



of Merced County California

Local Agency Formation Commission

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**MINUTES OF REGULAR MEETING
OF THE
LOCAL AGENCY FORMATION COMMISSION
MERCED COUNTY, CALIFORNIA**

OCTOBER 25, 2001

Chairman O'Banion called the meeting to order at 2:00 p.m. in the Board Chambers on the third floor of the Merced County Administration Building.

I. ROLL CALL

Commissioners Present: Commissioner O'Banion, Chairman
Commissioner Cortez Keene
Commissioner Trevino
Commissioner Bertao

Staff Present: Bill Nicholson, Acting Executive Officer
Patricia Lippmeier, LAFCO Staff Planner
Mary Schmid, Recording Secretary

Counsel Present: James Tarhalla, Deputy County Counsel

II. APPROVAL OF MINUTES

MOTION: M/S CORTEZ KEENE - BERTAO, AND CARRIED BY A VOTE OF 4- 0, THE COMMISSION APPROVES THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 27, 2001.

III. CITIZEN COMMUNICATION

NONE

IV. PUBLIC HEARINGS

A. La Bella Vista Annexation to the City of Merced
LAFCO File No. 0578

LAFCO Staff Planner Lippmeier, presented the Executive Officer's Report dated October 25, 2001.

Commissioner Cortez Keene said she is concerned about this area as it is in the middle of her district. She questioned Finding and Action 6 of the Executive Officer's Report regarding the peninsula area and inquired about a specific plan for this area. Planner Lippmeier said the City would look at the area within the peninsula, as well as the overall South Merced area, east of Highway 59. Commissioner Cortez Keene would like to be brought current on any plans for parks.

The public hearing was opened at 2:14 p.m.

The following person(s) spoke in favor:

- Bill King, Planner for the City of Merced, said in regards to Flanigan's Park, they would be paying fees and are looking to improve and upgrade the park. As for the land use, they haven't currently looked into that, but will in the future.

- John Sessions, H & S Development said they have been working with the City of Merced Planning Department and have done buffers and mitigation measures and feel this is adequate. The Merced City Council approved this unanimously. He said this affordable housing project is within the requirements of the City. He said that ten years ago, the City of Merced was one of the worst in the state regarding affordable housing, however now it is better. The maintenance of Gerard could be a problem, however it is between the City and County. He said this is not the best plan in this area near industrial and commercial but feels they have a good product. They have 1,000 –1,500 square foot homes on 1/5 of an acre.

Commissioner Cortez Keene, said she is looking at this park for funding and child development. She wants something good to come out of this park

The following person(s) spoke in opposition:

- Rick Kirby, property owner north of the annexation. He said the Kirby family has been established in this area for several years. This is agricultural land. He said he has just completed expansion to their industrial business. They recently purchased land to the east, which is next to the annexation. He said his family is very concerned about this annexation, and with the Laird annexation, this won't leave much county land. He said he feels this is a haphazard development going on in the south part of Merced. The arguments are weak to have residential area around the industrial area. Mr. Kirby feels this doesn't need to be annexed at this time. There is a lot of open land that hasn't been developed and should be before this is annexed. He said the impact that it will have for the surrounding roads would be significant, as they already have approximately 3,000 trips per day.

- Clark Kellogg, owns property next to the proposed annexation area. He agrees with Mr. Kirby. He said the traffic levels have been impacted lately and are significant. The City's traffic study was from 1990 and they didn't study the impact of G Street. Mr. Kellogg said there is a lot of property that hasn't been developed yet. He said the island effect is not a good thing.

- Mike Ryle owns property by Mission Avenue. He and his family are opposed to this annexation. The City doesn't need to be out here. He said what they are doing to G Street is ridiculous. He doesn't feel they have done any planning on this. The planning department needs to look at this and have a better plan. Mr. Ryle said there should be a through street connecting to Hwy. 59.

