

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

“MINUTES”

LAFCo MEETING – MAY 14, 2014

Call to Order: Chairman Silva called the meeting to order at 10:00 a.m.

Members Present: Commissioners Phil Larson, Armando Lopez, Debbie Poochigian, Mario Santoyo, and Robert Silva

Staff Present: David E. Fey, AICP, LAFCo Executive Officer
Ken Price, LAFCo Counsel
Candie Fleming, Commission Clerk

Chairman Silva congratulated Commissioner Lopez on being re-appointed to another term on the Commission.

1. Call to Order and Roll Call

Chairman Silva called the meeting to order at 10:00 am.

2. Pledge of Allegiance

Chairman Silva 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.

CONSENT AGENDA

5. A. Minutes from the Regular LAFCo Meeting of April 9, 2014

B. Consider various items related to “Shields-Grantland No. 1 (Westlake) Reorganization.” (LAFCo File No. RO-13-1).

Granville Homes representative Jeff Roberts asked to have item 5B “Shields-Grantland No. 1 (Westlake) Reorganization” pulled from the consent calendar for discussion.

A motion was made by Commissioner Lopez to approve the minutes for the April 9, 2014 meeting. The motion was seconded by Commissioner Santoyo and was unanimously approved.

B. Consider various items related to “Shields-Grantland No. 1 (Westlake) Reorganization.” A landowner petition to annex 447.78 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located south of Gettysburg Avenue, north of Shields Avenue, east of Garfield Avenue and west of Grantland Avenue (LAFCo File No. RO-13-1).

Granville Homes representative Jeff Roberts stated that the Westlake project had been in the works for about 10 years and all of the entitlements had been approved. Mr. Roberts reported that the property is within the City’s sphere of influence and is designated for urban uses. Mr. Roberts asked that the Commission approve the project using the optional Commission actions in staff’s report. Chairman Silva asked Mr. Roberts how long he thought it would take for the City and County to come to an agreement on the MOU issues. Mr. Roberts replied that there is currently an MOU in place and that future discussions will include what will happen to the rural-residential parcels that are not yet in the City. Commissioner Larson spoke in favor of the proposal and identified some of the reasons for his support, i.e. the development is in the City’s sphere, the territory is not prime farmland, the lake will help improve the groundwater, and the development is well-designed.

Chairman Silva asked Executive Officer Fey if he could go over LAFCo’s annexation policies and procedures. Fey responded that the County of Fresno determined that the proposed annexation boundary is not consistent with the MOU Annexation Standards and that a stand-alone tax sharing agreement would be necessary to make a finding of consistency with the MOU which is required by LAFCo Policy. Fey said reported that County Administrative Officer Navarrette offered to support a stand-alone tax sharing agreement provided the City agrees to certain conditions including traffic enforcement and road maintenance within the rights-of-way of the County roads in the intervening unincorporated area, etc. Fey reported that there are no significant flaws with the proposal but there are problems west of 99 and that in order for the City to provide road maintenance and trash pick-up for the rural-residential County areas as required in the County’s proposed conditions, LAFCo may have to take action to approve an outside service request.

Commissioner Larson said that the northwest section of Fresno has been overlooked and that delaying this project would also delay progress in the area. Commissioner Larson said that the County has MOUs with all of the cities and that the County and City could discuss those issues.

Commissioner Poochigian asked what commitments the City has made. Mr. Roberts responded that the City has agreed to meet with the County to discuss future annexations in the area. Commissioner Poochigian asked Mr. Roberts if he would be put in the middle if the Commission approved the annexation now. Mr. Roberts responded that the optional actions

do not condition the Commission's approval on a stand-alone MOU, but that a stand-alone MOU would be an agreement on how the City of Fresno would deal with areas that include rural-residential areas. Mr. Roberts said that there is an existing MOU that covers the territory of the project.

