

**FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)**

**(Fresno County, California)**

**“MINUTES”**

**REGULAR LAFCo MEETING – May 7, 2008**

**Call to Order:** Chairman Lopez called the meeting to order at 1:35 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 April 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 recuse themselves from discussing and voting on the matter.**

There were no conflicts of interest noted.

**PUBLIC HEARINGS**

5. **Consider Approval: Request for a One-Year Extension to Complete Proceedings**

- A. **City of Selma “Floral-Stillman Reorganization - Annexation 2003-0023” (LAFCo File No. RO-05-7).**

Deputy Executive Officer Darrel Schmidt presented staff’s report. He explained that an extension of time was necessary due to a legal challenge of the Environmental Impact Report (EIR) prepared for the project (Wal-Mart Store) that required additional time to address.

LAFCo Counsel Ken Price advised the Commission that State law precluded the Commission from taking an action to deny the extension request given the present legal circumstances (i.e. court challenge). Chairman Lopez then opened the public hearing.

City of Selma Counsel, Mr. Neal Costanza, indicated that he supported the extension request and would answer any Commission questions. No other public testimony was offered. A motion to approve the one-year extension was made, seconded, and passed unanimously.

**B. City of Fresno “Clinton-Armstrong Southeast Reorganization” (LAFCo File No. RO-06-9).**

Deputy Executive Officer Schmidt presented staff’s report indicating that a final map had been submitted to the City for approval; however, the City required revisions to the map necessitating additional time. Chairman Lopez opened the public hearing for public testimony—there being none offered. A motion to approve the one-year extension was made, seconded, and passed unanimously

**6. Conducting Authority Proceedings: City of Fresno “McKinley-Blythe No. 1 Reorganization” (LAFCo File No. RO-08-2).**

Executive Officer Ballantyne presented staff’s report stating that not all property owners had consented in writing to the annexation. He reported that only one official protest had been received totaling less than two (2) percent of the total assessed value. Chairman Lopez opened the public hearing.

No testimony or additional protest(s) were offered. The public hearing was then closed. A motion to reaffirm the Commission’s prior approval was made, seconded, and passed unanimously.

**7. Conducting Authority Proceedings: Sierra Resource Conservation District “Sierra and Navelencia Resource Conservation District Consolidation” (LAFCo File No. CD-08-1).**

Deputy Executive Officer Schmidt presented staff’s report stating that not all property owners had consented in writing to the annexation. He reported that no official protests had been received. Chairman Lopez opened the public hearing.

No public testimony or protests were offered. The public hearing was then closed. A motion to reaffirm the Commission’s prior approval was made, seconded, and passed unanimously.

**8. Consider Approval: City of Fresno “Chestnut-Copper No. 1 Reorganization” (LAFCo File No. RO-08-1). (Continued from April 9, 2008)**

Commissioners Anderson and Perea recused themselves and left the chambers prior to the beginning of the public hearing. Executive Officer Ballantyne then presented staff’s report noting that the affected territory contained a Land Conservation Contract (Antonio Petrosino property) and that the City of Fresno would be required to succeed to the contract upon annexation. Chairman Lopez then opened the hearing for public comment.

Mr. Jeff Roberts, representing Granville Homes, supported staff’s recommendation and requested that Condition D-2 (final map filing requirement) be deleted.

Mr. Rod Hacker, a property owner residing at the southeast corner of Chestnut and Copper Avenues expressed concern over issues related to the one lane service road that served his property.

Mr. Dave Braun, representing the City of Fresno, spoke in favor of the request and indicated concurrence with Mr. Robert's request to delete the mandatory condition that required the filing of a final map prior to recordation. He also agreed to meet with Mr. Hacker to review the road access issues.

Chairman Lopez closed the public hearing. A motion to approve the reorganization was made, seconded, and passed unanimously.

**9. Consider Approval: City of Kingsburg "Kamm-Academy Northeast No. 1 Reorganization" (LAFCo File No. RO-08-4).**

Deputy Executive Officer Schmidt presented staff's report and noted a correction in that a CID facility was located within the affected territory. The public hearing was then opened for public comment.

Mr. Jeff O'Neal representing the project engineer (Provost and Pritchard) spoke in favor of the application and concurred with Staff's recommendation. Resident Roger Carender spoke in favor of the annexation.

