

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

**MEETING MINUTES
FEBRUARY 12, 2020**

Members Present: Commissioners Mendes, Pacheco, Parra, Santoyo

Members Absent: Commissioner Lander

Staff Present: David Fey, Executive Officer
Amanda Olivas, Clerk to the Commission
George Uc, Senior LAFCo Analyst
Juan Lara, LAFCo Analyst II
Ken Price, LAFCo Counsel

1. Call to Order and Roll Call

Chair Santoyo called the meeting to order at 1:30 p.m.

Clerk to the Commission Amanda Olivas noted Commissioner Lander contacted staff of his absence at today's hearing. Alternate Commissioner Robertson could not attend in his place.

2. Pledge of Allegiance

Chair Santoyo asked Commissioner Pacheco to lead the Pledge of Allegiance.

3. Comments from the Public

Paul Pierce, 8321 N. Fowler, Clovis, stated his concern on the developments happening in the Dry Creek Preserve area. He is not part of the Dry Creek Preserve planning group; however, he is concerned on the lack of planning and amount of traffic and believes something needs to be done. He will continue to speak with LAFCo staff at a later date.

There were no further comments from the public.

4. Potential Conflicts of Interest

There were no conflicts of interest.

CONSENT AGENDA

5-A. Minutes from the LAFCo Meeting of November 13, 2019.

5-B. Amended 2020 LAFCo Hearing and Office Calendar.

5-C. City of Fowler "Sunnyside-Sumner Northwest" Reorganization.

5-D. City of Fowler "Sunnyside-South Southwest" Reorganization.

5-E. Update on the Inactive Special District list sent from the State Controller in

accordance with SB 448.

Commissioner Mendes made a motion to approve consent agenda items 5-A through 5-E seconded by Commissioner Parra. The Commission approved consent agenda items 5-A through 5-E by a vote of 4-0-1-0.

REGULAR AGENDA ITEMS

6. “Caruthers Community Service District Annexation.”

LAFCo Analyst Juan Lara presented staff report: the proposed annexation is inhabited and totaling 37.4 acres. Staff sent notices to those in the affected territory and within the 300 feet buffer on January 22, 2020 pursuant to State law. Staff has not received any form of protest to date. The affected territory is already receiving services from the District and the District is updating its service area to reflect that information. Staff recommends the Commission approve the annexation by entertaining two separate actions.

Commissioner Mendes asked if this annexation is acting as a clean-up. Brayden Lovik, Provost & Pritchard Consulting answered the annexation was started some time ago and is now getting to where it needs to be.

There were no further comments from the Commission.

There were no comments from the public.

Commissioner Mendes made a motion to approve agenda item 6 action 1: CEQA, seconded by Commissioner Pacheco. The Commission approved agenda item 6 action 1 by a vote of 4-0-1-0.

Commissioner Mendes made a motion to approve agenda item 6 action 2: actions B-H, excluding I, listed on staff report, seconded by Commissioner Pacheco. The Commission approved agenda item 6 action 2 by a vote of 4-0-1-0.

7. Update LAFCo’s Disadvantaged Unincorporated Communities Database.

Senior LAFCo Analyst George Uc presented staff’s report: SB 244 requires LAFCo’s to identify Disadvantaged Unincorporated Communities (“DUCs”) during Municipal Services Reviews, sphere of influence updates, and during certain annexations to cities. Also requiring cities and counties to independently identify and analyze those DUCs with their planning responsibilities under planning and zoning law. This item is being presented today as part of the Commission’s work program. In 2015, the Commission adopted its first iteration of the DUC database which identified 32 locations that met the LAFCo DUC definition. The adoption of the original database also included an administrative process to maintain the database on a regular basis. This database was shared with the public agencies including the surrounding 15 cities, the County, and certain environmental justice groups. During the public review period, staff received general inquiries; City of Sanger asked about Tombstone territory, responses attached as Attachment B to the staff report. Another letter received was from California Rural Legal Assistance sharing additional information for DUC No. 13, Shady Lakes Mobile Home Park, those comments are presented to the Commissioners on the pink sheet at their place at the dais. Staff recommends the Commission to adopt the Database with the amended language provided.