Fresno City Manager Bruce Rudd stated that the City had been working with the County for at least two months and felt that some of the County's requirements are a little far reaching. Commissioner Larson stated that the project needs to move forward in order to allow for jobs and improvements to the entire west side. Commissioner Santoyo stated that the peninsula issue needs to be addressed at some point but this project might entice developers to develop west of 99 instead of to the east. Commissioner Santoyo asked LAFCo Counsel Price what the consequences might be if the Commission approved the project. LAFCo Counsel Price responded that the consequences would depend on the conditions imposed on the project. Counsel Price stated that if the proposal is approved with a condition that there was a stand-alone agreement, the Commission would give up its authority to the other parties; and if the condition is never satisfied, the proposal would expire because the Commission cannot go back and remove a condition. Commissioner Santoyo stated he wanted this to be done cleanly and asked Mr. Roberts how long of a continuation he felt the project could handle. Mr. Roberts answered that there is a tax sharing agreement in place and would prefer the Commission to approve the project today so he can move forward.

Commissioner Poochigian asked City Manager Rudd if he was okay with the City providing code enforcement for the area. City Manager Rudd responded that the City had an issue with providing all emergency response, traffic enforcement, road maintenance, and the clean-up of illegal dumping in County areas. Commissioner Poochigian asked if the City had an issue with providing emergency response in the annexed area. City Manager Rudd responded that the City didn't have an issue with the City providing emergency response to the annexed area, just to all of the County areas between the annexation territory and the City limits. County of Fresno representative Bernard Jimenez commented that the County supports the annexation and there are mutual aid agreements already in place so the City is picking up most of the emergency calls there anyway; however, the residents will be travelling on County roads to get from Westlake to the City for shopping or jobs. Mr. Roberts stated that Granville will be required to fund road improvements based on traffic impact studies. Mr. Jimenez stated the annexation is not consistent with the current MOU's annexation standards. Commissioner Larson asked if everyone was in favor moving the project forward. Mr. Roberts, Mr. Jimenez, and Mr. Rudd were all in favor of the proposal and agreed that they would like to see the project go forward.

Phoebe Seaton representing the Environmental Justice Counsel stated that the MOU is used as a basis of approval and approving the annexation with a condition of getting an MOU approved is not logical. Ms. Seaton also stated that the impacts on water were looked at before the current drought emergency and should be reviewed.

A motion was made by Commissioner Santoyo to continue the item for no longer than 90 days to allow for stand-alone MOU negotiations. The motion was seconded by Commissioner Poochigian and the motion was approved with Commissioners Larson and Lopez voting no.

PUBLIC HEARING

6. LAFCo Final Fiscal Year 2014-2015 Budget and Work Plan

Executive Officer Fey presented staff's report. Commissioner Larson asked if the LAFCo employees would no longer participate in the County's retirement and health programs. Fey responded that new employees would not be members of the County's retirement system but that health benefits would continue to be provided through an MOU with the County. Commissioners Santoyo and Perea were appointed to an ad hoc committee to review benefits for LAFCo employees.

A motion was made by Commissioner Poochigian to approve the final budget and work plan with the exception of the LAFCo Counsel line item. The motion was seconded by Commissioner Santoyo and was unanimously approved.

A motion was made by Commissioner Santoyo to approve the funding for LAFCo Counsel. The motion was seconded by Commissioner Lopez and was unanimously approved with Commissioner Poochigian abstaining.

OTHER MATTERS

7. Executive Officer Comments/Reports

Executive Officer Fey reported that there had been progress on some of the issues with the "Shields-Locan No. 3 Reorganization" and hopefully everything would be resolved soon.

Commissioner Santoyo asked about the issues with the Calwa Recreation and Park District and when it would be appropriate to stop LAFCo involvement. Fey replied that he would present a report at the August hearing and ask the Commission to determine what more LAFCo can and should do. Commissioner Santoyo asked about the District not paying the elections department. Fey replied that the District does have an outstanding bill with elections but are making payments. Commissioner Poochigian suggested that the District should move their elections to a time when it would cost them less. Chairman Silva asked if the District had by-laws. Fey replied they do have by-laws but that they just don't implement them as they should.

8. Commission Member Comments/Reports

No reports or comments by the Commission members.

ADJOURNMENT

A motion was made by Commissioner Larson to adjourn the meeting. The motion was seconded by Commissioner Lopez and was unanimously approved. The meeting adjourned at 11:16 am.