

**DRAFT - ACTION MINUTES OF THE - DRAFT  
LOCAL AGENCY FORMATION COMMISSION  
HEARING OF JUNE 15, 2016**

**REGULAR MEETING**

**9:00 A.M.**

**JUNE 15, 2016**

**PRESENT:**

<b>COMMISSIONERS:</b>	<b>Jim Bagley</b>	<b>James Ramos, Vice-Chair</b>
	<b>Kimberly Cox, Chair</b>	<b>Thurston Smith, Alternate</b>
	<b>James Curatalo</b>	<b>Acquanetta Warren, Alternate</b>
	<b>Steve Farrell, Alternate</b>	<b>Diane Williams</b>
	<b>Robert Lovingood</b>	

**STAFF:**

- Kathleen Rollings-McDonald, Executive Officer**
- Clark Alsop, LAFCO Legal Counsel**
- Samuel Martinez, Assistant Executive Officer**
- Michael Tuerpe, Project Manager**
- Jeffery Lum, LAFCO Analyst**
- Rebecca Lowery, Clerk to the Commission**
- Bob Aldrich, LAFCO Consultant**

**ABSENT:**

<b>COMMISSIONERS:</b>	<b>Larry McCallon</b>	<b>Janice Rutherford, Alternate</b>
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**CONVENE REGULAR SESSION OF THE LOCAL AGENCY FORMATION COMMISSION –  
CALL TO ORDER – 9:06 A.M. – SAN BERNARDINO CITY COUNCIL CHAMBERS**

Chair Cox calls the regular session of the Local Agency Formation Commission to order and leads the flag salute.

Chair Cox calls for comments from the public regarding the closed session item. There are none.

**ADJOURN TO CLOSED SESSION OF THE LOCAL AGENCY FORMATION COMMISSION  
--9:07 A.M.**

Personnel (Government Code Section 54957) – Employee Evaluation – Executive Officer

**CONVENE PUBLIC SESSION – 10:19 A.M.**

Chair Cox asks LAFCO Legal Counsel Clark Alsop to report on the closed session. Mr. Alsop states that no reportable action was taken in closed session.

(It is noted that Commissioner Lovingood arrives at the dais at 10:20 a.m.)

**ANNOUNCEMENT OF CONTRIBUTIONS**

Chair Cox requests those present who are involved with any of the changes of organization to be considered today by the Commission and have made a contribution of more than \$250 within the past twelve months to any member of the Commission to come forward and state for the record their name, the member to whom the contribution has been made, and the matter of consideration with which they are involved. There was none.

**ITEM. 2. SWEAR IN REGULAR SPECIAL DISTRICT COMMISSIONER**

Rebecca Lowery, Clerk to the Commission, administers the Oath of Office to Kimberly Cox, Regular Special Districts Member, whose term of office expires in May of 2020.

(It is noted that Commissioner Ramos arrives at the dais at 10:21 a.m.)

**CONSENT ITEMS – APPROVE STAFF RECOMMENDATION:**

The following consent items are expected to be routine and non-controversial and will be acted upon by the Commission at one time without discussion, unless a request has been received prior to the hearing to discuss the matter.

ITEM 3. Approval of Minutes for Regular Meeting of May 18, 2016

ITEM 4. Approval of Executive Officer's Expense Report

ITEM 5. Ratify Payments as Reconciled for Month of May 2016 and Note Cash Receipts

LAFCO considered the items listed under its consent calendar, which includes a Visa Justification, the Executive Officer's expense report and ratification of payments as reconciled for the month of May. Copies of each report are on file in the LAFCO office and are made part of the record by their reference herein.

Chair Cox calls for requests for deferral from Commissioners or staff; there are none.

Commissioner Curatalo moves approval of the consent calendar, second by Commissioner Williams. There being no opposition, the motion passes unanimously with the following roll call vote: Ayes: Bagley, Cox, Curatalo, Lovingood, Ramos, Warren, Williams. Noes: None. Abstain: None. Absent: McCallon (Ms. Warren voting in his stead)

**PUBLIC HEARING ITEMS:**

**ITEM 6. CONSENT ITEMS DEFERRED FOR DISCUSSION**

No items deferred for discussion.

