



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, JULY 25, 2006  
Closed Session – 8:00 a.m.  
Regular Meeting – 10:00 a.m.

MERCED COUNTY  
ADMINISTRATION BUILDING  
2222 "M" STREET  
BOARD ROOM, THIRD FLOOR  
MERCED, CALIFORNIA 95340  
(209) 385-7366

JOHN PEDROZO.....DISTRICT 1  
KATHLEEN M. CROOKHAM....DISTRICT 2  
CHAIRMAN MICHAEL G. NELSON.....DISTRICT 3  
DEIDRE F. KELSEY....DISTRICT 4  
JERRY O'BANION.....DISTRICT 5  
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM  
COUNTY EXECUTIVE OFFICER

RUBEN E. CASTILLO  
COUNTY COUNSEL

*All supporting documentation is available for public review in the Office of the Clerk of the Board of Supervisors located in the County Administration Building, Third Floor, 2222 "M" Street, Merced, California, 95340 During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.*

**The Agenda is available online at [www.co.merced.ca.us](http://www.co.merced.ca.us)**

**Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the Board Chambers**

**HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE  
INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE**

Persons who require accommodation for any audio, visual or other disability in order to review an agenda, or to participate in a meeting of the Board of Supervisors per the American Disabilities Act (ADA), may obtain assistance by requesting such accommodation in writing addressed to the Clerk of the Board, 2222 M Street, Merced, CA 95340 or telephonically by calling (209) 385-7366. Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested

The Agenda is divided into three sections:

**CONSENT CALENDAR** – These matters include routine financial and administrative actions and are approved by a single majority vote.

**SCHEDULED ITEMS** – These items are noticed hearings, work sessions and public hearings.

**REGULAR CALENDAR** – These items include significant policy and administration actions. Immediately after approval of the CONSENT CALENDAR, if the time of the hearing of SCHEDULED ITEMS has not arrived, the REGULAR CALENDAR will be considered.

SCHEDULED ITEMS

8:00 A. M.

**CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION:** It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Government Code Section 54956(b): One Case

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957:

PUBLIC EMPLOYEE APPOINTMENT. Title: County Counsel

**THE BOARD RECESSED AT 8:05 AM AND RECONVENED AT 10:10 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE IS NOTHING TO REPORT**

**GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)**

**REVIEW BOARD ORDER – SEE PAGE 7**

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

**PUBLIC OPPORTUNITY TO SPEAK ON ANY MATTER OF PUBLIC INTEREST WITHIN THE BOARD'S JURISDICTION INCLUDING ITEMS ON THE BOARD'S AGENDA, EXCEPT FOR THOSE ITEMS SPECIFICALLY SCHEDULED AS PUBLIC HEARINGS** (Testimony limited to five minutes per person)

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 12)

**APPROVED AS RECOMMENDED AYES: ALL**

**PLANNING AND COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING**

To consider public comments on past Community Development Block Grant performance; review and receive comments on the County of Merced's 2004 and 2005 CDBG General Allocation and Micro-Enterprise Assistance Programs, Business RLA Program Income and CDBG and HOME Guidelines; adopt Resolution modifying the CDBG and HOME Program Guidelines and authorize signature of the necessary documents

**REVIEW BOARD ORDER – SEE PAGE 7**

**PLANNING - PUBLIC HEARING**

General Plan Amendment No. 05-004, Parallel Zone Change No. 05-005, Minor Subdivision Application No. 05-037. To re-designate a 20 acre portion of a 328 acre parcel from Foothill Pasture to General Agricultural in the General Plan, with a concurrent rezoning from Exclusive Agricultural (A-2) to General Agricultural (A-1) and subdivide the 328 acre parcel into two 20 acre parcel with a remainder parcel of 308 acres on property located on the west side of Fields Road, 500 feet south of Olsen Road in Snelling (Cassinella/Ryan)

**REVIEW BOARD ORDER – SEE PAGE 8**

**PLANNING - PUBLIC HEARING**

General Plan Amendment No. 05-006, Parallel Zone Change No. 05-007, Property Line Adjustment No. 06-008, Conditional Use Permit No. 05-035 and Agricultural Preserve Amendment No. 06-001. To re-designate a proposed 9.11 acre parcel from "Agricultural" to "Highway Interchange Center - Commercial" within the General Plan, with a concurrent Zone Change from A-1 (General Agriculture) to H-I-C (Highway Interchange Commercial); to adjust the property line between two existing parcels resulting in new parcels of 9.11 acres and 8.74 acres; to approve a permit for a contractor/warehouse business park for a swimming pool construction business and ancillary construction/contractor businesses; and to remove the 9.11 acre area from the Merced County Williamson Act Preserve located northeast of the Interchange of Highway 99 and Collier Road in Delhi. (Theodore/Scarpitto)

