

# LOCAL AGENCY FORMATION COMMISSION MINUTES

## CITY MEMBERS

David Ayers  
Linda Lahodny  
Bill Woolley - Alternate

## COUNTY MEMBERS

Joe Neves – Chair  
Jon Rachford - Vice Chair  
Alene Taylor - Alternate

## PUBLIC MEMBERS

Paul Thompson  
Vacant - Alternate

**CALL TO ORDER:** A regular meeting of the Local Agency Formation Commission of Kings County was called to order by the Chairman, Joe Neves, at 3:30 p.m., on February 25, 2004, in the Board of Supervisors Chambers of the Kings County Government Center, located at 1400 W. Lacey Blvd., in Hanford, California.

**COMMISSIONERS PRESENT:** Joe Neves, Jon Rachford, Paul Thompson

**COMMISSIONERS ABSENT:** David Ayers, Linda Lahodny

**STAFF PRESENT:** Bill Zumwalt, Greg Gatzka, Marti Seniff, Pete Moock

**VISITORS PRESENT:** Ron Hoggard, Jeri Grant, Randy McNay, Bob Hoskins, Cliff McCan, Mary Gonzalez, Petra Vela, Graciela Panduro, Manuel Gomez, Fabian Espinoza

**UNSCHEDULED APPEARANCES:** None

**MINUTES:** June 25, 2003

Motion was made and seconded (Thompson/Rachford) to approve the minutes of the Commission's June 25, 2003 meeting. Motion carried unanimously.

## OLD BUSINESS:

None

## NEW BUSINESS:

### A. Draft Fiscal Year 2004-2005 LAFCO Budget

Mr. Zumwalt stated that the 2004-2005 LAFCO Budget is a preliminary draft being presented today. He stated that the proposed budget is an 11.9% reduction from last year due to continued fiscal constraints placed on local governments' finances by the State's current budget crises. He stated that he wanted to

give the commissioners the information early to give them enough time to review it. He reminded the commissioners of the Cortese-Knox bill which was amended in 2001, and stated that since there are no special districts representing LAFCO that they are not involved in the budget process. He referenced the three attachments (Summary Worksheet for the 2004-05 LAFCO Budget, Government Code Section 56381 (LAFCO budget process), and the Estimated LAFCO Budget Shares by jurisdiction source). Mr. Zumwalt stated that the estimated Revenue is 31,837 which reflects \$4,000 from Application Fees, \$13,919 from Cities and \$13,919 from the County and less any carryover from the previous year. Mr. Zumwalt stated that the Budget does not include the Municipal Service Review Program. Mr. Zumwalt stated that the budget has been sent to Board of Supervisors, each City Council, each chairperson, each City Clerk, and the City Selection Committee as required by State Law. He stated that independent special districts did not have a seat on LAFCO and they did not receive the budget. He stated that there is a process towards adopting the Budget and the first step is to distribute the preliminary budget and set public hearing dates. He stated that staff is recommending the public hearing for March 24, 2004, at 3:30p.m to introduce the Proposed Budget and then continue the public hearing on April 28, 2004, to adopt the Final Budget or if needed continue hearing to May 28, as long as the Budget is adopted by June 15.

Mr. Neves asked if there were any questions from the commissioners. With no questions from the Commission, a motion was made and seconded (Rachford/Thompson) to introduce the proposed LAFCO Budget and open the public hearing on March 24, 2004. Motion carried unanimously.

Mr. Neves asked if they should include the April 28 meeting into the motion. Mr. Zumwalt stated that on March 24<sup>th</sup> they will motion to continue hearing to April 28<sup>th</sup>.

**LAFCO Case No. 04-01**  
**Corcoran Drainage Basin Reorganization**

Mr. Zumwalt stated that Mr. Gatzka would be presenting a new innovative method of presenting the staff report and the commissioners would be the first to view it. Mr. Gatzka presented the staff report using a laptop computer connected to the GIS System.

