

# AGENDA

## FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

February 27, 2013 – 11:00 a.m.

Board of Supervisors' Chamber - Hall of Records, Room 301, Fresno

### COMMISSION MEMBERS

Armando Lopez, Chairman  
Robert Silva, Chair Pro Tem  
Henry Perea  
Deborah A. Poochigian  
Mario Santoyo

### ALTERNATE MEMBERS

Richard Braun  
Phil Larson  
Daniel Parra

### LAFCO STAFF

Jeff Witte, Executive Officer  
Candie Fleming, Clerk to the Commission  
Samantha Hendricks, LAFCo Technician II  
Kenneth Price, LAFCo Counsel

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1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Consider Approval:** Minutes from the regular LAFCo Meeting of January 9, 2013.
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.
5. **Comments from the Public:** Any person wishing to address the Commission on a subject not listed on the agenda may do so at this time. (State your name and address and please keep your comments to five minutes.)

### CONSENT AGENDA

ALL CONSENT AGENDA ITEMS ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO INDIVIDUAL DISCUSSION OF THESE ITEMS UNLESS REQUESTED (PULLED) BY A MEMBER OF THE COMMISSION OR THE PUBLIC. ANY ITEM PULLED FROM THE CONSENT AGENDA FOR DISCUSSION WILL BE SET ASIDE UNTIL AFTER APPROVAL OF THE CONSENT AGENDA. PRIOR TO TAKING ANY ACTION THE PUBLIC WILL BE GIVEN THE OPPORTUNITY TO COMMENT ON ANY CONSENT ITEM. THE CONSENT AGENDA WILL BE CONSIDERED ON OR ABOUT 1:30 P.M.

6. **Consider Action on the Following Items:**
  - A. **Accept LAFCO Financial Statement for January 2013.**
  - B. **One-Year Extension for the City of Fresno “McKinley-Blythe No. 1 Reorganization” (fifth request).** A proposed reorganization consisting of the annexation of 40.89 acres to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District for territory located at the northeast corner of W. McKinley and N. Blythe Avenues. **(LAFCo File No. RO-08-2).**

- C. **One-Year Extension for the City of Parlier” Reorganization No. 11-01 (South Foothill)” (first request).** Proposed reorganization to annex 30.58 acres to the City of Parlier and detach from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District for territory located on the south side of South Avenue between Academy and Mendocino Avenues (**LAFCo File No. RO-12-1**).
- D. **One-Year Extension for the City of Reedley “Reed-Beechwood Reorganization, Annexation 2005-1” (fifth request).** A reorganization consisting of the annexation of 94.4 acres to the City of Reedley and detachment from the Fresno County Fire Protection District and the Kings River Conservation District for territory located west of Reed Avenue and both north and south of the Beechwood Avenue Alignment. (**LAFCo File No. RO-07-6**).

**Recommendation:** Approve items A through D per Staff’s Recommendations

### **PUBLIC HEARING**

7. **Consider Appointment:** Consider appointing a subcommittee consisting of one County Commissioner and one City Commissioner to explore changing LAFCo’s policy for selection of Chairman and Vice Chairman.

**RECOMMENDATION:** Approve Appointments

### **OTHER MATTERS**

8. **Informational Item.** Clarification by Legal Counsel on LAFCo Commissioner Disclosure and Recusal Requirements.
9. **Informational Item.** Report regarding dismissal of *City of Fresno v. Fresno Local Agency Formation Commission* (Case No. 12CECG01822) – Willow Copper No. 1 Reorganization and Chestnut Copper No. 1 Reorganization (Granville).

### **CLOSED SESSION**

10. **PUBLIC EMPLOYMENT APPOINTMENT**  
Title: Executive Officer (Candidate Interviews)

### **ADJOURNMENT**

**THE NEXT LAFCO MEETING** will be held on March 13, 2013, at 1:30 p.m. in the Board of Supervisors' Chamber - Hall of Records, Room 301, Fresno, California.

**PLEASE NOTE:**

**(1)** If you are an applicant for, or a participant in, any proceeding on the agenda for a **land use entitlement** and have made **campaign contributions** totaling more than \$250.00 to any member or alternative member of the Commission **within twelve (12) months prior to the Commission considering your application**, please immediately inform the Commission of your contribution. State law **disqualifies** each Commissioner and Alternative Commissioner from participating in and voting on land use entitlement decisions (which include changes of organization and reorganizations) if the Commissioner or Alternative Commissioner has received campaign contributions from (i) an applicant for a land use entitlement, (ii) someone who lobbies the Commission or LAFCo staff regarding an application for land use entitlement, (iii) someone who testifies in person before the Commission regarding an application for land use entitlement, or (iv) someone who otherwise acts to influence the outcome of an application for land use entitlement. State law also prohibits applicants and participants from making campaign contributions to a Commissioner or Alternate Commissioner within three (3) months **after** the Commission's action. If you have any questions regarding these requirements (which are contained in the **California Political Reform Act** Government Code Section 84308 *et seq.*) please feel free to contact LAFCo staff at (559) 600-0604.

**(2)** In compliance with the Americans with Disabilities Act (**ADA**), if you need special assistance to participate at this meeting, please contact Ms. Candie Fleming, Clerk to the Commission at 559-600-0604. Notification provided a minimum of 48 hours prior to the meeting will enable the Clerk to make reasonable arrangements to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically disabled.

**(3)** Staff reports prepared for each item listed in this agenda may be viewed at the Fresno LAFCo Website: **[www.fresnolafco.org](http://www.fresnolafco.org)**.

# FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

## “MINUTES”

### LAFCo MEETING – JANUARY 9, 2013

**Call to Order:** Chairman Lopez called the meeting to order at 1:30 p.m.

**Members Present:** Commissioners Deborah A. Poochigian, Mario Santoyo, Robert Silva, Henry Perea, and Armando Lopez

**Members Absent:** None

**Staff Present:** Jeff Witte, LAFCo Executive Officer  
Ken Price, LAFCo Counsel  
Candie Fleming, Commission Clerk  
Samantha Hendricks, LAFCo Technician

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

Commissioner Lopez called the meeting to order at 1:30 p.m.

#### **2. Pledge of Allegiance**

Commissioner Lopez led the recitation of the Pledge of Allegiance.

#### **3. Policy Discussion Regarding Election of Chairman and Vice Chairman.**

Chairman Lopez read the item into the record and Commissioner Perea gave the reason why he had requested the item be placed on the Agenda. Commissioner Perea felt that it was important that the public knew there was a process for selecting chairman and vice-chairman and that it wasn't a political process. Commissioner Perea said he felt that it was more of an equity issue and the chair and vice chair should be rotated among the city, county, and public members. Commissioner Perea noted that the Board of Supervisors already has a policy in place so that each year the Board and the public know who would be the next chairman. Commissioner Perea asked if the selection of chairman and vice-chairman could be delayed for a month or two and suggested that the Commission form a sub-committee to look into a policy change that would allow the chairman and vice chairman seats to be rotated annually among the city, county, and public members.

Chairman Lopez said that the issue was previously brought before the Commission and that it was decided at that time to leave the policy the same, which was to elect the chairman and vice-chairman every two years. Mr. Lopez said that he had consulted with other mayors and former Commission members and they all felt that the current policy was adequate and wouldn't recommend a change. Commissioner Santoyo said that since he has been on the Commission he felt they all worked well together and thought a sub-committee was a good idea. Commissioner Silva said the City Commission members are selected by the Council of Governments (COG) and that COG has indicated to him that the current policy for selecting a chairman and vice chairman should not be changed.

Commissioner Perea said that he was the County representative at COG and would be happy to have this discussion with the mayors. Commissioner Perea said that he didn't think COG's role went beyond selecting a representative on LAFCo and COG didn't have authority to make a COG policy for the selection of chairman and vice chairman on LAFCo.

Commissioner Perea made a motion to appoint a sub-committee consisting of one city and one county member to take a look at the current policy and whatever history may be affecting the current selection process and bring a recommendation back to the Commission during the next meeting or two. Commissioner Poochigian seconded the motion.

Commissioner Santoyo said he thought there was already a motion on the floor and Chairman Lopez said that he did not make a motion but had recommended that the policy stay the same and Commissioner Silva agreed with the recommendation.

Commissioner Perea then withdrew the motion. Commissioner Silva made a motion to keep the policy the same and Chairman Lopez seconded it. Commissioner Santoyo asked if he could make his support contingent upon having a sub-committee look at the policy before the next election. Commissioner Poochigian asked if this election would be for one year or for two. Counsel Price responded that chairs and vice chairs are selected for two years but the Commission could look at the process at any time. A roll call vote was taken and the motion passed three to two with Commissioners Perea and Poochigian voting no. Chairman Lopez clarified the final motion saying that the policy would remain the same and that the Commission would revisit the issue in a year and would form a sub-committee to go through the process and make a recommendation for the next year.

#### **4. Select Chairman and Vice-Chairman**

Chairman Lopez nominated Commissioner Silva for Chairman. Commissioner Poochigian asked how the election process worked because she wanted to nominate Commissioner Santoyo. Commissioner Perea made a subsequent motion to maintain the current leadership and bring it back in two months to give the sub-committee a chance to meet and make a recommendation. Commissioner Poochigian seconded the motion. The motion passed three to two with Commissioners Lopez and Silva voting against the motion. The Commission provided direction to place an item on the agenda to form a subcommittee to review the policy.

#### **5. Minutes from the Regular LAFCo Meeting of December 5, 2012**

A motion was made by Commissioner Silva to approve the December 5<sup>th</sup> minutes and the motion was seconded by Commissioner Perea. The motion was unanimously approved with Commissioner Poochigian abstaining.

#### **6. Potential Conflicts of Interest**

Debbie Poochigian suggested that the names of the principles of applications that are considered by the Commission be included in the staff report and reported that she had a potential conflict with Item Number 8B. Counsel Price said that he would like to look into a way to provide a clear list of the principals.

#### **7. Comments from the Public**

There were no comments from the public.

## **CONSENT AGENDA**

### **8. Consider Approval of Items A-C Per Staff's Recommendation:**

- A. Accept: LAFCO Financial Statement for December, 2012.**
- B. Approve: Request for a one-year extension to complete proceedings for the City of Sanger "California-Academy Northwest Reorganization" (LAFCo File No. RO-07-21) (Fifth Request).**
- C. Approve: Request for a one-year extension to complete proceedings for the City of Fresno "Shields-Locan No. 3 Reorganization" (LAFCo File No. RO-07-26) (Fifth Request)**

Commissioner Poochigian requested that Item Number 8B be pulled for a separate vote. Commissioner Perea made a motion to approve Items A and C on the Consent Agenda. Commissioner Silva seconded the motion, which was unanimously approved.