Commissioner Bertao, asked if there is a reason why the developer didn't purchase land next to Las Brisas on the north side of Gerard. Mr. Sessions responded they have to get property under \$100,000 and wanted 20 acres or more. There is no longer property in Merced City that fits that criteria, and did do a thorough search. The north side of town is more expensive to buy land.

The public hearing was closed at 2:35 p.m.

Commissioner Cortez Keene, has questions, observations and concerns. The land

the north frontage of the property.

- 2.) The City of Merced shall enter into a maintenance agreement with Merced County for the portion of Gerard Avenue extending west of the annexation territory to State Highway 59. Such agreement shall be entered before recordation of the Certificate of Completion.

Prior to the Staff presentation, Commissioner Trevino indicated he had to leave the meeting due to another appointment.

B. Updated Application Fee Schedule

LAFCO Acting Executive Officer Nicholson presented the Executive Officer's Report dated October 25, 2001. He went on to say that this new fee schedule has been based on fees charged by the seven counties within the San Joaquin Valley. Merced County fees haven't been raised since May of 1994.

Chairman O'Banion asked why we are proposing the same fee for reorganizations as for an annexation or detachment. Acting Executive Officer gave the explanation that reorganizations usually involve a detachment from a rural service district, which is typically a minor issue.

Commissioner Bertao asked if we would charge the districts when the sphere of influence applications are reviewed every five years. Bill responded that we wouldn't be sending out any bills when we initiate an update and would charge a City or district when they submit an application for a sphere amendment.

Commissioner Cortez Keene asked when these fees would go into effect. Acting Executive Officer Nicholson said in sixty days.

Chairman O'Banion asked what the fee for \$100 a year is. Acting Executive Officer said it is for an annual subscription for copies of the Agenda and Executive Officer's Reports.

The public hearing was opened at 3:14 p.m.

No one spoke in favor or opposition.

The public hearing was closed at 3:14 p.m.

MOTION: M/S BERTAO – CORTEZ KEENE, AND CARRIED BY A VOTE OF 3-0, THE COMMISSION MAKES THE 5 FINDINGS SET FORTH IN THE EXECUTIVE OFFICER'S REPORT DATED OCTOBER 25, 2001, AND BASED ON THOSE FINDINGS APPROVES THE REVISED LAFCO PROCESSING FEES 2001.

V. GENERAL BUSINESS

A. Election of Commission Chair and Vice Chair

Commissioner Bertao said Chairman O'Banion is doing a very good job and proposes that he continue as chairman. Commissioner Cortez Keene said the only concern is to be fair and allow all commissioners the opportunity to serve. Chairman O'Banion said we could consider electing as chairman the member-at-large. Another decision would be the position of Commissioner Robert Morimoto. He said he would contact Commissioner Morimoto's family to find out how he is doing. This item was continued until all LAFCO Commissioners are present.

B. Outside District or City Service Extension Policy to Provide Direction to Staff

Whether to Prepare Policy on Service Extensions in accordance with Government Code Section 56434.

Acting Executive Officer Nicholson explained the law. It was decided by the Commission to have this item go back to the Policies and Procedures Committee.

MOTION: CORTEZ KEENE – BERTAO AND CARRIED BY A VOTE OF 3-0, THE COMMISSION APPROVES THIS ITEM TO GO BACK TO THE LAFCO POLICY AND PROCEDURES COMMITTEE.

C. Update on LAFCO Budget and Expenditures for Fiscal Year 2001/02

Acting Executive Officer said we are below the anticipated budget for the year. We've spent approximately \$14,000 in staff cost in the first quarter but had estimated \$17,500 for the first quarter. The Cities should be comfortable with that. He said we have not received any money to date from the Cities. Under law, the Auditor's Officer will send them a bill.

Commissioner Bertao inquired about the person who wanted the County to pay for this year. Chairman O'Banion said he asked a couple of times if that person had submitted a formal request to the Board of Supervisors. To date, nothing has been received.

VI. ADJOURNMENT

There being no further business, Chairman O'Banion adjourned the meeting at 3:28 p.m.