**ITEM 7 CONSIDERATION OF: (1) REVIEW OF MITIGATED NEGATIVE DECLARATION PREPARED BY THE COUNTY OF SAN BERNARDINO FOR A GENERAL PLAN LAND USE DISTRICT AMENDMENT FROM RS (SINGLE RESIDENTIAL) AND CG (GENERAL COMMERCIAL) TO SD-RES (SPECIAL DEVELOPMENT-RESIDENTIAL), A LOT MERGER TO COMBINE THREE SEPARATE PARCELS INTO A SINGLE PARCEL, AND A PLANNED DEVELOPMENT PERMIT (PDP) TO CONSTRUCT A 112-UNIT AFFORDABLE HOUSING PROJECT WITH COMMUNITY AND CHILDCARE BUILDINGS ON APPROXIMATELY 5.92 ACRES, AS CEQA RESPONSIBLE AGENCY FOR LAFCO SC#406; AND (2) LAFCO SC #406 - CITY OF COLTON EXTRA-TERRITORIAL WATER AND SEWER SERVICE AGREEMENT (APNS 0274-182-34, -43, AND -46)**

Assistant Executive Officer Samuel Martinez presents the staff report, a complete copy of which is on file in the LAFCO office and is made a part of the record by its reference here. The item has been advertised in *The Sun*, a newspaper of general circulation within the area and individual notice has been provided as required by statute.

Assistant Executive Officer Samuel Martinez states that the City of Colton has submitted a request for approval of an extra-territorial service agreement that outlines the terms by which it will extend water and sewer service outside its boundaries. He states that the agreement relates to a proposed development that encompasses three contiguous parcels, generally located at the northwest corner of Valley Boulevard and Cypress Avenue within the City of Colton's sphere of influence.

Mr. Martinez states that in August 2008, the Commission considered and approved LAFCO SC#335, which was a service contract for the provision of sewer service to one of the three parcels, however, since the Commission's approval of the original service contract, the property has been sold to the current owner who has been working with the County's Land Use Services Department to develop, along with the two additional parcels, a totally different project than what was intended on the original project site. Mr. Martinez reviews the aerial view of the project area on the overhead. Mr. Martinez states that the new project for the current service contract area is a 112-unit affordable housing project with community/childcare facilities on approximately 5.92 acres, which will require a parcel merger to combine the three parcels into a single lot and that the conditions of approval for this new project requires the connection to the City of Colton's water and sewer facilities.

Mr. Martinez states that the proposed project is actually within the water service area of the Terrace Water Company, a mutual water company that provides domestic water services to the general area. However, due to insufficient water capacity and difficulty providing fire flow, the water company has consented to the City providing water service as outlined in its agreement with the property owner/developer. He states that the City is requesting that the Commission review and approve the extension of both water and sewer service pursuant to the provisions of Government Code Section 56133. He states that authorization of the agreement is required before the City can take the final actions to implement the terms of the agreement.

Mr. Martinez states that the City's application indicates that water service will be provided to the proposed housing project and community/childcare facilities through connection to an existing 12-inch water main in Valley Boulevard and that seven water laterals will be extended from the existing main to the project. He also states that sewer service will be provided by extending a 10-inch sewer main along Cypress Avenue from the existing 15-inch sewer main in Valley Boulevard. Two sewer laterals will be extended from the new sewer line in Cypress Avenue. He states that the City of Colton has identified an estimated cost of \$448,083 in water and sewer fees and that the property owner/developer will be responsible for the entire cost of the construction and installation of the water and sewer main/lateral to the project.

Assistant Executive Officer Samuel Martinez states that for environmental review, the County prepared an Initial Study and Mitigated Negative Declaration for a General Plan Land Use District Amendment from Single Residential and General Commercial to Special Development-Residential, a lot merger, and a Planned Development Permit on 5.92 acres. He states that the Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's environmental assessment and the Mitigated Negative Declaration issued for the proposed project. He states that Mr. Dodson's analysis indicates that the County's Initial Study and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA responsible agency.

Mr. Martinez states that staff has reviewed the request for the provision of water and sewer service by the City of Colton outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. He states that the project to be served, which is currently comprised of three parcels, is within the sphere of influence assigned to the City of Colton, that the proposed project requires that it receive water and sewer service and that staff supports the City's request for authorization to provide water and sewer service to the proposed project since its facilities are adjacent to the anticipated development, and there is no other existing entity able to provide these services to the project at the required service levels. He reviews the recommendations as noted in the staff report.