Commissioner Perea made a motion to approve Item Number 8B and Commissioner Silva seconded it. The motion was unanimously approved with Commissioner Poochigian abstaining.

## **PUBLIC HEARING**

### **9. Adopt Policy for the Implementation of SB 244 (Disadvantaged Unincorporated Communities).**

Executive Officer Witte presented staff's report which included the history of SB 244 and the proposed LAFCo policy. Commissioner Poochigian asked if SB 244 required LAFCo to have a policy or if it was optional, and if so, what types of areas the proposed policy would include. LAFCo Counsel Ken Price responded that SB 244 does not require LAFCo to adopt a policy, but would be very hard to implement without a policy. Executive Officer Witte added that the policy would include areas all over the County.

Commissioner Poochigian asked who would be responsible for financing the annexation of the DUC areas. Commissioner Santoyo said that was an area that the sub-committee had spent a lot of time discussing. Mr. Santoyo said that the city or special district would not automatically have to pick up the tab for the additional expenses for annexing a disadvantaged community, unless LAFCo conditioned the annexation differently. Commissioner Silva asked about the conditioning authority noted in the policy and Counsel Price said that a DUC annexation would be processed just like any other annexation and LAFCo could place conditions in regards to financing or services.

Phoebe Seaton, CRLA, thanked the Commission for allowing CRLA to participate in the policy discussion and offered to answer any questions for the Commission. Commissioner Poochigian asked if there was anything in the policy that increased LAFCo's chances of getting sued. LAFCo Counsel Price said he was comfortable with the policy that was being presented and that not following the requirements of SB 244 would be what would open LAFCo up to litigation. Commissioner Santoyo said that while he was in Sacramento he had asked why SB 244 was written so vague. Mr. Santoyo said he was told that it was written to allow each County some latitude based on where they were located.

Commissioner Perea made a motion to approve the policy and Commissioner Silva seconded it. The motion was unanimously approved.

**10. Authorize the Executive Officer to enter into an agreement with a consultant to prepare the MSR for the City of Fresno's General Plan.**

Executive Officer Witte presented staff's report. Commissioner Santoyo asked if the agriculture preservation policy that LAFCo is interested in developing would be considered in the City's MSR and if LAFCo staff had been working with the City. Executive Officer Witte said that LAFCo would be asking Policy Consulting Associates (PCA) to look at agricultural preservation and that he had been in contact with the City.

Commissioner Poochigian made a motion to authorize the Executive Officer to enter into a contract with PCA to begin work on the City of Fresno's Municipal Service Review and Commissioner Santoyo seconded the motion. The motion was unanimously approved.

**OTHER MATTERS**

**11. Fire District Transition Agreement Update.**

Executive Officer Witte presented staff's report recommending that LAFCo grant the District and the Cities more time to reach an agreement and bring an update back to the Commission in a few months.

Don Pauley, City of Kingsburg, gave some background on the current negotiations. Bruce Rudd, City of Fresno, spoke about the City of Fresno's concerns regarding the legality of requiring transition agreements and the City's reluctance to enter into any kind of "blanket" agreement, especially if it includes developer or LAFCo initiated annexations. Chief Brown, City of Fresno Fire, assured the Commission that fire protection would continue and that they would make sure the residents of Fresno County were protected.

Keith Larkin, Chief, Fresno County Fire Protection District, reported on the outcome of the mediation with the City of Clovis and the progress with the other cities. Commissioner Santoyo asked the fire chiefs' opinion on conducting a nexus study. Chief Larkin said a nexus study looks at how fees are used and the District cannot charge "fees" and that their only source of funding is through property taxes. Commissioner Silva said that he felt the current policy is not working. Don Pauley stated that since there is a template agreement in place, it will be up to each City to determine if they want to enter into an agreement or proceed on an annexation by annexation basis.

The Commission was concerned about holding up city annexation due to a lack of a fire transition agreement. Counsel Price said the Commission's policy was quite lengthy, and the policy also allowed the Commission to waive the policy under certain circumstances. Counsel Price then explained what those circumstances were. Commissioner Poochigian said the policy was broad and with those exceptions, she was reluctant to change the policy. Counsel Price offered to prepare an analysis of the Commission's policy and a factual analysis of where the hang-ups are between Cities and District. Counsel Price said he could also make some recommendations for improvement to the policy and include some discussion of where things are in terms of negotiations.

David Wolfe, Legal Counsel for the City of Clovis, explained how mediation allowed the City of Clovis to come to an agreement with the Fire District and how the District and the City will work together to create a fee that the City will charge developers to offset the City's costs. Don Pauley said the city managers would be willing to meet with LAFCo prior to the March 13, 2013, LAFCo meeting.

## **12. Mid-Year Budget Review**

Executive Officer Witte gave a status report of the Commission's 2012-2013 fiscal year budget. The Executive Officer said that the Commission is staying pretty much within budget; however, the Commission spent a little more on travel than anticipated but also received more revenue than anticipated. Executive Officer Witte said he would be asking for some budget modifications at the next hearing which would mean transferring funds from one account to another to fund benefits for the new Executive Officer.

Commissioner Santoyo said the Commission may want to consider allocating more money towards training and educational opportunities for the Commissioners. Counsel Price told the Commission that in addition to the Annual CALAFCO Conference, CALAFCO held workshops and CALAFCO University courses that staff or Commissioners could attend.

Commissioner Perea made a motion to accept the mid-year budget review and Commissioner Santoyo seconded it. The motion was unanimously approved.

