

**CONSENT AGENDA ITEM NO. 6 - A**

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

**MEETING MINUTES**

**APRIL 12, 2017**

**Members Present:** Commissioners Brian Pacheco, Robert Silva, Daniel Parra, Mario Santoyo, and Sal Quintero

**Members Absent:** None

**Staff Present:** David E. Fey, AICP, LAFCo Executive Officer  
Ken Price, LAFCo Counsel  
Juan Lara, LAFCo Analyst  
Amanda Graham, Office Assistant

**1. Call to Order and Roll Call**

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

**2. Pledge of Allegiance**

Chair Pacheco led the Pledge of Allegiance.

**3. Comments from the Public**

There were no comments from the public.

**4. Potential Conflicts of Interest**

There were no potential conflicts of interest announced.

**CONSENT AGENDA**

**5-A. Minutes from the regular LAFCo meeting of March 8, 2017**

**5-B. City of Fresno "Olive-Armstrong No. 4 Reorganization"**

**5-C. City of Fresno "Clinton-Valentine No. 4 Reorganization"**

**5-D. Consider Legislative Action in support of AB 464 (Gallagher) and AB 1725 (CALAFCO Omnibus Bill).**

Commissioner Silva made a motion to approve consent agenda items 5-A through D, seconded by Commissioner Parra.

The Commission approved the consent agenda by a vote of 5-0.

**REGULAR AGENDA ITEMS**

**6. Proposed Budget and Work Plan for Fiscal Year 2017-2018.**

Executive Officer Fey presented the proposed budget; described the funding by County and cities; observed that office operations and consulting services are 17% each and the remainder is personnel at 65%; notes that the foundation of the annual budget is the work plan adopted by the Commission. Last year the Commission's budget was \$571,000, this year we are looking at a slight increase to \$573,000 though the actual contribution from the County and cities is proposed to be less than last year.

There were no other comments from the Commission.

There were no comments from the public.

Commissioner Santoyo made a motion to approve agenda item 6, seconded by Commissioner Quintero.

The motion passed by a vote of 5-0.

**7. Municipal Service Reviews and Sphere of Influence Updates for City of Selma and Selma-Kingsburg-Fowler County Sanitation District.**

Fey presented that this is a project that has been in the works for several years. The sphere of influence amendment is driven by the Selma Crossings project. It has been described in staff's report and the associated Municipal Service Review for the City of Selma. In discussions between the City and County of Fresno prior to the application to LAFCo they agreed to a proportional reduction of the western Selma sphere to balance the sphere increase in the south. Staff has performed a Municipal Service Review that evaluates both the expansion of the sphere and the reduction of the sphere at the west. Staff also performed a concurrent MSR for Selma-Kingsburg-Fowler County Sanitation District and in the process found that this District also provides service to the south of Selma along McCall Ave. SKF has been very cooperative with getting this information to us. Staff recommends that these out of district services be grandfathered in as extensions of service that were done prior to the change of the legislation that required the District to seek Commission authorization. There is a concurrent sphere of influence amendment that follows the same lines of City of Selma; we are showing both the addition and reduction to the west. There are a series of actions that staff is asking the Commission to take, to approve the MSRs for both agencies and their respective sphere of influence updates.

Commissioner Silva asked if there was any Williamson Act problems involved in this particular project.

Fey answered that there was some Williamson Act land in the southern portion and notes the material provided to the Commission for this item is an email from Bryant Hemby, City planner for the City of Selma to clarify that the portion is under the Williamson Act and will be used as a ponding basin.

Commissioner Santoyo added that for the purpose of consistency, every time we have been talking about the City of Fresno, we talk about available water supply. Asks what are the terms of assessment in that regard for Selma; he understands that water service is handled by a private company, but they are largely based on groundwater wells; knows we are in the

process of trying to create a policy for LAFCo as it relates to water and wants to know how groundwater supply in general is in good condition for the SOI expansion.