Several N. Academy Avenue property owners spoke in opposition to the request. Mr. Roy Bailey stated opposition to annexation. Ms. Mary Allen indicated that she originally desired to be annexed to the City but had changed her mind due to concerns dealing with water and sewer issues. Mr. Salvador Lopez, expressed that even though City representatives had answered their questions, he was opposed to being annexed and requested to be excluded.

Kingsburg City Manager Don Pauley stated that he had spent much time addressing neighbors' concerns related to the proposed development—even though the proposal had been initiated by landowner petition. Mr. Pauley also discussed sewer issues/standards as related to the Selma-Kingsburg-Fowler County Sanitation District.

The applicant, Mr. Piara Ghuman, testified in support of the request and stated that he gave no price estimates to neighbors regarding water and sewer hook-ups.

Commissioner Perea inquired if developers ever pay for hook-up costs to neighbors. Mr. Pauley responded that the City normally would not discuss this issue with developers but would if the Commission so desired. Commissioner Perea stated he would like to see that occur.

The Commission discussed the merits of deleting the properties that took access to N. Academy Avenue from the proposal and the need for inclusion. The public hearing was then closed and a motion made to approve the reorganization but to adjust the boundaries of the affected territory by deleting the six parcels that fronted along N. Academy Avenue. The motion was seconded and passed unanimously. The protest hearing was set for July 9, 2008.

**10. Consider Approval: City of Parlier “City of Parlier Reorganization No. 06-02” (LAFCo File No. RO-08-5). (Continued from April 9, 2008)**

Executive Officer Ballantyne indicated that the City of Parlier had requested a second continuance of this item to an unspecified date. Such continuance was necessary in order to allow the City time to prepare a Work Plan that would address concerns raised by the County Health Department and Regional Water Quality Control Board in regards to potential impacts from the adjacent landfill facility. Staff reported that this application would be set for public hearing when the requested information had been received by health agencies and that the request would be re-noticed.

A motion to approve the continuance was made, seconded and passed unanimously.

**OTHER ITEMS:**

**11. Consider Approval: Fresno LAFCo’s Final Budget for the 2008-2009 Fiscal Year.**

Executive Officer Ballantyne presented the Final 2008-2009 LAFCo Budget. He reviewed the Final Budget and indicated that it was substantially less than last year’s budget due to the large reduction in consultant expenses (MSR Program) and a substantially reduced Contingency Account. He also reported that LAFCo’s Cash Account would be maintained at a twenty percent of total budget level as recommended by acceptable accounting standards.

A motion to approve the 2008-2009 Final Budget was made, seconded and passed unanimously.

**12. LAFCO Counsel’s Reports:**

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

LAFCo Counsel Ken Price reported that progress was being made towards the on-going facilitation process entered into between the Consolidated Irrigation District and four of the five cities. He indicated that the City of Selma has yet to indicate its support of continued facilitation efforts or provide additional financial support as recently requested by LAFCo.

Mr. Price said a Preliminary agreement was being created which is planned to be submitted to the Cities for their consideration before LAFCo’s next meeting and publically thanked Kingsburg City Manager, Don Pauley, for his efforts in providing outstanding representation for the five cities during the process.

Mr. Pauley reported that only two or three issues still remained and that they were being worked out.

**B. Presentation: Discussion Regarding Commission's Consideration of "Environmental Justice" Under Government Code Section 56668(o) as a Factor for Review of Each Proposal.**

LAFCo Counsel Ken Price and the Commission reviewed and discussed different ways to implement "Environmental Justice". Identified methods might include having official LAFCo forms in the Spanish language, providing Spanish language translators when necessary, and advertising in Spanish Publications. The desirability of having a Workshop to discuss Environmental Justice was supported by the Commissioners.

**13. Conference With Legal Counsel -- Anticipated Litigation  
Significant exposure to litigation pursuant to subdivision (b) of Gov. Code Section 54956.9: (Number of Potential Cases: 1)**

The Commission adjourned into closed session. The Chairman indicated that there was nothing to report.

**COMMENTS FROM THE PUBLIC**

No public comments were offered.

**ADJOURNMENT**

A motion to adjourn was made, seconded, and passed unanimously.

**THE NEXT LAFCO MEETING** will be held on June 4, 2008, at 1:30 p.m. in the Board of Supervisors' Chamber - Hall of Records, Room 301, Fresno, California.