## **13. Material for Recruitment of a New Executive Officer.**

Executive Officer Witte presented staff's report. Commissioner Poochigian noted that the application did not ask for references and Executive Officer Witte said staff would update the application to include references. Executive Officer Witte said that the applicants would also be notified that if they are selected in the top few they will be subject to a background and credit check. Executive Officer Witte said he was still looking into health insurance, which may or may not be necessary depending on if they have other health care options. Commissioner Poochigian asked if the salary could be amended to \$90,000 to \$115,000 instead of \$95,000 to \$115,000 and the Commission said that the salary needs to be competitive and decided to keep it at \$95,000-\$115,000.

Commissioner Perea made a motion to approve the materials and to authorize the Executive Officer to start the recruitment process and Commissioner Silva seconded it. The motion was unanimously approved.

## **14. Adopt Resolution Designating New Approved Signers for the LAFCo Checking Account at the Central Valley Community Bank**

Executive Officer Witte presented staff's report explaining the need to replace Commissioner Anderson as an authorized signer. Commissioner Poochigian volunteered to replace Commissioner Anderson. Commissioner Perea made a motion to adopt the resolution designating Commissioners Poochigian and Santoyo to be authorized signers on the LAFCo checking account. Commissioner Santoyo seconded it and the motion was unanimously approved.



**15. CLOSED SESSION**

**A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
***City of Fresno v. Fresno County Local Agency Formation Commission***  
**(CASE NO. 11CE CG 03812)**

Chairman Lopez reported that there was no action taken in Closed Session.

Commissioner Perea requested that the February 13, 2013, hearing be moved to the 20<sup>th</sup>. Executive Officer Witte said that if they were going to be doing interviews at the end of February it might be better to move it back to the 27<sup>th</sup>. Commissioner Silva asked if the meeting could be held earlier in the day and the Commission decided to change the hearing to February 27, 2013, at 11:00 am.

**ADJOURNMENT**

The meeting was adjourned at 4:05 p.m.

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**Fresno Local Agency Formation Commission (LAFCo)**  
**Executive Officer's Report**

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**Consent Agenda Item No. 6A**

**DATE:** February 27, 2013  
**TO:** Fresno Local Agency Formation Commission  
**FROM:** Jeff Witte, LAFCo Executive Officer  
**SUBJECT:** Consider Acceptance – LAFCO Financial Statement for January  
**Recommendation:** Accept January, 2013 Financial Statement.

**Fresno LAFCo**  
**Bank Reconciliation – Main Checking Account**  
**Central Valley Community Bank**

**1/1/2013 to 1/31/2013**

Beginning Balance	\$382,767.93
Less Checks Paid	\$48,098.45
Sub Total	\$334,669.48
Plus Deposits	\$37,377.15
Ending Balance	\$372,046.63

**Fresno LAFCo**  
**Bank Reconciliation – Single Signature Account**  
**Central Valley Community Bank**

**1/1/2013 to 1/31/2013**

Beginning Balance	\$605.28
Less Checks Paid	\$0.00
Sub Total	\$605.28
Plus Deposits	\$0.00
Ending Balance	\$605.28

**LAFCo Reserve Accounts**

Legal Reserve	\$60,032
General Reserve	\$8,000
Office Equipment Reserve	\$2,667
Benefit Reserve	\$2,000



# Deposits By Month

Tuesday, January 29, 2013

From	Deposit Date	Amount	Description
Bigelow-Silkwood Friant Ranch	1 /4 /2013	\$6,218.49	Friant Ranch Legal Fees
Copper River Development	1 /4 /2013	\$40.00	Copper River Legal Fees
Fresno County Fire Protection District	1 /4 /2013	\$3,462.33	Preparation and Adoption of Municipal Service Review
Granville Management, Inc.	1 /11/2013	\$16,008.00	RO-13-1 "Shields-Grantland No. 1 (Westlake) Reorganization"
Lennar Fresno	1 /11/2013	\$750.00	RO-07-21 "California-Academy Northwest Reorganization" One-Year Extension
Bigelow-Silkwood Friant Ranch	1 /17/2013	\$5,056.33	Friant Ranch Legal Fees
Granville Management, Inc.	1 /17/2013	\$792.00	RO-13-1 "Shields-Grantland No. 1 (Westlake) Reorganization"
Highlands Diversified Inc.	1 /29/2013	\$750.00	RO-12-1 "Reorganization No. 11-01 (South Foothill)" One-Year Extension
Malaga County Water District	1 /29/2013	\$4,300.00	AD-13-1 "North-Chestnut No. 1 (Imperial Truck Wash)"

**\$37,377.15**



# Checks Written

Thursday, February 07, 2013

11:30:51 AM

Check #	Check Amount	Vendor Name	Uses	Cleared
10535	\$9,219.95	Baker, Manock & Jensen	Legal Counsel	01/23/2013
1	\$9,219.95			
10536	\$2,475.44	Baker, Manock & Jensen	Legal Counsel	01/23/2013
1	\$2,475.44			
10537	\$106.80	California Business Machines	Copy Machine	01/23/2013
1	\$106.80			
10538	\$425.00	COF-Assessor	Assessor	01/28/2013
1	\$425.00			
10539	\$1,288.01	COF-ITSD	County Data Processing	
10539	\$31.73	COF-ITSD	PeopleSoft HRMS	
10539	\$119.89	COF-ITSD	Telecommunications	
10539	\$35.16	COF-ITSD	PeopleSoft Financials	
4	\$1,474.79			
10540	\$20,272.59	COF-Payroll	County Payroll	01/30/2013
1	\$20,272.59			
10541	\$174.13	COF-General Services	Postage	01/31/2013
10541	\$177.42	COF-General Services	Office Supplies	01/31/2013
2	\$351.55			
10542	\$19.64	COF-Auditor	Auditor	01/24/2013
1	\$19.64			
10543	\$36.05	DS Waters	Office Supplies	01/23/2013
1	\$36.05			
10544	\$28.86	Lopez, Armando	Mileage	
10544	\$100.00	Lopez, Armando	Meeting Attendance	
2	\$128.86			
10545	\$93.50	Business Journal	Publications	01/25/2013
1	\$93.50			

