

CONSENT AGENDA ITEM No. 5-A

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

**MEETING MINUTES
FEBRUARY 13, 2019**

Members Present: Commissioners Mendes, Pacheco, Parra, Silva, Santoyo

Members Absent: None

Staff Present: David Fey, LAFCo Executive Officer
Ken Price, LAFCo Counsel
George Uc, Senior LAFCo Analyst
Juan Lara, LAFCo Analyst II
Amanda Graham, LAFCo Office Assistant II

1. Call to Order and Roll Call

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

2. Pledge of Allegiance

Chair Santoyo lead the Pledge of Allegiance.

3. Comments from the Public

There were no comments from the public.

4. Potential Conflicts of Interest

Commissioner Mendes disclosed that he sits on the Selma-Kingsburg-Fowler County Sanitation (SKF) Board.

Commissioner Parra disclosed that his residence is in Fowler.

LAFCo Counsel Ken Price stated the Commissioners do not have a conflict under LAFCo law.

CONSENT AGENDA

5-A. Minutes from the LAFCo Meeting of January 9, 2019.

5-B. Selma-Kingsburg-Fowler County Sanitation District "TPM 8187- West Tech III Annexation."

Commissioner Mendes made a motion to approve consent agenda items 5 A-B, seconded by Commissioner Parra. The Commission approved consent agenda items 5 A-B by a vote of 5-0.

REGULAR AGENDA ITEMS

6. Clovis Unified School District “Locan Avenue Reorganization.”

LAFCo Analyst Juan Lara presented staff report: A proposed reorganization of 1.79 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and Kings River Conservation District initiated by the Clovis Unified School District. This proposal is uninhabited; however, not all landowners have consented. Notice of hearing was given pursuant to State law and Commission Policy. As of today, staff has not received any form of protest. The affected territory is within the City of Fresno's sphere of influence and is contiguous to City limits. The proposal is consistent with CKH and Commission Policies therefore staff recommends the Commission approve the proposal taking two separate actions.

There were no comments from the Commission.

Andrew Benelli, Fresno Public Works Department stated he is in support of the annexation; however he would like to request a change of the limits of the annexation to not include the section that goes east on Shields. Assistant Superintendent of Facility Services for the Clovis Unified School District Kevin Peterson agreed to the requested change. Commissioner Mendes asked for confirmation that the light signal will be in the City of Fresno. Mr. Benelli confirmed.

There were no other comments from the public.

Chair Santoyo asked how this change would affect the legal documentation. Fey answered it will affect the legal description and map; it should have a negligible effect on the environmental work. LAFCo Legal Counsel Ken Price agreed.

Commissioner Silva made a motion to approve Agenda Item 6 Action 1, seconded by Commissioner Mendes. The Commission approved Agenda Item 6, Action 1 by a vote of 5-0.

Price read into the record, Item 6 Action 2 – New “E” to read: “The Commission’s action delegates to the Executive Officer the authority to revise all maps and related documents to reflect the boundaries approved by the Commission.”

Commissioner Parra made a motion to approve Agenda Item 6, Action 2 to include new action, seconded by Commissioner Mendes. The Commission approved Agenda Item 6, Action 2 by a vote of 5-0.

7. Municipal Service Review and Sphere of Influence Update for Pinedale Public Utility District.

LAFCo Senior Analyst George Uc presented staff report: The draft MSR is a recommendation for the Commission's consideration to the District's 2007 sphere of influence (SOI). The District's service area encompasses 476 acres while the sphere of influence encompasses 857 acres. The public notice was circulated twice for two 21-day notice periods. LAFCo received comments from City of Fresno and the District, which is provided as Attachment B. Staff recommends the Commission to approve the MSR and SOI revision to include the existing out of district customers into the SOI taking three separate actions.

Commissioner Mendes asked for confirmation that the sphere of influence has been an issue for decades. Uc confirmed that it had.

Chair Santoyo asked if the recommendation would address the District's problems. Fey answered that in the short term it would. Staff's recommendation directs the District to annex territory that it is serving and resolve the boundary issues identified in the MSR. In the long term, the City of Fresno is in the position to work with the District and help with the District customers if needed. If the unincorporated areas in the District ever annex to the City then by principal act the District will cease to be needed.

Commissioner Silva asked if the commission takes action today are there additional land or islands that will bring it back for annexation. Fey answered the Commission's action on the SOI will set the District on a plan to annex territory it serves to its corporate boundaries. Price added because this is a special district the land does not have to be contiguous.

City of Fresno Public Utilities Director Mike Carbajal added the reason this happened was that there were many unwritten agreements between the City of Fresno and the District. He asked that Commission's action today direct the District to work with the City to memorialize and update existing agreements that affect both agencies.

Pinedale Public Utility District General Manager Jim Tsuruoka thanked staff for the work on the MSR and is in agreement with the recommendations.

Chair Santoyo asked how the Commission should address the recommendation that Mr. Carbajal brought up. Fey answered there is a recommendation in the staff report and MSR that the District come back to the Commission within a year with a plan to annex. Mr. Carbajal's request can be added to the recommendation. Jim Tsuruoka agreed.

Price read into the record an amendment to pg 44-recommendation 8-C of the MSR to read, "Any unwritten service agreements between the City of Fresno and the District be memorialized in writing, and considered and approved by both governing boards, within one-year of the approval of this MSR.

There were no other comments from the Commission.

There were no other comments from the public.

Commissioner Mendes made a motion to approve Agenda Item 7 Action 1, seconded by Commissioner Parra. The Commission approved Agenda Item 7 Action 1 by a vote of 5-0.

Commissioner Mendes made a motion to approve Agenda Item 7 Action 2, seconded by Commissioner Parra. The Commission approved Agenda Item 7 Action 2 by a vote of 5-0.

Commissioner Mendes made a motion to approve Agenda Item 7 Action 3, seconded by Commissioner Silva. The Commission approved Agenda Item 7 Action 3 by a vote of 5-0.

8. Workshop: Commission Stipend

Fey presented the report: as directed during the January hearing, the Commission requested a comparison of Commission stipends and comps from other local agencies and LAFCo's. Staff reached out to the EO listserve, Fresno COG Policy Board, as well as the Fresno Metropolitan Flood Control District.

Commissioner Silva thanked staff for the information, and just wanted to bring it to the Commission's attention.

Commissioner Pacheco added that with the information provided he believes the Commission should leave the policy the way it is.

Commissioner Parra stated since he is on the CALAFCo Board, he will make reasonable effort to attend meetings over the phone unless he is needed in person. There were no other comments from the Commission.

There were no comments from the public.

As an informational item, no action was taken.

9. Executive Officer Comments

Fey stated financial statements for December are at the Commission's place at the dais.

Fey introduced LAFCo's a new Intern, Imelda Marquez, who is a Geography Senior at Fresno State University.

10. Commission Comments/Reports

Commissioner Parra stated staff would be submitting a letter to CALAFCO to change policy so Commissioners will not have to recuse themselves pursuant to the California Political Reform Act (GC sec. 84308).

Commissioner Silva added Fresno COG has a new Chair David Cardenas of the City of Fowler and Commissioner Silva is the Vice-Chair.

Chair Santoyo added he would like Fey to bring back a discussion in the future on the MSR policy to the Commission.

There were no other comments from the Commission.

11. Adjournment

Commissioner Parra motioned to adjourn the meeting, seconded by Commissioner Mendes. The motion passed on a vote of 5-0. The meeting was adjourned at 2:05 p.m.