



*Local Agency Formation Commission*  
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**ACTION MINUTES OF REGULAR MEETING  
OF THE  
LOCAL AGENCY FORMATION COMMISSION  
MERCED, CALIFORNIA**

**March 24, 2005**

**I. CALL MEETING TO ORDER**

Chairman Amabile called the meeting to order at 10:01 a.m. in the Board Chambers on the Third Floor of the Merced County Administration Building.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL OF COMMISSIONERS**

**Commissioners Present:** Commissioner Amabile  
Commissioner Ingram  
Commissioner Bertao  
Commissioner Kelsey (came in at 10:10 am)  
Commissioner O'Banion  
Commissioner Melville  
Commissioner Nelson

**Staff Present:** William Nicholson, Executive Officer  
Victoria Lane, Recording Secretary

**Counsel Present:** Ruben Castillo, LAFCO Counsel

**IV. APPROVAL OF MINUTES**

**MOTION: M/S NELSON/BERTAO, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION APPROVES THE MINUTES OF THE MEETING OF FEBRUARY 24, 2005.**

**V. CITIZEN COMMUNICATION**

The following people spoke: Bill Schill, citizen; David Corser, citizen; and Bryant Owens, citizen.

VI. PUBLIC HEARINGS

- A. Atwater South Annexation to the City of Atwater  
LAFCO File No. 0617

The public hearing was opened at 10:38 a.m.

The following people spoke: Bryant Owens, citizen; Mo Khatami, City of Atwater Planning Director; Marshall Krupp, Community Systems Associates, consultant for the Merced Union High School District and the Atwater Elementary School District; Tim Miller, consultant for the project; and Helen Amarant, citizen.

The public hearing was closed at 11:00 a.m.

In response to questions from the Commission, Mo Khatami, Atwater Planning Director; Chris Tyler, Pacific Union Homes; and Paul Fillebrown, Merced County Public Works Director answered questions about the project.

**MOTION: M/S O'BANION/INGRAM, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION CERTIFIES THAT THEY HAVE REVIEWED AND CONSIDERED THE ATWATER SOUTH INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION PREPARED BY THE CITY OF ATWATER AS LEAD AGENCY, INCLUDING THE NINE MITIGATION MEASURES UNDER SECTION III A.(2), ADOPTS A "STATEMENT OF OVERRIDING CONSIDERATIONS" CONSISTENT WITH THE CITY'S FINDINGS ADOPTED IN 2000 BY CITY COUNCIL RESOLUTION #1570-00, AND APPROVES THE ATWATER SOUTH ANNEXATION TO THE CITY OF ATWATER, LAFCO FILE NO. 0617, BASED UPON DETERMINATIONS 1-8 UNDER SECTION III B. OF THE EXECUTIVE OFFICER'S REPORT, INCLUDING THE CONDITION OF APPROVAL UNDER SECTION III 6), MODIFIED AS FOLLOWS: "IF NO TRAFFIC STUDY IS DONE, THE IMPACT FEE SHALL BE \$800 PER RESIDENTIAL UNIT, IF A TRAFFIC STUDY IS DONE, THE AMOUNT SHALL NOT EXCEED \$920 PER RESIDENTIAL UNIT." AND THE COMMISSION ASSIGNS THE PROJECT THE FOLLOWING SHORT FORM DESIGNATION: "ATWATER SOUTH ANNEXATION TO THE CITY OF ATWATER."**

VII. GENERAL BUSINESS

- A. Approval of Contract with Economic and Planning Systems (EPS) for Preparation of Municipal Service Reviews for Urban Water/Sewer Districts

**MOTION: M/S INGRAM/O'BANION, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION CONTINUES THIS ITEM TO THE APRIL 28, 2005 MEETING.**

- B. Discussion about Future Workshops with Cities about Annexation Application Requirements

**INFORMATION ITEM.**

COMMISSIONER BERTAO AND CHAIRMAN AMABILE REQUESTED THIS WORKSHOP WITH THE CITIES BE HELD AT 9:00 AM BEFORE THE REGULAR LAFCO MEETING. STAFF WAS DIRECTED TO RETURN WITH REVISED APPLICATION MATERIALS AND FORMS AT THE NEXT MEETING PRIOR TO SETTING A DATE FOR THE WORKSHOP.

VIII. ADJOURNMENT

There being no further business, Chairman Amabile adjourned the meeting at 12:15 p.m.

NOTE: The LAFCO meeting was recorded and a tape is available to the public at the Merced LAFCO Office. Copies of the tape may also be purchased.