Check #	Check Amount	Vendor Name	Uses	Cleared
10546	\$75.00	Perea, Henry	Meeting Attendance	
1	\$75.00			
10547	\$1,705.05	Physicians' Building Partners	Lease	01/22/2013
1	\$1,705.05			
10548	\$182.81	Quill.com	Office Supplies	01/23/2013
1	\$182.81			
10549	\$2,000.00	Sampson, Sampson & Patterson, LLP	Auditor	01/28/2013
1	\$2,000.00			
10550	\$100.00	Santoyo, Mario	Meeting Attendance	
1	\$100.00			
10551	\$70.00	SDDS-Same Day Delivery Services	Postage	01/24/2013
1	\$70.00			
10552	\$100.00	Silva, Robert	Meeting Attendance	
10552	\$42.18	Silva, Robert	Mileage	
2	\$142.18			
10553	\$39.99	Witte, Jeff	Office Supplies	
1	\$39.99			
AutoDraft	\$3,831.36	ADP-Employee Taxes	Payroll	01/15/2013
AutoDraft	\$811.75	ADP-Employer Taxes	Payroll	01/15/2013
AutoDraft	\$4,068.64	ADP-Jeff Witte	Payroll	01/15/2013
AutoDraft	\$70.50	ADP-Wokers Comp	Payroll	01/15/2013
4	\$8,782.25			
Misc. Fee	\$159.50	ADP Processing Fee	Misc. Fee	01/25/2013
Misc. Fee	\$237.50	ADP Processing Fee	Misc. Fee	01/22/2013
2	\$397.00			
31	\$48,098.45			



## Outstanding Invoices-Accounts Receivable

Tuesday, February 05, 2013

Invoice Number	Billed To	Description	Amount
00005	Riverdale Memorial	MSR Preparation	\$300.00
00006	Clovis Memorial	MSR Preparation	\$300.00
00008	Bluffs CSD	MSR Preparation	\$300.00
00011	Laton CSD	MSR Preparation	\$300.00
00024	Westside RCD	MSR Preparation	\$3,488.00
00035	West Fresno Red Scale Protective District	MSR Preparation	\$300.00
00039	Camp 13 Drainage District	MSR Preparation	\$300.00
00044	Selma Health Care District	MSR Preparation	\$300.00
00061	Dan Pearce	Friant Ranch Legal Fees	\$2,475.44
			\$8,063.44

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**FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)  
EXECUTIVE OFFICER'S REPORT**

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**CONSENT AGENDA ITEM No. 6B-D**

**DATE:** February 27, 2013

**TO:** Local Agency Formation Commission

**FROM:** Jeff Witte, Executive Officer

**SUBJECT:** Consider Approval – Request for One-Year Extensions to Complete Proceedings for the following:

- B. City of Fresno “McKinley-Blythe No. 1 Reorganization” (fifth request).
- C. City of Parlier “Reorganization No. 11-01 (South Foothill)” (first request).
- D. City of Reedley “Reed-Beechwood Reorganization, Annexation 2005-1” (sixth request).

**Recommendation:** Approve Requests for One-Year Extensions.

**Background:** The above proposals were previously approved by the Commission, but have not been completed. State law requires that all reorganization and annexation proceedings shall be completed within one year of approval unless the Commission grants an extension of time prior to the expiration date. Failure to grant an extension will terminate the proceedings. LAFCo Policies, Standards, and Procedures Section 315-03 allows extensions of time to be granted when the imminent need for the proposal still exists, the project is still viable, and progress is being made toward completion.

**B. City of Fresno “McKinley-Blythe No. 1 Reorganization” (LAFCo File No. RO-08-2).**

**Parties of Interest:**

Daryl and Vicki Nicholson	Robert Ketelsen
Innovative Development LLC	Vic-Nic VI LLC
George and June Streese Trustees	William and Audrey McCarty
Jacques Juan and Denise Ricardo	David and Margaret Franchi
Robert and Cheryl Brown	Marisa Pimentel
DN Associates	Rodney and Marcella Deluca Trust
Joseph and Yvonne Deluca	Elliot and Agnes Chielpegian
Allen and Virginia Greulich	

**Summary:** This reorganization was approved by the Commission on March 5, 2008. David Combs, the developer, has requested a one-year extension of time. This is the fifth request for an extension of time for this application.

**Project Description:** This reorganization consists of annexation of 40.89 acres to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District. The affected territory is located at the northeast corner of W.

McKinley and N. Blythe Avenues (see attached map). An 80-lot single-family residential subdivision is proposed on the easterly 20-acre portion of the affected territory.

**Reasons for Request and Actions Taken to Date:** The developer has stated that they purchased the property two years ago and current economic and housing market conditions have delayed them from moving forward with construction. They indicate that they still plan to develop the property and have tentative map approval by the City and have done substantial work towards completion of the final map.