Fey notes that Sustainable Groundwater Management Act is identified in the MSR for the City of Selma and there is an acknowledgement that the City of Selma participates with the Consolidated Irrigation District on the recharge by paying a fee that funds the CID's recharge program. The project today is consistent with LAFCo policies but if the Commission has any other observations then the city and developer representatives are here and could answer questions if needed.

Chairman Pacheco stated that when you read the staff report, they are expanding one area but reducing another. However, the result is a negative 135 acres less than they had yesterday. So it is actually reducing it a little bit.

Fey responded yes, it is not necessarily a 1:1 trade off but the city agreed with the County staff that moving the western boundary would be appropriate at this time.

Dirk Poeschel, 923 Van Ness Ave, Fresno 93721 stated he was here on behalf of Selma Crossings and is accompanied by project developer Tim Jones, the Selma City Manager and City Planner. Addresses a couple questions that just came up: the ratio of land going in through the sphere and the ratio of land going out was all established by Fresno County probably about a year ago. The reason we did that was the sphere of influence is supposed to represent the logical development area in about a 20-year span. Therefore, the County suggested this change. The other issue has to do with water supply, there was comprehensive environmental impact report that was prepared for this project and was routed to 77 different agencies, the EIR has been certified. We appreciate the work from staff over the years and we support the recommendation. Thank you

Alex Henderson, City Manager for the City of Kingsburg testified that he was present to touch on a couple issues as they relate to the City of Kingsburg. LAFCo policies and standards section 305 requires agencies whose boundaries and sphere of influences are affected be allowed to review and comment on the application. Kingsburg was only made aware of this on March 22 and the information was sent and received by my office almost a week later. Upon receipt on that I contacted Executive Officer Fey to ask for all this information at that point it wasn't made public yet, he did offer for me to come in last week to review this information. Therefore, I have had a little under a week to review what is before you today. So I have some issue on our ability to review the information, obviously some of the portion south of this area above Kingsburg's sphere and city limits so I view that as being an affected agency and also to discuss the issue as it relates to groundwater and sustainability I can tell you pretty specifically that while Selma has an agreement with CID, the cities do not have an agreement with CID as it relates to SGMA. I have been a part of those discussions for over two years and they have not been amicable at this point so that is a significant issue that needs to be addressed. As EO Fey mentioned this is a project four or five years in the making so in asking for a little more time to reviews what is in front of you instead of making a decision with haste today.

Chairman Pacheco called upon LAFCo Counsel Price and asked if all the deadlines had been met.

Price replied that the Kingsburg City Attorney had called and expressed the City's concern regarding the notice. Price looked at the notice and the statute and concluded that LAFCo complied with noticing requirements.

Chairman Pacheco expressed that he had no issue delaying it 30 days, but if the Commission wished to proceed we can do that as well. This is a complex item, there are over six motions that we will go through if we wish to proceed.

Commissioner Silva stated that this has been ongoing for several years. LAFCo acted responsibly and he thinks we should go forward and not delay the project even more. He thinks staff did a magnificent job and we should go ahead and take action today.

Commissioner Parra added that he has heard of Selma Crossings for quite some time. The issues in the area have been known and if we did make the notice requirements then we have done our part, they have known about it for years.

David Elias, Selma City Manager, spoke to the issue in regard to the City neighbor, Kingsburg. States that this project has been going on for seven years. The SGMA issue is pretty much established in boundaries in our area. We are working diligently with CID to come to an arrangement. Therefore, to say that we are not addressing the issue is incorrect. California Water Company being our water agency is one of the leading experts in the field and so we hope that you will support this project and let us move forward for the benefit not only for the City of Selma but also for the City of Kingsburg, Fowler and Fresno because this is a project that is well overdue.

Commissioner Santoyo added he raised the issue as it relates to water supply and thinks that the challenge is that there is a finality in terms of sustainability agencies regarding function. Therefore, it will be difficult to hold anyone's feet to the fire if they do not have those rules in place. I think the legitimate question to ask in terms of how groundwater supply will play out in the future in our area. I am good with moving the project forward.

Chairman Pacheco added he was generally in favor because it is a net reduction of acres so it is less than what the City currently has.

