

**DRAFT ACTION MINUTES OF THE
LOCAL AGENCY FORMATION COMMISSION
HEARING OF SEPTEMBER 19, 2018
*AMENDED***

REGULAR MEETING

9:00 A.M.

SEPTEMBER 19, 2018

PRESENT:

COMMISSIONERS:

Regular Member	Alternate Member
Jim Bagley	Louisa Amis
Kimberly Cox	Steven Farrell
James Curatalo, Vice Chair	
James Ramos, Chair	
Diane Williams	
Robert Lovingood	

STAFF:

**Samuel Martinez, Executive Officer
Paula de Sousa Mills, LAFCO Legal Counsel
Michael Tuerpe, Project Manager
Jeffrey Lum, LAFCO Analyst
La Trici Jones, Clerk to the Commission
Kathleen Rollings-McDonald, Former Executive Officer**

ABSENT:

COMMISSIONERS:

Regular Member	Alternate Member
Larry McCallon	Janice Rutherford
	Acquanetta Warren

STAFF:

Bob Aldrich, LAFCO Consultant

**CONVENE REGULAR SESSION OF THE LOCAL AGENCY FORMATION COMMISSION
– CALL TO ORDER – 9:05 A.M. – NORTON REGIONAL EVENT CENTER**

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

ANNOUNCEMENT OF CONTRIBUTIONS

Chair Ramos 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

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more than \$250 within the past 12 months to any member of the Commission to come forward and state for the record their name, the member to whom the contribution was made, and the matter of consideration with which they are involved.

There were none.

ITEM 1. Presentation of Resolution of Appreciation to Kathleen Rollings-McDonald for 39 years of LAFCO service

Chair Ramos presents a resolution of appreciation to former Executive Officer Kathleen Rollings-McDonald for 39 years of service to the Local Agency Formation Commission for San Bernardino County. Commissioners, LAFCO Legal Counsel Clark Alsop, and staff express their appreciation and congratulate Ms. Rollings-McDonald on her service.

CONSENT ITEMS – STAFF RECOMMENDATION APPROVED

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 2.** Approval of Minutes for Regular Meetings of August 15, 2018
- ITEM 3.** Approval of Executive Officer's Expense Report
- ITEM 4.** Ratify Payments as Reconciled for Month of July 2018 and Note Cash Receipts
- ITEM 5.** Consideration of: (1) CEQA Statutory Exemption for LAFCO SC#429; and (2) LAFCO SC#429 – City of Redlands OSC 17-02, Out-of-Agency Service Agreement for Water Service (APN 0298-013-23)
- ITEM 6.** Consent Items Deferred for Discussion

Commissioner Bagley moves approval of the staff recommendation, Second by Commissioner Lovingood. There being no opposition, the motion passes with the following roll call vote: Ayes: Bagley, Cox, Curatalo, Lovingood, Ramos, and Williams. Noes: None. Abstain: None. Absent: McCallon

PUBLIC HEARING ITEMS:

- ITEM 7. CONSIDERATION OF: (1) REVIEW OF MITIGATED NEGATIVE DECLARATION PREPARED BY THE COUNTY OF SAN BERNARDINO FOR THE GENERAL PLAN AMENDMENT TO CHANGE THE AGUA MANSA SPECIFIC PLAN LAND USE DESIGNATION FROM SINGLE-FAMILY RESIDENTIAL TO MEDIUM INDUSTRIAL, CONDITIONAL USE PERMIT TO**

ESTABLISH A 475,847 SQ. FT. WAREHOUSE BUILDING AND A 30,059 SQ. FT. WAREHOUSE BUILDING, AND TENTATIVE PARECEL MAP 19603 TO CREATE 3 PARCELS ON 31+/- ACRES, AS CEQA RESPONSIBLE AGENCY FOR LAFCO SC#427 – CITY OF RIALTO OUT-OF-AGENCY SERVICE CONTRACT FOR SEWER SERVICE (BRIDGE POINT SOUTH RIALTO, LLC) – STAFF RECOMMENDATION APPROVED

Executive Officer Samuel Martinez presents the staff report, a complete copy of which is on file in the LAFCO office and made a part of the record by its reference here. The item has been advertised through publication in a newspaper of general circulation within the county, the *San Bernardino Sun*, as required by law.