Mark Scott, City Manager, City of Fresno indicated that the city supports the extensions and stated that the General Plan Housing Element and regional population forecasts continue to indicate the need for the completion of these types of approved housing developments. Tentative Tract Map No. 5598 and the affiliated zoning approvals are scheduled to remain in effect until May 17, 2015.

**C. City of Parlier “Reorganization No. 11-01 (South Foothill)” (LAFCo File No. RO-12-1).**

**Parties of Interest:**

MV Parlier LLC	Highlands Diversified Inc. (Doug Scheidt)
City of Parlier	

**Summary:** This reorganization was approved by the Commission on March 7, 2012. Bruce O’Neal, contract planner for the City, has requested a one-year extension of time. This is the first request for an extension of time for this application.

**Project Description:** This reorganization consists of an annexation of 30.58 acres to the City of Parlier and detachment from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District for territory located on the south side of South Avenue between Academy and Mendocino Avenues.

**Reasons for Request and Actions Taken to Date:** Mr. O’Neal’s letter states that the developer anticipates recording the final map in March, given that the City of Parlier has already held the review process and anticipates completing the proposal by April. The letter also states the applicant continues to work with City staff and that circumstances in the vicinity of the project have not changed. Tentative Tract Map No. 5607 will expire on December 7, 2013, unless an extension is approved by the City.

**D. City of Reedley “Reed-Beechwood Reorganization, Annexation 2005-1” (LAFCo File No. RO-07-6).**

**Parties of Interest:**

Floyd Barsoom, Barsoom Bros. Co.	Bob Dowds, Mangano Homes
Joseph R. Cusenza, Reynen Bardis Communities	Jason Pausma, Reynen Bardis Communities
Mathew Ainley, Quad Knopf	Michael & Magdalene Crivelli
Ann Reynolds	Peter Crivelli
David Crivelli	Gabriel Crivelli
Celeste Crivelli	Melanie Reynolds
Mark Reynolds	Jeffrey Reynolds
Susan Reynolds	



**Summary:** This reorganization was approved by the Commission on March 14, 2007. The Developer, Todd Barsoom, General Partner for Barsoom Bros. Co., submitted a written request for a one-year extension. This is the sixth requested extension of time for this proposal.

**Project Description:** The affected territory is located west of Reed Avenue and both north and south of the Beechwood Avenue Alignment. The approved reorganization consists of the annexation of 94.4 acres to the City of Reedley and detachment from the Fresno County Fire Protection District and the Kings River Conservation District. The Reedley City Council approved Vesting Tentative Tract Map No. 5767 to allow a 196-lot single-family residential development within the affected territory.

**Reasons for Request and Actions Taken to Date:** Mr. Barsoom's letter states that the residential housing market has remained stagnant over the past year; however, they are currently marketing the project with a person specializing in residential development properties and noted a renewed interest in the project. The Kingswood Commons Tentative Tract Map No. 5767 will not expire until October 24, 2015.

Kevin Fabino, Community Development Director for the City of Reedley, indicated that the City supports the extension and that Mr. Barsoom is diligently working to develop the property in accordance with the approved Tentative Tract Map.

**Staff Analysis:** Based on this information, it does appear that circumstances beyond the control of the Cities and developers have delayed these reorganizations. Staff supports the one-year extensions for each of the above proposals.

**The Following Have Received Copies of This Report:**

- LAFCo Commissioners and Alternates
- Ken Price, LAFCo Counsel, Baker, Manock, and Jensen
- Will Kettler, Fresno County Public Works and Planning
- Chief Keith Larkin, Fresno County Fire Protection District
- Brian Newlin, Fresno County Fire Protection District
- Ray Franklin, Fresno County Fire Protection District
- Joe Barcellos, North Central Fire Protection District
- David Orth, Kings River Conservation District
- Phil Desatoff, Consolidated Irrigation District
- Craig Agabashian, Administrative Manager, City of Fresno
- Mark Scott, City Manager, City of Fresno
- Keith Bergthold, Assistant Director, City of Fresno
- Daryl Nicholson
- David Combs
- Bruce O'Neal, Contract Planner, City of Parlier
- Shun Patlan, Director, Community Development Department, City of Parlier
- Todd M. Barsoom, General Partner, Barsoom Bros. Co.
- Kevin Fabino, Community Development Director, City of Reedley

February 8, 2013

Ms. Candy Fleming  
Fresno Local Agency Formation Commission  
2607 Fresno Street, Suite B  
Fresno, CA 93721

Subject: McKinley-Blythe No. 1 Reorganization, Tract Map TM5598

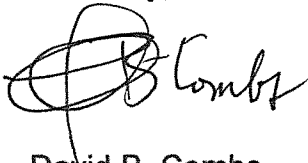
Dear Candy,

Please except this request to extend the above mentioned reorganization for one year. To date, the following efforts have been made towards the reorganization effort:

1. Tentative map approval by the City of Fresno.
2. Substantial work towards completion of the final map.

My partner, Daryl Nicholson (the current owner of record), purchased the property approximately two years ago from the original applicant. Weak economic and market conditions have slowed further progress on the project. As you well know, the economic climate has substantially reduced building in our area and we are no exception. Nonetheless, our intention is to move towards completion of this project. We are enclosing the \$750.00 fee for the requested extension and respectfully request the board to approve our extension.