Mr. Gatzka stated that the city of Corcoran submitted an application for annexation and the application was considered complete on January 7, 2004. He stated that the 3 areas in the application from the City would create irregular boundary lines and were not orderly or logical extensions of the City's boundary. He stated that LAFCO staff conducted a survey on January 14, 2004 of adjacent property owners to determine the level of interest in their joining the annexation, and that six additional property owners consented and submitted 6 written statements verifying their consent to be annexed. He stated that even with the six new parcels that there still was not enough to establish a logical extension to the City. He stated that therefore the Executive Officer is proposing Area 1 to consist of 41 parcels totaling 37.88 acres, located between North Avenue, Orange Avenue, 6 ½ Avenue and Benrus Avenue. He stated that the City pre-zoned only the 4 parcels under the original annexation application to "PF" Public Facility which is owned by City of Corcoran and proposed as a storm drainage basin. The remaining parcels are residential properties zoned R-1-6. All property owners within the proposed area were notified twice and no correspondence has been received. Mr. Gatzka stated that the Executive Officer proposes Area 2 to consist of 12 parcels totaling 5.85 acres, located along the east and west sides of Doran Avenue, Between Bethel and Brokaw Avenues. The City pre-zoned 5 parcels under the original annexation application to R-1-6. He stated that any areas approved by the Commission beyond the City's original application will require the City's completion of pre-zoning as a condition of approval. Mr. Gatzka stated that a Notice of Public Hearing was published on February 4, 2004 and mailed to all property

owners and registered voters within the total annexation area and within a 300 foot radius of the proposed annexation. He stated that the properties in Area 1 and 2 already receive a majority of City services including City sewer and water service. Mr. Gatzka reminded the Commission that if any opposition is received from the property owners or registered voters that the Commission would be required to hold a protest hearing. He advised the Commission that they may opt to remove those opposing properties if it can be done in a manner that is keeping with the purposes and intent of this Commission and that with the GIS we can quickly identify any opposing property owners. He stated that the annexation is consistent with the City of Corcoran's 1997 General Plan. In addition, the City of Corcoran has prepared a Mitigated Negative Declaration for the drainage basin and re-certified the Environmental Impact Report for the 1997 Corcoran General Plan as the Environmental documentation for the project. The City of Corcoran will be required to complete the Pre-zoning of the additional properties as approved by the Commission and the City would have to revise the legal description and any recordable map(s) to include all territory as approved for annexation by the Commission prior to the Executive Officer recording the Certificate of Completion. Mr. Gatzka stated that staff is recommending approval of LAFCO Resolution No. 04-01.

Chairman Neves requested staff to amend the Addendum located on Page 11 of the staff report to include the Tulare Lake Resource Conservation District as a district that will have its boundaries changed.

Mr. Rachord asked if renters have any standing? Mr. Gatzka stated that if they are registered voters that they do standing. Mr. Zumwalt clarified it further by stating that anyone may express themselves before this Commission, but that only property owners and registered voters have standing in the protest hearing.

Mr. Chairman Neves then opened the public hearing to receive testimony from any interested party.

Mr. Gomez asked what type of water the city drainage system would receive. Mr. Neves directed the question to the City Manager, Ron Hoggard. Mr. Hoggard stated that it would be the drainage from the city and surrounding area. Mr. Gomez asked if that would include rain water drainage. Mr. Zumwalt stated that it would be water draining from the streets from over watering or rain water but no sewage.

Ms. Mary Gonzalez stated that she opposed the annexation. She stated that she lives at 501 Benrus. Mr. Neves asked Greg to identify her parcel on the GIS map. Ms. Gonzalez stated that she and her neighbors were not aware that the hearing would be in Hanford and she said that is why others were not present. Mr. Zumwalt stated that her parcel could be removed from the annexation but explained that she would still have to call upon the county for emergency services. Mr. Rachford stated that Ms. Gonzalez currently has City water and sewage and Fire Department does supply service to the City and unincorporated areas. He stated that the only change would be if she called 911 it would connect to the Sheriff instead of the City Police.