**REVIEW BOARD ORDER – SEE PAGE 9 AND 10**

**PLANNING - PUBLIC HEARING - 2006 CYCLE II GENERAL PLAN AMENDMENT**

- (1) General Plan Amendment No. 05005, Zone Change Application No. 05006, Major Subdivision Application Nos. 06002, 06003 and 06004, and Administrative Permit Application No. 06040 - Fox Hills (June 27, 2006)
- (2) General Plan Amendment No. 05-004, Parallel Zone Change No. 05-005, Minor Subdivision Application No. 05-037
- (3) General Plan Amendment No. 05-006, Parallel Zone Change No. 05-007, Property Line Adjustment No. 06-008, Conditional Use Permit No. 05-035 and Agricultural Preserve Amendment No. 06-001

**ADOPT THE 2006 CYCLE II GENERAL PLAN AMENDMENT RESOLUTION AND RELATED ZONE CHANGE ORDINANCES**

**REVIEW BOARD ORDER – SEE PAGE 10, 11 AND 12**

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, County Auditor, Board of Supervisors Members

**LUNCH BREAK**

CONSENT CALENDAR (Items #1 - 12)

**APPROVED AS RECOMMENDED      AYES: ALL**

Public Works

1. Accept Final Map for Lexington Park Subdivision in Dos Palos.
2. Adopt Resolution forming the Lexington Storm Drainage Maintenance Zone of Benefit No. 422 in County Service Area Number One.

**ADOPTED RESOLUTION NO. 2006-140**

3. Adopt Resolution annexing the Lexington Park Subdivision into the Blossom Street Lighting Maintenance Zone of Benefit No. 402 in County Service Area Number One.

**ADOPTED RESOLUTION NO. 2006-141**

Ag. Commissioner

4. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2004260 with Calif. Dept. of Food and Agriculture for Egg Quality Control Inspections.

**ADOPTED RESOLUTION NO. 2006-142**

5. Approve and authorize Chairman to sign Renewal Contract No. 2004182 with Structural Pest Control Board for administration of Applicator Exams.

Commerce, Aviation and Economic Development

6. Approve and authorize Chairman to sign Renewal Contract No. 2004252 with NEC United Solutions, Inc. for FOCUS Program Procurement Vehicle.

Mental Health

7. Approve and authorize Chairman to sign Renewal Contract No. 2003237 with Merced City School District for Mental Health Services at school sites.

Executive Office

8. Act on Claim for Damages received from Judith Dixon as recommended by Risk Management.

Sheriff

9. Approve and authorize Chairman to sign Amendment to Contract No. 2005209 with Planada Elementary School District for Contractual Deputy Sheriff.

Board of Supervisors

10. Set public hearing for August 15, 2006 at 10:00 a.m. to consider Appeal to Revocation of Administrative Application No. AA05-010 submitted by Gary and Terry Souza.

Health

11. Authorize the Chairman to sign the FY 2005-2006 Certification Statements on the Child Health Disability Program (CHDP) and California Children's Services (CCS) Programs approved by the Board on February 14, 2006.

Counsel

12. Approve and authorize Chairman to sign Amendment to Contract No. 2003150 with Lozano Smith for professional legal services.

REGULAR CALENDAR

BOARD ACTION

FIRE

13. Authorize the Merced County Office of Emergency Services to apply for the 2006 Governor's Office of Homeland Security FY 2006 Homeland Security Grant Program in the total amount of \$512,624.

**APPROVED AS RECOMMENDED AYES: ALL**

PLANNING

14. Guidance Package for the Village of Geneva at Planada General Plan Amendment/EIR.

**REVIEW BOARD ORDER – SEE PAGE 12 AND 13**

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

15. Contract with Sierra Academy of Aeronautics for Castle Airport Sublease for a portion of Building No. 1340 for additional administrative offices.

**AUTHORIZED CONTRACT NO. 2006204 AS RECOMMENDED AYES: ALL**

16. Contract with Federal Merced Associates, LLC for a portion of Building No. 782 for administrative offices to oversee the ongoing projects at Castle Airport Aviation and Development Center.

**AUTHORIZED CONTRACT NO. 2006205 AS RECOMMENDED AYES: ALL**

EXECUTIVE OFFICE

17. Contract Amendment with Peterson Consulting, Inc. for State Legislative Advocacy Services and approves a 3% increase in compensation effective July 1, 2006.

**AUTHORIZED CONTRACT NO. 2006206 AS RECOMMENDED AYES: ALL**

18. Consent to the Assignment of Amendment to Contract No. 2003107 to the successor organization C. J. Strategies, LLC effective July 1, 2006 for Federal Legislative Advocacy Services.