Sincerely,



David B. Combs

Cc: Daryl Nicholson





**Development and Resource Management Department**

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2600 Fresno Street, Third Floor, Room 3065  
Fresno, California 93721-3604  
(559) 621-8003, FAX (559) 498-1012

**Mark Scott**  
Interim Director

February 7, 2013

Mr. Jeff Witte  
Executive Officer  
Fresno Local Agency Formation Commission (LAFCo)  
2115 Kern Street, Suite 310  
Fresno, CA 93721

**SUBJECT: EXTENSION OF MCKINLEY- BLYTHE NO. 1 REORGANIZATION**

Dear Mr. Witte:

This is in response to your letter, dated January 9, 2013, which provided the City notification of the approaching expiration of approved McKinley-Blythe No. 1 Reorganization. The City of Fresno supports an extension of the McKinley-Blythe No. 1 Reorganization by the Fresno Local Agency Formation Commission (LAFCo).

Although continuing economic recession conditions have prevented many approved housing developments from commencing construction, the City of Fresno's General Plan Housing Element and regional population forecasts continue to indicate the need for the completion of these approved housing developments.

City of Fresno development entitlements dependent upon the annexation include conditionally approved Tentative Tract Map No. 5598 and affiliated zoning approval (Rezone Application No. R-05-070). These approvals are scheduled to remain in effect until May 17, 2015 via several discretionary and statutory extensions. Another entitlement dependent upon the annexation is the pre-zoning of twelve existing rural residential properties (Rezone application No. R-07-47). Given the approved tentative tract map and associated zoning actions are considered to be active and General Plan documents and forecasts continue to indicate the need for completion of these types of housing developments, the City of Fresno supports an extension of the approved McKinley-Blythe No. 1 Reorganization.

Please contact Craig Agabashian, Administrative Manager, at 621-8005 or Keith Bergthold, Assistant Director, at 621-8003 with any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Mark Scott".



Mark Scott  
City Manager / Interim Director

Cc. Craig Agabashian

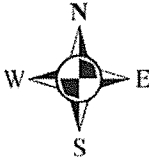
# EXHIBIT "A"



## Legend

-  City Limits
-  Affected Territory

City of Fresno "McKinley-Blythe  
No. 1 Reorganization"  
LAFCo File No. RO-08-2





January 18, 2013

Mr. Jeff Witte, Executive Officer  
Fresno LAFCO  
2607 Fresno Street, Suite B  
Fresno, CA 93721

**SUBJECT:** City of Parlier Reorganization No. 11-01 (South Foothill)

Mr. Witte:

On behalf of the City of Parlier and the developer, MV Parlier LLC, I am requesting a one-year extension for Reorganization No. 11-01 and have attached a check for \$750. Following are responses to the information request from your January 9, 2013 letter:

1. ***Progress that has been made toward compliance during the past year.*** The Developer anticipates recording the final map in March, 2013, a date derived from the review process already held with the City. Given that final map acceptance is nearly concluded, the extension is a safeguard against unforeseen changes that may push approval and recording of the final map beyond March, 2013.
2. ***Any circumstances that have changed in the vicinity of the project since the proposal was approved that could affect its suitability for annexation.*** There are no changes that affect annexation suitability. This parcel remains the most logical area for annexation given its proximity to public services and new residential development to the west.
3. ***Actions taken by the proponent to ensure that the conducting authority proceedings can be completed within the requested extension period.*** The developer is anxious to move ahead and has expended considerable time and effort on the project. With acceptance of the final map, staff will prepare information required to complete the reorganization proceedings which should be completed by April, 2013.
4. ***If a condition of approval required acceptance of a final tract map, include the tentative tract map number and date it will expire.*** Tentative Tract Map No. 5607 was approved on December 7, 2011, and will expire on December 7, 2013, unless an extension is approved by the City.
5. ***If the proponent has been unable to satisfy a condition subsequent to the Commission's approval due to adversarial market and/or economic conditions, such conditions shall be identified and supporting documentation provided.*** Not applicable.

Please call if you have questions.

The City of Parlier

Bruce O'Neal, Contract Planner  
Cc Shun Patlan  
Jesus Gonzalez

# EXHIBIT "A"



## Legend



Sphere of Influence

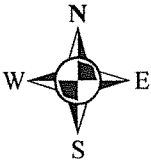
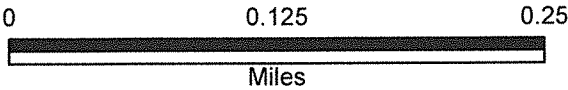


City Limits



Affected Territory

City of Parlier "Reorganization  
No. 11-1 (South Foothill)"  
LAFCo File No. RO-12-1





February 4, 2013

Mr. Kevin Fabino, Director  
Community Development Department  
City of Reedley  
1733 9th Street  
Reedley, CA 93654

Kevin,

This letter is to request an extension from LAFCO for the Kingswood Commons Project Tract No. 5767, approved by the City of Reedley on October 24, 2006 and approved an extension until October 24, 2015. As you are aware, the residential housing market has remained stagnant over this past year. We are currently marketing the project with a person specializing in residential development properties. We feel that it is very important to extend the LAFCO approval in order to successfully market this project and move toward completion of Tract No. 5767. Even in these difficult times, we are noting a renewed interest in this project and are looking forward to working with the City of Reedley and LAFCO to get this project moving forward.