Chair Cox opens the public hearing and asks for questions from the Commission for staff. There are none.

Christy Elshof, Economic Development Analyst, City of Colton, states that the City is in support of the project.

Darin Hansen, AMCAL, provides a brief review of the proposed development on the overhead and thanks staff for their work on the proposal.

Chair Cox calls for further testimony, there being none closes the public hearing.

Commissioner Lovingood moves approval of staff's recommendation for LAFCO SC #406, second by Commissioner Ramos. There being no opposition, the motion passes unanimously with the following roll call vote: Ayes: Bagley, Cox, Curatalo, Lovingood, Ramos, Warren, Williams. Noes: None. Abstain: None. Absent: McCallon (Ms. Warren voting in his stead)

**DISCUSSION ITEMS:**

**ITEM 8 REVIEW AND CONSIDERATION OF POLICY UPDATES RELATED TO APPROVAL OF SB 239 – CONTRACTS FOR THE PROVISIONS OF FIRE PROTECTION BY CONTRACT (CONTINUED FROM THE APRIL 20, 2016 HEARING)**

Executive Officer Kathleen Rollings-McDonald states that staff has received a request from County Fire to allow for further review and discussion of the implementation of SB 239 and that staff recommends that the item be continued to the August 17, 2016 Hearing.

Commissioner Curatalo moves approval of continuance of item No. 8, second by Commissioner Williams. There being no opposition, the motion passes unanimously with the following roll call vote: Ayes: Bagley, Cox, Curatalo, Lovingood, Ramos, Warren, Williams. Noes: None. Abstain: None. Absent: McCallon (Ms. Warren voting in his stead)

**ITEM 9 CONSIDERATION OF CONTRACT AMENDMENT #6 WITH THE EXECUTIVE OFFICER RELATED TO COMPENSATION AND BENEFITS**

Chair Cox states that this item will be continued to the July 20, 2016 Hearing. Clark Alsop, LAFCO legal counsel, states that no action is needed.

(It is noted that Commissioner Warren leaves the dais at 10:41 a.m.)

**INFORMATION ITEMS:**

**ITEM 10 LEGISLATIVE UPDATE REPORT**

Executive Officer Kathleen Rollings-McDonald presents the legislative daily report, a complete copy of which is on file in the LAFCO office and is made a part of the record by its reference here. She states that there is interest in SB 1318 – Wolk and states that the bill will be revised again. This results from the consultation with CALAFCO and a Committee of LAFCO Executive Officers working to address concerns. She states that the bill still provides no funding for LAFCO to conduct the required studies. The bill is also changing the definition of DUCs; and is also moving the DUC mapping requirements from the SOI/MSR section to the LAFCO powers section. She states that CALAFCO continues to take a position of opposition.

Ms. McDonald states that the two LAFCO sponsored bills, the Omnibus Bill and the JPA sponsored Bills, are moving forward and that the Commission has submitted their letters of support.

**ITEM 11 EXECUTIVE OFFICER'S ORAL REPORT**

Executive Officer Kathleen Rollings-McDonald presents the Executive Officer's oral report and states that the Protest Hearing for the Needles Fire Reorganization is scheduled for June 22, 2016, and that staff will be conducting the hearing in the City of Needles. She states that the Commission

has received a letter from Ms. Ruth Musser-Lopez regarding the Needles Fire Reorganization, and a copy of the letter has been provided at the Commissioners' places at the dais. She states that Ms. Musser-Lopez was not satisfied with the Executive Officer's response so the Commission's Legal Counsel has drafted a letter in response to Ms. Musser-Lopez.

Ms. McDonald states that at the July Hearing the Commission will hear the discussion related to the formation of a CSD in the Wrightwood area and that staff is awaiting a revised application for the reorganization of the City of Hesperia subsidiary Hesperia Fire Protection District with the County Fire District.

**ITEM 12 COMMISSIONER COMMENTS**

Commissioner Curatalo congratulates Chair Cox on her new position as Commission Chair.

**ITEM 13 COMMENTS FROM THE PUBLIC**

There are none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION THE HEARING IS ADJOURNED AT 10:46 A.M.**

**ATTEST:**

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**REBECCA LOWERY**  
Clerk to the Commission

**LOCAL AGENCY FORMATION COMMISSION**

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**KIMBERLY COX, Chair**