

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

(Fresno County, California)

“MINUTES”

REGULAR LAFCo MEETING – June 4, 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
Samantha Hendricks, LAFCo Technician

1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Minutes from the regular LAFCo Meeting of May 7, 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.**

Commissioner Anderson noted a conflict with Agenda Item No. 6.

CONSENT AGENDA

5. **Consider Approval: City of Reedley “Reed-Floral Reorganization, Annexation No. 2004-7” (LAFCo File No. RO-08-9).**

The consent agenda was unanimously approved.

PUBLIC HEARINGS

6. **Consider Approval: City of Fresno “Jensen-Clovis No. 4 Reorganization” (LAFCo File No. RO-08-6).**

Executive Officer Ballantyne presented staff’s report. He reported that the affected territory is to be developed as the Olive Mill Shopping Center and Derrel’s Mini-Storage facility. It was reported that approval of the reorganization would result in the creation of a substantially surrounded area to the west of the affected territory and that in order to approve the request, it would be necessary for the Commission to make findings as required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Chairman Lopez then opened the public hearing.

Bill Robinson of SOL Development spoke in favor of the proposal. Dave Braun representing the City of Fresno also spoke in support of the application. Mr. Braun noted that the City would annex the property to the west of the affected territory at the time when development was proposed for properties located south of E. Jensen Avenue.

Commissioner Perea asked staff whether they felt that the required findings necessary for allowing the extension of the affected territory could be made. Executive Officer Ballantyne responded that it appeared that such findings could be made based upon the logical extension of public services (i.e. sewer and water lines) down S. Clovis Avenue that would be extended westerly to serve the adjacent properties.

With no other public testimony offered, the public hearing was closed. A motion to approve the project and waive the conducting authority hearing was made, seconded and passed unanimously with Commissioner Anderson abstaining.

7. Consider Approval: City of Sanger - Request for One-Year Extension to Complete Proceedings for the “Indianola-California No. 1 Reorganization” (LAFCo File No. RO-06-17).

Deputy Executive Officer Darrel Schmidt, presented staff’s report. He reported that the Sanger City Council had requested the Planning Commission to reconsider an extension of time for the approved tentative tract map. Chairman Lopez opened the public hearing for public testimony.

Jeff O’Neal of Provost and Pritchard, representing the developer (RZR), concurred with staff’s report and recommendation. Tim Chapa, representing the City of Sanger, also spoke in favor of staff’s recommendation. He reported that the City Planning Commission would soon be reconsidering its prior action related to extending the tract map.

Commissioner Perea expressed concerns related to approving an extension of time if the City chose not to allow the tract map to be extended. Staff explained that if the City of Sanger Planning Commission denied the tract map extension, then it would be impossible for the proponents to meet the condition of approval requiring the filing of a final map and the reorganization would ultimately be terminated due to non-compliance with LAFCo conditions.

Chairman Lopez closed the public hearing. A motion to approve the one-year extension was made, seconded and passed by a vote of four to one. Commissioner Perea voted no.

8. Consider Approval: City of San Joaquin “Manning & Colorado Avenue Reorganization” (LAFCo File No. RO-08-7).

Deputy Executive Officer Schmidt, presented staff’s report explaining the reasons prompting the application. He reported that a traffic hazard exists for traffic at the intersection of Manning and Colorado Avenues due to lack of necessary traffic control. The City indicated that it desired to annex the road right-of-way area along Manning and Colorado Avenues in order to install a stop sign. Chairman Lopez opened the public hearing.

Mr. Gary Horn, San Joaquin City Engineer, concurred with staff's report and explained the present road situation.

With no other public testimony offered, the public hearing was closed and a motion to approve was made, seconded and unanimously approved.

9. Consider Approval: Easton Community Services District "Activate Latent Powers" (LAFCo File No. EP-08-1).

Deputy Executive Officer Schmidt presented staff's report. He explained the District's desire to activate two additional services (parks and recreation and landscaping services) that would help to revitalize the Easton Community and encourage more recreational opportunities. Chairman Lopez and Chair Pro-Tem Anderson complimented the District for their efforts towards improving Easton community.

Mr. Carl Clark, Easton Community Service District Manager, concurred with staff's report and recommendations. He indicated that he and representatives of the Easton Community were present to testify in support of the proposal and answer questions. With no other public testimony offered, the public hearing was closed. A motion to approve the District's request to activate their latent powers was made, seconded and unanimously approved.

