

**FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)  
(Fresno County, California)**

**MINUTES**

**REGULAR LAFCo MEETING – AUGUST 18, 2004**

Call to order: Chairman Pro Tem Anderson called the meeting to order at 1:35 p.m.

Members Present: Commissioners Susan Anderson, Larry Fortune, Trinidad Rodriguez, and Bob Waterston. Alternate Commissioner Joe Chaidez was also in present.

Members Absent: Commissioner Victor Lopez.

Staff Present: Mike Waiczis, Executive Officer  
Susan Coberly, LAFCo Counsel  
Candie Fleming, Clerk to the Commission  
Samantha Brookhart, Secretary

**APPROVAL OF MINUTES**

The “Minutes” for the July 14, 2004, regular meeting were unanimously approved with one correction.

**COMMENTS FROM THE PUBLIC**

There were no comments from the public.

**CONSENT AGENDA**

**City of Sanger “Annexation 03-07” Reorganization**  
**City of Sanger “Annexation 04-01” Reorganization**

The Commission unanimously approved the Consent Agenda items as recommended by staff.

**PUBLIC HEARING**

**City of Sanger Sphere of Influence Amendment Proposal (“Area D”)**

Executive Officer Waiczis reported that the Commission had previously approved a request by the City of Sanger for an update to their sphere of influence on June 16, 2004 for Areas A, B and C, but continued Area D because it was not included as part of

the Sanger General Plan Update and had not been evaluated in the EIR for the General Plan. Since staff was unable to include Area D at that time for those reasons, the Commission determined to bring Area D back to its August 18<sup>th</sup> hearing as an amendment to the SOI as a separate application.

Commissioner Waterston asked if there was anything the Commission could do to assure that the Cities are collecting enough revenue from developers to cover the cost of services the new development will require? He said that there was no funding provided to pay for the cost of Sanger's police and fire service.

Executive Officer Waiczis responded that at the time of annexation a city is required to provide a project specific service plan. He said all of the cities are due to update their service plans and the Commission could require the new service plan be included with their annexation application.

Commissioner Waterston said that an area of starter homes ultimately would turn in to rentals that would create the need for more police and fire services. Commissioner Waterston felt the Commission needed to be more prudent of what they were approving besides just approving property for people to develop.

Bruce O'Neal, Consultant Planner representing the City of Sanger, said Alternate Commissioner Neri had spoken before the Commission in support of Area D and that the City Council passed a resolution supporting the addition of Area D. He said the City was developing an impact fee system, which would charge fees for services such as police and fire facilities. Mr. O'Neal said that police and fire representatives were actively involved in every project that comes before the City and that the City Engineer and staff were very aware of the impacts on public services and tried to anticipate them as they processed development applications. Mr. O'Neal said that every subdivision map that is approved is conditioned on payment of impact fees, although they are behind in calculating the fees.

Dirk Poeschel spoke on behalf of the Chulgian family, the principal property owners in Area D. Mr. Poeschel said in the conversations they had with the City of Sanger have centered around the desire for quality development and long lasting development, something that is different than the average starter home and are looking for design guidelines and standards so they can attract upper end buyers.

Commissioner Waterston said he recently tried to pull some permits for swimming pools from the City of Sanger and was frustrated to find the office was closed and only open for part of the day.

Ralph Kachadourian, City Planner for the City of Sanger, said that they currently have only one building official and one building inspector doing as many as 50 inspections a day, which makes it difficult to do all of the inspections and provide the customer service they would like to provide. He said they are currently in the process of hiring a new building official as well as getting additional staff.

The Commission unanimously approved “Area D” and recommended actions A-F.

**“Maroa-Swift Southeast Reorganization”**

Executive Officer Waiczis reported that this item had been scheduled for a public hearing because the North Central Fire Protection District had protested the reorganization because the City of Fresno and the fire district did not have a transition agreement for the affected territory.