Sincerely,

Todd M. Barsoom  
General Partner

## Hendricks, Samantha

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**From:** Fabino, Kevin <Kevin.Fabino@reedley.ca.gov>  
**Sent:** Thursday, February 14, 2013 8:49 AM  
**To:** Hendricks, Samantha  
**Subject:** RE: Reed-Beechwood

Samantha,

The City of Reedley is in support of the request to extend the Reed-Beechwood Reorganization, Annexation No. 2005-1. We have recently met with Mr. Barsoom and believe he is diligently working to develop the property in accordance with the approved Tentative Tract Map. Thanks you for your consideration, and please let me know if you have any questions or need additional information.

Sincerely,

Kevin Fabino, Director  
City of Reedley, Community Development Dept.  
1733 9th Street  
Reedley, CA 93654  
(559) 637-4200 ext. 286  
E-mail: [Kevin.Fabino@Reedley.ca.gov](mailto:Kevin.Fabino@Reedley.ca.gov)

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**From:** Hendricks, Samantha [<mailto:SHendricks@co.fresno.ca.us>]  
**Sent:** Thursday, February 14, 2013 8:05 AM  
**To:** Fabino, Kevin  
**Subject:** Reed-Beechwood

Good Morning Kevin,

We have received the extension request from Barsoom Bros. and I was wondering if we could get something from the City saying if you agree to the extension or not?

THANK YOU,

SAMANTHA HENDRICKS

LAFCD TECHNICIAN II

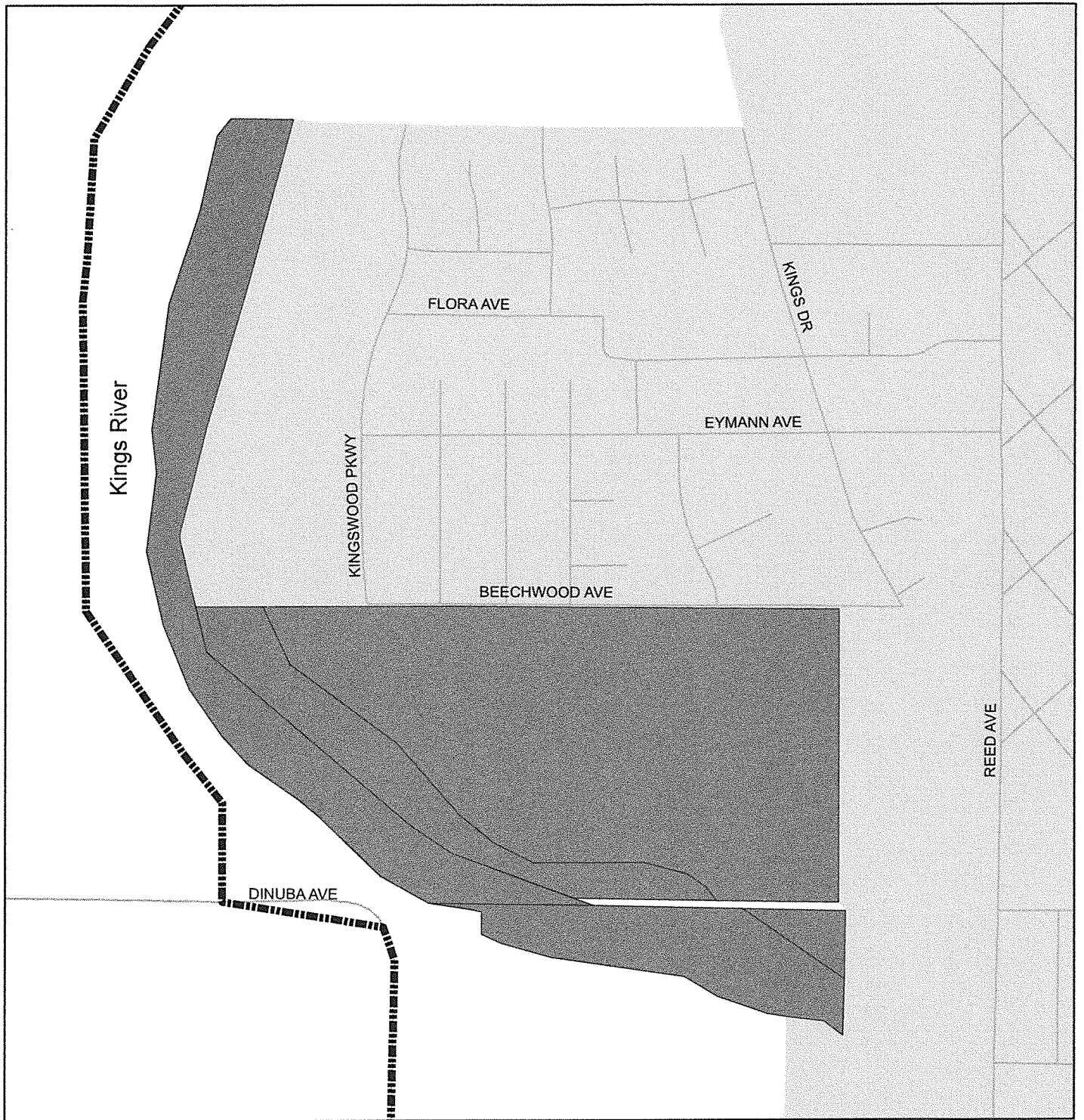
(559) 600-0604

FAX (559) 495-0655




[WWW.FRESNOLAFCD.ORG](http://WWW.FRESNOLAFCD.ORG)



# EXHIBIT "A"



## Legend

-  Sphere of Influence
-  City Limits
-  Affected Territory

City of Reedley "Reed-Beechwood  
Reorganization, Annexation 2005-1"  
LAFCo File No. RO-07-6