Fey stated there will be a follow up annexation to complete the Selma Crossings project and staff will be prepared to address the Commissions concerns.

There were no other comments from the Commission.

There were no comments from the public.

Commissioner Santoyo made a motion to approve 1-A, seconded by Commissioner Silva.

The motion passed by a vote of 5-0.

Commissioner Parra made a motion to approve 1-B through 1-D, seconded by Commissioner Quintero.

The motion passed by a vote of 5-0.

Commissioner Silva made a motion to approve 2-A, seconded by Commissioner Santoyo.

The motion passed by a vote of 5-0.

Commissioner Parra made a motion to approve 2-B through 2-I, seconded by Commissioner Quintero.

The motion passed by a vote of 5-0.

Commissioner Santoyo made a motion to approve 3-A, seconded by Commissioner Quintero.

The motion passed by a vote of 5-0.

Commissioner Parra made a motion to approve 3-D through 3-F, seconded by Commissioner Silva.

The motion passed by a vote of 5-0.

## **8. Consider Request for Extension of Time to Complete Proceedings**

LAFCo Analyst Lara presented that Whitesbridge–Valentine SW Reorganization was originally approved August 16, 2006 and since then has received annual extensions with its last extension of two years on August 13, 2014. The applicant has submitted its final map to the city and staff believes that the two final conditions remaining can be submitted in a short period. On that basis staff recommends a two-week administrative extension to complete proceedings.

There was discussion among Chairman Pacheco, Commissioner Parra, and Commissioner Santoyo about the timing of the Commission's action on the request. LAFCo Counsel Ken Price asked for clarification of the Commission's intent .

Fey clarified that this project will expire this Friday unless the Commission takes action to approve the request today. Staff has been in daily communication with the engineer team to finish the last conditions in time; the recommended two week extension was going to be enough time to get everything submitted. Staff has received confirmation that the city has accepted the final map for processing. The state Board of Equalization fee and map are the last things that staff is waiting for.

Ed Dunkel, Precision Engineering, thanks Fey for his support; states he has been on the phone for quite a bit trying to get this resolved. One of the issues was working with the City of Fresno getting a development agreement for this whole project and the surrounding area. He just needs time to make sure that it is reviewed and approved.

Chairman Pacheco added that the Commission is considering a generous time to complete proceedings; so take the 30 days to get everything in order, come back and it should go through because you have made all the requirements.

Fey added just to be clear of what being asked of the Commission. This extension is to amend the policy.

Pacheco stated yes, if they were not anywhere close he was prepared to vote no but if they are that close to the finish line he supports a 30 day extension.

Fey added that an affirmative vote on the request will extend the time to complete the proceedings and this project will not return for additional consideration by the Commission.

There were no other comments from the Commission.

There were no comments from the public.

Commissioner Santoyo made a motion to approve a 30-day extension of time to complete the proceedings, seconded by Commissioner Silva.

The motion passed by a vote of 5-0.

## **OTHER MATTERS**

### **9. Executive Officer Comments**

Fey reported that the CALAFCO staff workshop was held last Wednesday; had a number of EO's come to me and express what great time they had. Every session had value, the venue was good, Fey even arranged for fireworks in the evening, though the Fresno Grizzlies will take credit for that; expressed his gratitude to Juan and Amanda for all their hard work and Chair Pro Tem Silva for his opening comments.

Fey notes the resolution authorizing an extension of service to the City of Clovis sphere of influence.

### **10. Commission Comments/ Reports**

Commissioner Silva commented that he just wanted to commend the good job that they did at the CALAFCo conference; he saw the whole team there and they were really working hard.

### **11. Presentation of Service Award to Commissioners Pacheco and Mendes**

## **CLOSED SESSION**

### **12. Public Employee Performance Evaluation Title: Executive Officer**

The Commission met in closed session to consider the executive officer's annual evaluation.

There is no action to report.

## ADJOURNMENT

Commissioner Silva motioned to adjourn the meeting, seconded by Commissioner Santoyo. The motion passed on a vote of 5-0. The meeting was adjourned at 2:39 p.m.

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