Commissioner Waterston asked if the Fresno County Fire Protection District had a transition agreement with the City of Fresno.

Executive Officer Waiczis said that they did.

Commissioner Waterston asked why the North Central Fire Protection District didn't have one?

Executive Officer Waiczis said they had been working on one but was not sure why there was an impasse.

Lonnie Downs, representing the North Central Fire Protection District, said that their Board's position was that until they had a transition agreement with the City of Fresno, they would protest all annexations. He said they spoke with the homeowner and he is aware of the situation. Mr. Downs said they were pursuing a transition agreement and had just received a proposal from the City but haven't taken it back to the Board of Directors. He said they do have some variances of agreement in what they think is fair and what the City thinks is fair. He said the problem with small annexations is they cumulatively will affect the district.

Commissioner Waterston asked if the wording in the agreement offered to North Central was any different than what the Fresno County Fire Protection District agreed to.

Mr. Downs responded that it was significantly different.

Dale Mell, Land Surveyor representing the applicant, said they understood the shortcomings that North Central is receiving with some of the annexations but felt their parcel size did not provide the impact that would stimulate concessions or agreements between the two agencies and requested approval of the proposal. He said Mr. Hodge applied for annexation in order to connect to the City's water and other services.

Commissioner Fortune said most, if not all of the Fig Garden area is on City services even though they are not in the City's boundary and asked if the City was holding the applicant “hostage” to annexation.

Mr. Mell responded that the City said they would like to see all the properties being serviced by the City, within the City's boundary.

Commissioner Anderson asked if they were told that they could not hook up to water services without being annexed?

Mr. Mell said it was his understanding when talking with the City of Fresno that since the property is adjoining the City limits, it would be necessary to extend the water line and annex in to the City of Fresno in order to access the City's water system.

Lonnie Downs said that any time the North Central Fire Protection District needed a fire hydrant within an unincorporated area within the City's water district boundaries they would just request that a hydrant be put in and the City would provide the hydrant. He said that everybody in the Bullard area had to hook up to the City's water and sewer services one way or another.

Commissioner Waterston made a motion to approve the proposal as recommended by staff but did not plan to vote to approve another annexation without a transition agreement in place

Commissioner Fortune said he would vote to support the annexation for the sole purpose of reserving his right to bring a motion for reconsideration at another date.

The motion was unanimously approved.

### **City of Clovis "Bullard-Locan Northwest Reorganization"**

Executive Officer Waiczis gave a staff report.

There being no questions of staff from the Commission or public, the Commission unanimously approved the reorganization as recommended by staff.

### **Approve and Authorize the Chairman to Sign a Contract for Professional Consulting Services**

Executive Officer Waiczis said this request was for a contract to hire a consultant to assist staff with the Municipal Service Review program. He said staff is still in the process of trying to hire a Staff Analyst but until that happens, staff would like to hire a consultant to help with the MSR program and general planning work as needed. Executive Officer Waiczis said an RFP had been previously sent out for consulting work asking if anybody was interested. He said Land Use Associates and Quad Knopf were the only two that had responded. Unfortunately, Quad Knopf has had a change in personnel and Quad Knopf no longer employs the people that were going to work on the MSR program. Executive Officer Waiczis met with Bruce O'Neal of Land Use Associates and Mr. O'Neal said he would be interested in assisting LAFCo.

Executive Officer Waiczis said money had already been budgeted for consulting services to assist with the MSR program.

The Commission unanimously approved the motion to authorize the Chairman to sign the contract for professional consulting services.

**Information and Recommendations Regarding LAFCo Policies for the Selection of the LAFCo Public Member and Alternate Public Member**

Susan Coberly, LAFCo Counsel, presented staff's report. She said according to the Statutes, the Commission has to have one vote from a County member and one vote from a City member. Ms. Coberly said that the Commission's policies require a majority vote and that requirement also recites that there has to be two votes from one side or another. She said the Commission could institute a minority/non-majority vote process; however, the problem would still exist because there is no way around the State's requirement for at least one affirmative vote from the City Selection Committee side and one from the County Board of Supervisor appointed side. The Commission could not draw straws for the same reason.