Commissioner Pacheco asked why Three Rocks was not listed as a DUC. Uc replied that using the boundary of the CSA the community did not meet the Commission's density requirement, however, staff can reassess this area and not include the uninhabited part of the CSA to tighten up the boundaries so it can be included on the list.

Commissioner Parra asked about the ponding basin description presented on the pink sheet and wondered if LAFCo can do anything about it. Uc stated another agency is responsible for that service. Commissioner Mendes added that would be regulated by the State.

Chair Santoyo asked for confirmation that this database is a work in progress and will be updated with new information as it becomes available. Fey confirmed this.

Chair Santoyo stated that Fresno LAFCo uses four primary criteria to identify DUCs; two of which come from the State and two from LAFCo Policy, when that policy was put into place what was the process and who was involved in making that policy. Fey replied that was a process that took place before he came to LAFCo and Uc added that Senator Wolk chaired the legislation. The legislation added responsibilities for cities and counties when they update their housing element or general plan updates. LAFCOs are required to identify DUCs in MSRs and SOI updates to comply with SB 244.

Chair Santoyo asked if anyone was involved locally in the initial policy development process. Uc confirm there were; LAFCo Counsel Ken Price added that he was counsel for LAFCo at that time and they had several meetings with staff from California Rural Legal Assistance on the development of the policy.

There were no other comments from the Commission.

Leslie Martinez, Leadership Counsel stated she works with DUCs including Lanare and Riverdale. She stated that she sent an email to LAFCo staff prior to the meeting with more information. She asked that the Commission wait to adopt this database to provide more time to go through comments.

There were no other comments from the public.

Commissioner Mendes made a motion to approve, directing staff to reassess adding the Three Rocks community to the DUC database seconded by Commissioner Parra. The Commission approved agenda item 7 by a vote of 4-1-1-0.

8. Pinedale Public Utility District One-Year Progress Report.

Uc presented staff report: it's been a year since the Commission approved the MSR and SOI update for Pinedale Public Utility District ("PPUD"). Over the course of the year the District has drafted and has adopted a comprehensive annexation plan which was included in your staff report as Attachment A. The annexation plan outlines the District's commitment to do community outreach, identifies estimated application submittal date, and recognizes the necessary steps needed to annex those customers outside of the service area. During this time the District and the City of Fresno have been working together and based on this information staff recommends the Commission allow the extension for the agreement between the City of Fresno and PPUD to progress.

Fey noted that PPUD board Chair Glen Goto, District Manager Jim Tsurouka, and City of Fresno Assistant Director of Public Utilities Brian Spinor were in attendance.

There were no other comments from the Commission.

There were no comments from the public.

9. Mid-Year Budget Review and Work Program Status for Fiscal Year 2019-2020.

Fey presented staff report: revenue and expenses are on track with the adopted budget and staff is making progress through the work program.

There were no other comments from the Commission.

There were no comments from the public.

10. Executive Officer Comments

Fey stated financial statements for October, November, and December are at the Commission's place at the dais.

11. Commission Comments/Reports

Chair Santoyo updated the Commission that he, Fey, and Commissioner Pacheco attended the Mendota City Council meeting where former Commissioner Robert Silva was honored for his service.

Commissioner Parra asked if there were a difference in definitions of DUCs between LAFCo and the County. Fey replied that there were differences; Uc added planning and zoning law identifies the DUCs for the counties and the cities, they use the information the same; however, the definition is slightly different.

12. Adjournment

Commissioner Mendes moved to adjourn the meeting, seconded by Commissioner Parra. The motion passed on a vote of 4-0-1-0. The meeting was adjourned at 2:07 p.m.