

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

MEETING MINUTES JULY 13, 2016

Members Present: Commissioners Brian Pacheco, Daniel Parra, Henry Perea, Mario Santoyo, and Robert Silva

Members Absent: None

Staff Present: David E. Fey, AICP, LAFCo Executive Officer
Ken Price, LAFCo Counsel
George Uc, LAFCo Analyst
Juan Lara, LAFCo Analyst
Candie Fleming, Clerk to the Commission

1. Call to Order and Roll Call

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

2. Pledge of Allegiance

Chairman 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 conflicts reported.

Counsel Price asked to have a closed session item regarding the Executive Officer's performance evaluation added to the agenda. Commissioner Perea made a motion to add the closed session item to the agenda and Commissioner Parra seconded the motion. The motion passed by a vote of 5-0.

Counsel Price suggested moving Item 9 after Item 11 and then have the closed session in between.

CONSENT AGENDA

5A. Minutes from the June 8, 2016, Meeting

5B. Request for Authorization for the Destruction of LAFCo Public Records

Commissioner Perea made a motion to approve the consent agenda which was seconded by Commissioner Silva. The Commission approved the consent agenda by a vote of 5-0.

REGULAR AGENDA ITEMS

6. Municipal Service Review and Sphere of Influence Update Prepared for the City of Fresno; Commission Action to Conclude Activities of Ad Hoc Committee

Executive Officer Fey said the MSR is a snap shot of the condition of the City and shows the City is ready to provide services. Fey said that correspondence from the City of Fresno shows that they have no serious concerns with the MSR.

Fey said that in 2006, the Commission adopted a resolution revising the City's sphere of influence to include the southeast growth area. Fey said he attended a workshop on June 2nd at the City regarding the southeast SOI. Fey said in response to the Commission's earlier request for the City to determine when they planned on conducting the specific plan for the Southeast Development Area (that was called out in the 2006 resolution), the City Council adopted a resolution stating that it anticipates consideration of the SEDA specific plan between 2018 and 2019. Fey noted that the February, 2016 listening session identified a near unanimous expression on the part of the speakers that there be no change to the sphere of influence. Fey said that he found at the June 2nd workshop that many of the City's staff mistakenly thought the specific plan had been completed at the time they updated their General Plan update; however, the specific plan has not yet been adopted. Fey said the City resolution adopting the General Plan in 2014 made no mention of a specific plan. Fey said that it now appears that the City Council has consented to identify a schedule for performance of a specific plan or community plan. Fey said there was sufficient testimony and correspondence that indicates that public and private investments have been made or planned to be made in the SEDA area.

Fey said staff and the ad hoc committee was recommending that the Commission condition the affirmation of the southeast area SOI on the condition that the City of Fresno provides some indication in the month of August to identify funding and a schedule for commencement of a specific or community plan. A second condition would be that the City performs community planning for the balance of the southeast SOI by 2018 or 2019. Fey clarified that the condition would be for the City Council to give specific/community planning a priority in the SE SOI north of McKinley Avenue by August 2016, which is the area that has been most impacted by the delay in specific/community planning with the balance taking place in the 2018/2019 time period.

Fey said staff was recommending an additional policy to clarify that any application for annexation to the City be subject to the specific or community plan requirement of the 2006 resolution.

Fey then summarized the recommendations in the MSR and stated that one of the recommendations was that the City of Fresno, City of Clovis, Fresno County, Madera County, Fresno LAFCo and other neighboring cities continue to participate in regionally collaborative planning efforts. Fey recommended that the Commission assert some authority in that realm and asked to participate with those groups.

Fey said he had an e-mail from Don Ulrich, with the Clovis Unified School District, that identified the school district's latest enrollment projections indicated that it will need an elementary school in the Clovis East area (which includes SEGA) between 2021 and 2023. The e-mail said requiring growth north of McKinley before moving south would support investments that have already been made based on City-approved development.

Fey said staff was also recommending amending the City SOI in two other areas. Fey said Granville Homes was requesting a SOI amendment for an area in the Copper-Friant area where it made improvements to the open space and parkway facilities. Granville Homes is seeking to have the area included in the City's SOI so it can be annexed in order to receive park fee credit for the improvements it made. Fey said staff was also recommending an amendment to the City's sphere to include the City's wastewater treatment facility and to also consider approving, a SOI amendment that would include the heavy maintenance facility but also suspend any action until the High-Speed Rail Commission identifies this area as the future location of the heavy maintenance facility.

Commissioner Perea said he wanted to reaffirm the SOI as recommended by staff and the ad hoc committee and add to the condition that the City take action **no later than** August, 2016, to identify and allocate funding and schedule to commence the specific or community planning anticipated by the 2006 resolution for the portion of the SE SOI north of McKinley Avenue. Commissioner Parra said he wanted to add that if no action was taken by the City in August, the issue would come back to the Commission for reconsideration. Commissioner Perea agreed that if the City did not take affirmative action by the end of August, the SOI issue would come back to the Commission with the Ad Hoc Committee's original recommendation to remove the SEDA for final action in September.

Commissioner Perea said he just wanted to make it clear that the Commission is looking for a compromise and is willing to leave the SEDA in the City's SOI but are asking for compliance with the direction that the City agreed to two years ago which was to create a specific plan. Commissioner Perea said this action would tie that specific plan to the territory north of McKinley and they would leave the SOI as is. Commissioner Perea said that if the City chooses not to take that action, then the Commission would come back in September and remove the SEDA from the City's SOI. Commissioner said he didn't want that to be part of the motion but as part of the expectation.