Commissioner Anderson said that until a new Public Member is selected, Mr. Fortune would stay on the Commission. She said that from her perspective, it did not look like the change in policy would help with the problem. She asked if the Commission could vote on a candidate at this hearing.

Susan Coberly responded that they could not because this action had not been placed on the agenda.

Commissioner Anderson said she thought they should not take any action to change the Policies and Procedures and put the selection of the Public Member and Alternate Public Member on the next meeting's agenda to see if they could get three votes for a candidate.

The Commission concurred by consensus action.

Susan Coberly asked if the Commission wanted to follow its policies and advertise for the office again.

Commissioner Anderson said no, that she was okay with the last pool of candidates.

**EXECUTIVE OFFICER'S REPORT**

Commissioner Fortune, because Fortune Associates (his real estate brokerage) would be eligible for a commission if LAFCo decided to lease office space in the Exchange Place, declared he had the same conflict of interest in either discussion or decision regarding the Exchange Place lease as before, and therefore left before the beginning of this item.

Executive Officer Waiczis reported that the Civic Center Square did not provide a lease agreement and details of what the final costs would be to the Commission for review, but in a phone conversation the previous day, Mr. Tutelian said they could possibly

provide it in a couple of weeks. Mr. Waiczis said Robert Ellis, who represents the Exchange Place, gave staff a counter offer that showed the improvements they were willing to make at no charge. Executive Officer Waiczis said Mr. Ellis has already provided a lease agreement and Susan Coberly has been reviewing it.

Executive Officer Waiczis said that one advantage of the Exchange Place was that they were going to provide free parking for four staff members. He said it was his recollection that the Commission had already authorized the Chairman to sign a lease agreement with the Exchange Place at its May 19<sup>th</sup> hearing, but took another action at the July 14<sup>th</sup> hearing directing staff to work with the Civic Center people to bring back a lease agreement for review. He said this hasn't worked out because they haven't provided a lease like they said they would. He said Susan Coberly had looked over the Exchange Place lease and could proceed with that.

Commissioner Anderson asked if staff was going to be happy with the Exchange Place.

Executive Officer Waiczis said with the improvements, staff would be happy because it was a nice place and had a lot of amenities and would present a professional image for LAFCo.

Commissioner Waterston said he trusted staff and whichever office staff decided on would be fine with him as long as it looked professional.

Commissioner Anderson said she just wanted to make sure that the change was positive and would provide a professional image and have enough space.

Executive Officer Waiczis reported that there is enough money in the budget to physically upgrade the entire agency.

Commissioner Anderson asked that if the Exchange Place is less expensive than the Civic Center?

Executive Officer Waiczis said that even though staff hasn't received a real offer from the Civic Center Square, he knows the offer that was on the table was \$10,000 more a year than the Exchange Place.

Commissioner Anderson said, "go with it" (the Exchange Place).

Susan Coberly asked for an opportunity to go through the process and make sure everything was okay before the Commission authorized the Chairman to sign the lease. She said she felt it would be better to bring the lease back for a final decision to the next meeting.

Commissioner Anderson asked, "didn't we already make the decision?"

Susan Coberly said yes, but then the Commission gave conflicting directions at the last meeting. She said it would be better to have the contract formally done before the Commission gives direction to staff.

Commissioner Anderson said that since the item is on the agenda as a report, that it would need to be properly agendatized before authorizing the Chairman to sign an agreement.

The Commission directed staff to bring back to the September 15, 2004 hearing a lease for office space recommended by staff.

### **COMMENTS FROM THE PUBLIC**

There were no further comments from the public and the meeting was adjourned at 2:45 p.m.

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