Ms. Gonzalez stated that they are concerned because neighbors have storage units on their land. She was concerned that her taxes would go to the City. Mr. Zumwalt stated that the taxes would not change and the base taxes that are payed at this time stay with the County but any increase to property taxes would go to the City. Mr. Zumwalt further explained that the area has less than a 400,000 dollars assessed value and so there isn't any shift in the taxes, but that the City would get additional revenue because of the additional population.

Ms. Gonzalez had concerns that if the neighbors had animals such as goats, chickens etc, that being part of the City may affect them. Mr. Zumwalt responded that the County residential zone district in that area is the same as the zoning for the City and if they have animals there, it would be illegal. Ms. Gonzalez stated that when they moved there, there were little rooms for storage and asked what would happen to those storage rooms. Mr. Zumwalt stated that the City allows storage and since the County contracts with the City for Code Enforcement and Building Inspections there would not be any change. Ms. Gonzalez stated that she and the neighbors do not want to change and it didn't matter if the Sheriff or Police went to their area. She stated that the reason her neighbors did not come to the hearing is because they didn't speak English.

Ms. Gonzalez asked if being annexed would affect their mail boxes. Mr. Zumwalt stated that the postage service would determine that. Ms. Gonzalez stated that the neighbors asked her to speak on their behalf. She asked Mr. Neves if her community had any say so on the annexation. Mr. Neves stated that this Public Hearing is for the purpose of hearing their testimony. Ms. Gonzalez stated that none of the Spanish speaking people understood the notice. Mr. Neves asked Mr. Zumwalt if the notification went out in Spanish. Mr. Zumwalt stated that it went out in English. Ms. Gonzalez suggested that Planning Staff go out and explain it to the Spanish people in that area. Mr. Rachford explained to Ms. Gonzalez the benefits of being annexed to the City and the opportunities. He stated that there may be people in that area who would like the change because of road improvements and other opportunities the city could offer. Ms. Gonzalez stated that she lives outside the City to feel more secure. Mr. Rachford stated that in the future there will be more homes built in that area. Ms. Gonzalez stated that she enjoyed the calmness in the area now. Mr. Thompson stated that being annexed to the City would not bring change because the zoning is the same as the county. Ms. Gonzalez stated that she could get signatures from people against the annexation. Mr. Rachford stated that there will be a protest hearing and stated that they could remove her property from annexation and need written opposition letters with addresses from the other opposing people. Mr. Zumwalt asked if Ms. Gonzalez has the address of the others who oppose.

Ms. Petra Vela stated that she wants to be annexed to the city and she resides at 2625 Anderson. Mr. Gatzka stated that her parcel was part of the original city annexation application.

Ms. Graciela Panduro stated that she lives at 2617 Anderson and does not want to be annexed. She stated that her brother who lives at 2546 Anderson in a mobile home and two other men who reside at 2517 Anderson do not want to be annexed. Ms. Gonzalez stated that there were other people in that area that do not want the annexed. Mr. Neves stated that unless those people submitted a letter of opposition or were present to the public hearing, that they could not be formally considered in opposition. Mr. Neves stated that he feels the annexation would benefit them and feels that it is not in their best interest to be removed from the annexation. Ms. Gonzalez stated that the people just don't want it. Mr. Neves asked why they don't want it. Ms. Gonzalez stated they don't want change.

Mr. Fabian Espinoza stated that his sister owns land in the area but is not part of the annexation. He asked if the drainage basin is city owned and would it be built regardless of the annexation. Mr. Neves directed the question to City Manager Hoggard. Mr. Hoggard stated that City does plan to build a storm drain basin and it would benefit the city and the area. Mr. Espinoza asked the question again if the storm basin would be built regardless of the annexation. Mr. Neves stated yes.

Mr. Gomez addressed the Commission and asked if being annexed would make it easier to split land. Mr. Zumwalt stated that County only allows one family residence per parcel and if people want to split

their parcels that they would have to be annexed to the city. Mr. Neves asked if there was anymore testimony. No one came forward.