Executive Officer Samuel Martinez states that the City of Rialto has submitted an application for Commission Review requesting authorization to extend sewer service outside its corporate boundaries as pursuant to Government Code 56133. He states that the agreement relates to 18 adjacent parcels that are located westerly on the west side of Agua Mansa Rd., and north of El Rivino Rd. He states that the County processed and approved a General Plan Amendment and Conditional Use Permit to develop the warehouse facilities on the 31 acre site. He states that the conditions of approval placed on the project require that it connect to the City of Rialto's sewer facility. He states that since LAFCO has completed its review, it was identified that the County issued a revision to the approval to consolidate the two warehouses into a single facility. He states that regarding LAFCO's perspective, it does not change the out of agency service agreement since it does not change the square footage of the development. He states that the City's application indicates that the sewer service will be provided by extending the 10-inch sewer main in Agua Mansa Road approximately 40 feet and a 6-inch sewer lateral will be extended into the project. He states that the City has identified an estimated cost of half a million dollars in sewer fees as well as costs for the sewer lift station upgrade and the property owner/developer will be responsible for the entire costs of the construction and installation of the sewer improvements to the project. He states that for environmental review as identified, the County prepared an Initial Study and Mitigated Negative Declaration for a General Plan Amendment, a Conditional Use Permit as well as a Tentative Parcel Map 19603 to create three parcels on the 31-acre site. 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. He states as identified earlier, the revision to an approved action that the County issued does not change the square footage of the project, therefore, from a CEQA standpoint, the Commission can rely on the County's Initial Study and Mitigated Negative Declaration as a responsible agency under CEQA. He states that staff has reviewed this request for the provision of sewer service outside the City of Rialto's boundaries against the criteria established by Commission policy and state law and therefore staff recommends that the Commission approve Service Contract #427 by taking the actions on pages 1 and 2 of the staff report.

Chair Ramos asks if any of the Commissioners have questions for staff on the presentation.

There is none.

Chair Ramos asks if the City of Rialto would like to make a presentation.

The City of Rialto staff declines.

Chair Ramos asks for public comment.

There is none.

Chair Ramos closes the public hearing and asks the Commission for a determination.

Commissioner Bagley moves approval of staff's recommendation, Second by Commissioner Curatalo. There being no opposition, the motion passes with the following roll call vote: Ayes: Bagley, Cox, Curatalo, Lovingood, Ramos and Williams. Noes: None. Abstain: None. Absent: McCallon.

ITEM 8. CONSIDERATION OF: (1) REVIEW OF MITIGATED NEGATIVE DECLARATION PREPARED BY THE COUNTY OF SAN BERNARDINO FOR THE PLANNED DEVELOPMENT (PRELIMINARY AND FINAL DEVELOPMENT PLAN) TO ESTABLISH 30 SINGLE-FAMILY-RESIDENCES WITH A RECREATION AREA AND TENTATIVE TRACT MAP 20030 TO CREATE 30 RESIDENTIAL LOTS AND SIX LETTERED LOTS ON 5.48+/- ACRES, AS CEQA RESPONSIBLE AGENCY FOR LAFCO SC#430; AND (2) LAFCO SC#430 – CITY OF REDLANDS OSC 18-27, OUT-OF-AGENCY SERVICE AGREEMENT FOR WATER AND SEWER SERVICES (TENTATIVE TRACT 20030) – STAFF RECOMMENDATION APPROVED

Executive Officer Samuel Martinez presents the staff report, a complete copy of which is on file in the LAFCO office and made a part of the record by its reference here. The item has been advertised through publication in newspapers of general circulation within the county, the *San Bernardino Sun* as required by law.

