (COG).**

Barbara Goodwin, Executive Director of the Council of Fresno County Governments, discussed the Fresno County Regional Housing Allocation Plan. She also provided the Commission with an update of the Valley Blueprint efforts. The Commission indicated a desire to hold a future LAFCo sponsored housing workshop.

**11. Waive LAFCo Filing Fees for Washington Colony Cemetery District. (Continued from January 9, 2008).**

Executive Officer Ballantyne presented staff’s report and several options the Commission could consider. He stated that staff could support the waiver of the fee for the Sphere of Influence Revision since it was a recommendation of the Municipal Service Review/Sphere of Influence Update Report in 2005. Executive Officer Ballantyne also noted that the District had engaged Urban & Environmental Consulting (Mike Waiczis and Christine Grider) to prepare a cost-benefit analysis in support of the fee waiver request.

Mr. Mike Waiczis of Urban & Environmental Consulting spoke in favor of the fee waiver and provided information in support of the request. He explained how paying the required filing fees would create a financial hardship to the District. Mr. Waiczis stated that the *Cost-Benefit Analysis* prepared for the District was at the suggestion of the former Interim Executive Officer, Jeff Tweedie.

Mr. Delbert Cedarquist, representing the Washington Colony Cemetery District, spoke in favor of the request and provided information concerning the District’s current situation.

Chairman Lopez then closed the public hearing. A motion to waive Fresno LAFCo “Sphere of Influence Revision” filing fee but not the “Annexation” filing fee was made, seconded and passed unanimously.

**12. 2008 LAFCo Staff Work Program: Presentation of Various Projects and Municipal Service Review/SOI Update Follow-Up Actions to be Undertaken in 2008.**

Executive Officer Ballantyne outlined Staff’s proposed *2008 Work Program* that had resulted from the Commission’s recommended action that resulted from the MSR/SOI program that was completed last year. The Program also incorporated work elements

as suggested by staff in order to improve current public services. Staff suggested that the Commission review the Program and provide its suggestions and recommendations at the next LAFCo hearing.

**13. LAFCo Counsel's Reports:**

**A. Update Regarding LAFCo Efforts to Facilitate a Resolution of Dispute Between Consolidated Irrigation District and the Cities of Fowler, Kingsburg, Parlier, Sanger, and Selma**

LAFCo's Special Counsel and facilitator Nancy Miller joined the meeting via speakerphone. She stated that the last two facilitation meetings had been successful and had resulted in "interim" mitigation measures that could be applied to projects being considered within the Consolidated Irrigation District. She also indicated that agreements had been entered into between CID and four of the five Cities.

Ken Price stated that the funds donated by the five Cities had been exhausted and proposed a letter requesting the five Cities to donate again to continue the process. A motion to approve such request was made, seconded and passed unanimously.

**B. Report on New Laws Affecting LAFCo Procedures and Decisions.**

Ken Price mentioned he would be working with CALAFCO in addition to other LAFCo Legal Counsels to help prepare guidance for SB-162—an upcoming LAFCo law dealing with "Environmental Justice" concerns to be considered in relationship to organization and reorganization applications. The Commission directed staff to speak with social justice representatives regarding language and or legislation.

**COMMENTS FROM THE PUBLIC**

No public comment was offered.

**ADJOURNMENT**

The meeting was adjourned at 4:02 p.m.

**THE NEXT LAFCO MEETING** will be held on March 5, 2008, at 1:30 p.m. in the Board of Supervisors' Chamber - Hall of Records, Room 301, Fresno, California.