OTHER ITEMS:

10. Deputy Executive Officer's Report:

A. Fresno LAFCo Work Program Quarterly Report: Report on Annual Work Program Accomplishments.

Deputy Executive Officer Schmidt presented the Quarterly Progress Report for LAFCO's Annual Work Program. He reviewed several major accomplishments of the Work Program including progress made in supporting the City's "Island Annexation Program"; the facilitation efforts between the Consolidated Irrigation District and the five Cities; consolidation of several districts stemming from last year's MSR Program, and LAFCo Independence.

Commissioner Perea complemented staff for hosting an "agricultural preservation" workshop that was held in May. He indicated that a great deal of good information was shared. No action was required by the Commission since this was an informational item.

11. Executive Officer's Reports:

A. Consider Request: Consider Request: A Request to Adopt Guidelines for Destruction of LAFCo Public Records as Permitted by State Law.

Executive Officer Ballantyne presented a brief report indicating that archiving of LAFCo files for projects processed prior to 2003 was necessary since storage space was limited. Staff requested that its "Policies, Standards and Procedures" be amended and that the Commission direct staff to report back its recommendations. A motion to authorize the Executive Officer to initiate proceedings to amend LAFCo's Policies, Standards and Procedures was made, seconded and passed unanimously.

B. Fresno LAFCo Agricultural Preservation Efforts: Report on LAFCo/American Farmland Trust Workshop Held May 9, 2008. Commission Discussion Concerning Desired Future Actions Related to Agricultural Preservation Policies.

Executive Officer Ballantyne reviewed the highlights of Fresno LAFCO's recent Agricultural Preservation Workshop. He expressed staff's gratitude to Commissioners Anderson and Perea for their support and willingness to participate on a panel discussion of governmental officials.

He recommended that LAFCo continue to participate and support the Council of Fresno County Governments (COG) Regional "Blue Print" Program. He recommended that the Commission take no action on agricultural preservation policies until the Blueprint and supporting policies have been reviewed and adopted by COG's member agencies.

LAFCo Counsel, Ken Price, commented that CALAFCO had invited him to participate in an Agricultural Preservation Workshop in July. He indicated that he would brief the Commission about the Workshop at their next meeting. No action was required since this was an informational item.

C. Consider Request: A request to require Pre-Application Reviews for all LAFCo Projects Prior to Formal Submittal.

Executive Officer Ballantyne reviewed various ways in which "Pre-Application Reviews" could help to ensure complete applications and reduce the numbers of potential problems that could arise prior to filing formal applications. Such process has proven successful in other local governmental agencies and could help to avoid processing delays and unexpected costs to cities, districts, and individuals.

The Commission directed staff to prepare a report to amend LAFCo Policies and Procedures by incorporating standards and procedures for Pre-Application Reviews and report its findings to the Commission. A motion to approve the request was made, seconded and approved.

D. 2008 CALAFCO State Conference: Report on Upcoming State Conference in Universal City Sponsored by Los Angeles LAFCo.

Executive Officer Ballantyne reported that the Annual CALAFCo Conference is being hosted by Los Angeles LAFCO this year and will be held September 3rd through the 5th in Universal City. The Executive Officer encouraged Commission members to attend and indicated that LAFCo had budgeted funds to allow for participation. Commissioners Lopez, Anderson and Perea indicated their desire to attend. Also, the Commission nominated Commissioner Perea to serve as the County representative on the CALAFCO Board of Directors. Staff indicated that it would work with Commissioner Perea in filing the necessary applications. Being an informational item, no action was taken by the Commission.

12. LAFCO Counsel's Reports:

A. **Consider Request: Revision of LAFCo's Policies, Standards and Procedures to Add Environmental Justice for the Commission's Consideration Pursuant to Government Code Section 56668(O).**

LAFCo Counsel, Ken Price recommended that the Commission revise its "Policies, Standards, and Procedures" to include provisions for "Environmental Justice". It was indicated that a workshop would be conducted to address certain policies to be included. No action was required since this report was an informational item.

B. **LAFCo Facilitation: 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 facilitation efforts had resulted in draft agreements being prepared for and between Consolidated Irrigation District and the Cities of Fowler, Kingsburg, Sanger, Selma, and Parlier. The agreements would be reviewed by the five Cities and finalized within the next month.

Tim Chapa representing the City of Sanger voiced support for the facilitation process. No action was taken by the Commission since this was an informational item.

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 July 9, 2008, at 1:30 p.m. in the Board of Supervisors' Chamber - Hall of Records, Room 301, Fresno, California.