Mr. Neves closed the public hearing. Mr. Thompson asked if there is a requirement to send out the notices in Spanish. Mr. Moock answered no. Mr. Rachford asked Greg to show the map with the lots in question to see if they could be removed from the annexation. Mr. Gatzka stated that these changes would create island pockets. Mr. Neves asked if the commissioners had any questions or comments. Mr. Neves asked the commissioners if they wanted to concenter the 4 parcels that were identified or leave them as part of the annexation. Mr. Moock stated that statute 56663 states that they can waive the protest proceedings if they did not receive written opposition but since there are verbal opposition it is your discretion. Mr. Thompson stated that the protest hearing could give the staff an opportunity to explain to people who are opposed and may help them to understand. Mr. Rachford stated that there are people in the area that do want to be annexed to the city because of the benefits to them. Mr. Moock stated that the commissioners could consider a different configuration of the annexation. Mr. Zumwalt stated that the problem is that the 4 address identified are right down the middle of the annexation and it would cause problems. He stated that his recommendation is to hold a protest hearing. Mr. Hoggard stated that he understands the concerns but that there are many benefits, city service, taxes would not go up, utility service, police, code enforcement and it would be the same. Mr. Neves asked Ms. Gonzalez if she had city water and sewage. Ms. Gonzalez said yes. Mr. Hoggard stated that the city funds would allow road improvements whereas the county probably couldn't. Mr. Thompson asked if the City could do some public relations between now and the time of the protest hearing to explain the process. Mr. Hoggard stated that the city did send out notices and a public gathering was formed to explain the annexation and answer questions. Mr. Rachford stated that excluding the area from the annexation could negatively impact the area. He stated that the people would miss opportunities that the city could offer, such as road improvements, emergency care, etc. Mr. Thompson stated that the people who are apposed need someone to explain to them so they understand the choices they are making. Ms. Gonzalez stated that the Mexican people don't understand. Mr. Hoggard stated that the notices the city sent out did go out in Spanish and there were people who did not want to be apart of the annexation but some who did. Mr. Neves scheduled the protest hearing for March 24<sup>th</sup>. Mr. Zumwalt stated that a motion needs to be set for the Protest hearing for March 24<sup>th</sup> at 3:30p.m. Mr. Neves stated that the people who protest need to submit their own letter of opposition and not a form with signatures. Manuel Gomez in the audience stated that he really wants to be annexed into the city and has looked forward to it. Mr. Neves stated that the long term plan in that area is for the fringe areas to become annexed to the city and he recommended that the people speak with the city before the protest hearing to be better informed.

Mr. Neves set the protest hearing for March 24, 2004, at 3:30. The Chairman then directed staff to prepare the necessary notifications to all property owners and registered voters within the project territory.

## **MISCELLANEOUS:**

### **A. Correspondence**

None.

### **B. Unschedule Public Comments**

None

### **C. Items from the Commission**

None

**D. Staff Comments**

Staff distributed a newly revised list of LAFCO Commission Members. Mr. Zumwalt stated that on February 9, 2004, the City Selection Committee met and the Mayors of Corcoran, Avenal, and Hanford were present and unanimously voted. Mr. Zumwalt stated that they re-appointed Dave Ayers from May 5, 2003 to May 2, 2007 and appointed Jim Wadsworth from the Corcoran City Council to serve as a regular City Member starting on May 3, 2004 to May 5, 2008. Lynda Lahodny from Lemoore currently holds that seat. He further stated that the Public Member, Paul Thompson, will continue to be retained unless another is appointed by May, 2004.

Mr. Zumwalt introduced Marti Seniff, who was hired in September as the Kings County Planning Department executive secretary.

**ADJOURNMENT:**

There being no further business before the Commission, the Chair adjourned the meeting at 4:40 p.m. and tentatively scheduled the next meeting for March 24, 2004.

Respectfully submitted,

**KINGS COUNTY LOCAL AGENCY FORMATION COMMISSION**

William R. Zumwalt, Executive Officer

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