Mike Prandini representing the Building Industry Association spoke in support of the staff recommendation; however, they wished to add a time frame limit for completion of the community or specific plan to no more than two years from today.

Commissioner Perea made a motion to approve Action Item 6A which was seconded by Commissioner Silva and passed with a vote of 5-0. Commissioner Perea made a motion to approve Action Item 6B which was seconded by Commissioner Parra and passed with a vote of 5-0. Commissioner Perea made a motion to approve Action Item 6C through E1 with the condition to read "conditionally reaffirm the southeast SOI and that the City take action no later than August 2016, to identify and allocate funding and schedule to commence the specific or community plan by December 31, 2018.", E2 and E3. Commissioner Santoyo seconded the motion and the motion passed with a vote of 5-0.

7. Municipal Service Review and Sphere of Influence Update for County Service Area No. 2 (Tenaya Park) and County Service Area No. 5 (Wildwood Estates)

LAFCo Analyst George Uc presented staff's report. Uc said that staff identified two parcels that were receiving service from CSA No. 5 but were not within the District's boundary. Uc said the MSR recommended revising the District's SOI to include the two parcels.

Commissioner Perea made a motion to approve Action Item 7A which was seconded by Commissioner Parra and passed on a 5-0 vote. Commissioner Parra made a motion to approve Action Item 7B which was seconded by Commissioner Silva and passed on a 5-0 vote. Commissioner Parra made a motion to approve Action Item 7C through 7 F which was seconded by Commissioner Silva and passed on a vote of 5-0 vote.

8. Consider Amendment of the Fresno LAFCo Policies, Standards, and Procedures to align with the Sustainable Groundwater Management Act

Fey reported that at the June hearing staff was directed to prepare a draft water policy. Fey said today's policy discussion is to explore the means for the LAFCo to integrate its analyses with existing water management regulations and was requesting the Commission's direction and feedback. Fey presented an outline of the policy that would identify the issues of concern, the proposed new policy to address those issues, the proposed new LAFCo policy, and the proposed amendment to the MSR policy.

Fey said after today's discussion staff planned to distribute the draft policy to the cities and agencies who manage water supply to get feedback before staff brings the policy before the Commission for final consideration. Commissioner Perea asked if this policy would affect the outside-boundary service requests and Fey responded that staff would take the new policy into consideration when reviewing those requests. Commissioner Perea asked Fey if he was aware of the Orange Center School District's need for water and that it was his understanding that the residents near the school would not be included. Fey responded that he was aware of the issue and that it was not the plan at this time to include them; however, if their wells failed, it would then be a health and safety issue and the City would be able to provide water to them. Fey said the Commission would then make their decision based on provision of the law. Commissioner Perea asked staff to brief the Commission via an e-mail on the Orange Center School District issue.

Gracie Alaniz, representing the Leadership Counsel for Justice and Accountability, supported LAFCo's draft policy and requested that LAFCo expand the policy to include the assessment of water quality, not just the quantity. Ms. Analiz also offered the Counsel's help in crafting the language.

Steve Stadler with James Irrigation District thanked the Commission for including irrigation districts in the water policy discussions as the issue is also of interest to them.

The Commission directed staff to add to the draft policy to *....evaluate a local agency's water supply, water quality, and management to support determinations of the adequacy of existing and planned future water supplies....*" Fey clarified that today's discussion was to present a draft policy that the Commission would adopt at a later date.

Commissioner Santoyo suggested that the Commission create an ad hoc committee to work on the draft policy before presenting it to the Commission. Chairman Pacheco asked Commissioners Santoyo and Silva if they would like to serve as an ad hoc committee and they agreed. Chairman Pacheco appointed Commissioners Santoyo and Silva to the ad hoc committee to assist staff with the policy for Sustainable Groundwater Management Act to include the water policy and provisions for LAFCo.

OTHER MATTERS

10. Executive Officer Comments/Reports

Fey reported that he sent a memo to the ag policy ad hoc committee (Commissioners Pacheco and Santoyo) to reinvigorate the process to get the policy back to the Commission for adoption in a reasonable amount of time. Fey also announced that LAFCo's former intern Juan Lara was hired as the new LAFCo analyst.

11. Commission Member Comments/Reports

Commissioner Perea reported that the City of Fresno passed a resolution seeking legislation to add two seats on LAFCo, one for the City of Clovis and one for the City of Fresno and asked staff to monitor the issue and keep the Commission informed of the progress. Fey reported that it was his understanding that the City of Clovis heard about the City of Fresno's resolution and wondered where the idea came from and that they were not involved in the idea.

Commissioner Parra asked that in the future staff put information for the Commission on a thumb drive because some may no longer have a disk drive on their computer.

The Commission went into closed session.

9. Amendment to Employment Agreement between LAFCo and Executive Officer PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: Executive Officer

LAFCo Counsel reported that there was no action to report out of closed session. Chairman Pacheco stated that there was some more information being requested from the Commissioners and that the item would be continued to the next regularly scheduled meeting and the Commission would take action at that time.

ADJOURNMENT

Commissioner Silva made a motion to adjourn the meeting which was seconded by Commissioner Santoyo and passed on a vote of 5-0. The meeting was adjourned at 2:49 p.m.