Executive Officer Samuel Martinez states that the City of Redlands has submitted an application for Commission review requesting that it provide water and sewer service outside its boundaries as required by Government Code Section 56133. He states that the agreement relates to two adjacent parcels located at the Southeast corner of Nice and Crafton Avenues. He states this is in the eastern sphere of influence for the City of Redlands, within the unincorporated community of Mentone. He states that the County approved Tentative Tract Map 20030 to create 30 single-family residential lots and six lettered lots and the conditions of approval placed on this project requires that it connect to the City of Redlands' water and sewer infrastructure. He states that the City has identified that water service will be provided by extending the existing water main along the frontage of Nice and Crafton Avenues as well as into the tract and sewer service will be connected to the existing 8-inch sewer main in Nice and into the tract. He states that the City of Redlands has identified an estimated cost of \$522,422 in sums equivalent in development impact fees required by the City's Measure U, including the water and sewer fees. He also states that the property owner will bear all costs of the construction and installation of the water and sewer improvements for the project. He states that for Environmental Review, the County prepared an Initial Study and Mitigated Negative Declaration for the preliminary and the final Development Plan as well as Tentative Tract 20030 and Mr. Dodson has indicated the County's Initial Study and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA responsible agency. He states that the actions the Commission needs to take regarding the Environmental Review are set out in the staff report. He states that staff has reviewed this

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request by the City of Redlands to provide water and sewer outside its boundaries against the criteria established by this Commission as well as state law and staff recommends that the Commission approve LAFCO Service Contract #430 by taking the actions on pages 1 & 2 of the staff report.

Chair Ramos asks if any of the Commissioners have questions for staff on the presentation.

There is none.

Chair Ramos asks if the City of Redlands would like to make a presentation.

The City of Redlands staff declines.

Chair Ramos asks for public comment.

There is none.

Chair Ramos closes the public hearing and asks the Commission for a decision.

Commissioner Curatalo moves approval of the staff recommendation, Second by Commissioner Cox. There being no opposition, the motion passes with the following roll call vote: Ayes: Bagley, Cox, Curatalo, Lovingood, Ramos and Williams. Noes: None. Abstain: None. Absent: Lovingood.

DISCUSSION ITEMS:

ITEM 9. LAFCO SC#431 – REQUEST FOR EXEMPTION FROM PROVISIONS OF GOVERNMENT CODE SECTION 56133 FOR AGREEMENT BETWEEN CITY OF UPLAND AND CUCAMONGA VALLEY WATER DISTRICT FOR WASTEWATER COLLECTION SERVICES – STAFF RECOMMENDATION APPROVED

Executive Officer Samuel Martinez states that the City of Upland submitted a request for the Commission to determine that its proposed agreement with the Cucamonga Valley Water District is exempt from LAFCO review. He states that the agreement relates to the City of Upland providing wastewater collection to APN 0207-222-27, which is in the City of Rancho Cucamonga jurisdiction, also within the Cucamonga Valley Water District which is generally the water and sewer provider for the City of Rancho Cucamonga. He states that the development of the facility requires water and sewer service. Water service is provided by Cucamonga Valley Water District but the district's sewer service does not extend along Grove Avenue, but the City of Upland's facility does. He states that the agreement is to connect the City's facilities to the parcel that is across the street. He states that based on the determinations that the agreement is between two public agencies; the City of Upland and Cucamonga Valley Water District, the service being provided is an alternative to a service that is already being provided by the City of Upland and the level of service is consistent with the level of service contemplated by the Cucamonga Valley Water District for this project. He states that LAFCO staff recommends that the Commission determine that the agreement between the City of Upland and Cucamonga Valley Water District is exempt from further review and approval by the Commission.

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Chair Ramos asks if any of the Commissioners have questions for staff on the presentation.

There is none.

Chair Ramos asks if any of the affected agencies would like to provide comments.

There is none.

Chair Ramos closes discussion and asks the Commission for a decision.

Vice-Chair Curatalo states that this involves his agency and as Executive Officer Samuel Martinez has described in the staff report, this is a matter of where the facilities are located. He states that Grove Avenue is the border between CVWD and the City of Upland, and the City has sewer lines running down Grove, CVWD does not and this makes the most sense.

Commissioner Bagley states that this is an example of practical cooperation between two agencies and the way it should be done. He states that he is happy to make this recommendation.

Commissioner Bagley moves approval of the staff recommendation, Second by Commissioner Cox. There being no opposition, the motion passes with the following roll call vote: Ayes: Bagley, Cox, Curatalo, Lovingood, McCallon, Ramos and Williams. Noes: None. Abstain: None. Absent: McCallon.

ITEM 10. APPOINTMENT OF VOTING DELEGATE FOR CALAFCO BUSINESS MEETING AT OCTOBER CALAFCO ANNUAL CONFERENCE

Executive Officer Samuel Martinez states that staff is recommending that the Commission appoint a voting delegate for the CALAFCO Conference for the regional caucus election and or when we have the business meeting. He states that staff is recommending that the Commission select Jim Curatalo as the voting delegate and himself as the alternate.

Vice-Chair Curatalo states that he has been honored and it has been a pleasure to work with CALAFCO on behalf of this agency and the southern region. He states that his intention is to attend this conference, but due to family medical issues that are not stable at this time, his attendance is not sure. He states that he would prefer that Commissioner Bagley would consider to be our voting member and Executive Officer Samuel Martinez would continue to be the alternate.

Commissioner Bagley states that he is honored to be asked.

Chair Ramos asks if there is more discussion on this item.

There is none.

Chair Ramos states that Item 10 would appoint Commissioner Bagley and Executive Officer Samuel Martinez as voting delegates for the Southern Region Caucus for CALAFCO and CALAFCO business meeting. He asks for a motion to approve.

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Commissioner Curatalo moves approval of the staff recommendation, Second by Commissioner Cox. There being no opposition, the motion passes with the following roll call vote: Ayes: Bagley, Cox, Curatalo, Lovingood, McCallon, Ramos and Williams. Noes: None. Abstain: None. Absent: McCallon.

INFORMATION ITEMS:

ITEM 11. LEGISLATIVE UPDATE REPORT

Executive Officer Samuel Martinez states that what the Commission has before them is an outline of the status of the bills that are of importance to LAFCO.

ITEM 12. EXECUTIVE OFFICER'S ORAL REPORT

Executive Officer Samuel Martinez states that the Commission will be attending the CALAFCO conference in Yosemite beginning October 3 – 5, 2018. He states that next month the Commission will be considering an annexation to the Running Springs Water District.

ITEM 13. COMMISSIONER COMMENTS

Commissioner Farrell states that he was able to attend one of the County regional planning meetings last night and it was very informative. He states that this was the first time he participated in this process. He states that there were a number of policies that seemed to be the type of concerns the LAFCO Commission is involved in. He asks if we were advocating as a body as we are in the comments stage.

Executive Officer Samuel Martinez states that he will take a look at the draft documents and come back to the Commission if there is anything to address.

Commissioner Bagley states that he also attended the County's workshop in Joshua Tree and he was proud to see the LAFCO label featured in the presentation. He states that there were questions from the audience about defining communities and county staff referred to LAFCO's expertise and he was happy to know this.

ITEM 14. COMMENTS FROM THE PUBLIC

Former Executive Officer Kathleen Rollings-McDonald states that as she exits stage right, she would like to thank the Commission and wish the staff well. She states that the Commission has an extraordinary staff that can provide the facts that are needed to make decisions as they

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move forward. She states that she hopes that her contributions over the years are of benefit and she is happy to hear that the county has acknowledged LAFCO's communities. She states that we have worked hard and the Commission has extraordinary resources as they move forward. She thanks the Commission.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE HEARING ADJOURNS AT 10:00 A.M. IN ACKNOWLEDGEMENT OF THE SERVICE OF KATHLEEN ROLLINGS-McDONALD.

ATTEST:

LA TRICI JONES
Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

JAMES RAMOS, Chair