**APPROVED AS RECOMMENDED AYES: ALL**

19. Early Retirement Incentive Plan.

**REVIEW BOARD ORDER – SEE PAGE 13**

BOARD APPOINTMENTS

BOARD INFORMATION & POSSIBLE ACTION

**ACCEPTED AND PLACED ON FILE AYES: ALL**

20. San Joaquin Valley Air Pollution Control District re: Invitation to participate in a series of Air Quality Town Hall Meetings for period of July 26 through July 28, 2006.
21. CSAC re: California Counties 2006-2007 Platform. (On file with Clerk)
22. Weaver Union School District re: Resolution No. 3-06-07 of the Board of Trustees of the Weaver Union School District certifying to the Board in the June 6, 2006 General Obligation Bond Election. (On file with Clerk)
23. Turlock Unified School District re: Two General Obligation School Bond Elections to be held on November 7, 2006, Resolution No. 02/2006-2007 and Resolution No. 03/2006-2007. (On file with Clerk)
24. Governor's Office of Homeland Security re: Grants received from the Homeland Security Grant Program and the balance of funds due to expire on November 30, 2006.
25. State Water Resources Control Board re: Revised Board Meeting Notice of July 19, 2006 at 10:00 a.m.
26. State Water Resources Control Board re: New Release - Emergency Treatment Ends, Regular Summer Work continues treating acid at Leviathan Mine, no health risks involved.
27. Federal Emergency Management Agency re: Notification of revision to Map Determination for property located on Voorhees Road.

**ADOPTED RESOLUTION IN MEMORY OF PAUL CROOKHAM AND ADJOURNED MEETING UNTIL AUGUST 1, 2006 AT 10:00 A.M.**

## BOARD ORDERS – SUMMARY ACTION MINUTES – JULY 25, 2006

### **10:00 A.M. ADDED AGENDA ITEM**

#### **2006-07-25 EXECUTIVE OFFICE**

The Clerk advises subsequent to the posting of the Agenda for the Board of Supervisors Meeting of July 25, 2006, the need for action arose concerning livestock and poultry mortality.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board finds the need arose subsequent to posting of the July 18, 2006 Agenda and places the item on the agenda for consideration.

Ayes: Nelson, Pedrozo, Crookham, Kelsey, O'Banion

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board proclaims the existence of a local emergency due to a high number of livestock and poultry deaths, approves the Local State of Emergency which will allow the composting and/or burial of poultry and livestock and adopts Resolution No. 2006-143.

Ayes: Nelson, Pedrozo, Crookham, Nelson, Kelsey, O'Banion

### **10:00 A.M. SCHEDULED ITEM**

#### **2006-07-25 PLANNING/COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT – PUBLIC HEARING**

The date and time previously set for a public hearing to consider comments on past Community Development Block Grant (CDBG) performance; review and receive comments on the County of Merced's 2004 and 2005 CDBG General Allocation and Micro-Enterprise Assistance Programs, Business RLA Program Income and CDBG and HOME Guidelines; consider Resolution modifying the CDBG and HOME Program Guidelines and authorize the signing of the necessary documents submitted by Planning and Commerce, Aviation and Economic Development.

Commerce, Aviation and Economic Development Director John Fowler and Planning Deputy Director John LeVan are present and review the Staff Report stating before final or annual reports are prepared, interested parties are invited to comment on the County's performance to date and there is a public review of amendments to the County's CDBG and HOME Homebuyer Assistance and Housing Rehabilitation Participation Guidelines.

The Chairman opens the Public Hearing. No one speaks.

The Chairman closes the Public Hearing.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board authorizes the approval of the revised CDBG Program Income Reuse Plan, revisions to the CDBG Housing Rehabilitation Guidelines; and Revisions to the CDBG, Home and CalHome Buyer Assistance Program Participation Guidelines; authorizes the County Executive Officer to sign the Annual Grantee Performance Report and adopts Resolution No. 2006-144.

Ayes: Nelson, Pedrozo, Crookham, Kelsey, O'Banion

### **10:00 A.M. SCHEDULED ITEM**

## **2006-07-25 PLANNING – PUBLIC HEARING**

The date and time previously set for a public hearing to consider General Plan Amendment No. 05-004, Parallel Zone Change No. 05-005, Minor Subdivision No. 05-037 submitted by Ruth Cassinella and Susan Ryan to redesignate a 20 acre portion of a 328 acre parcel from Foothill Pasture to General Agricultural in the General Plan, with a concurrent rezoning from Exclusive Agricultural (A-2) to General Agricultural (A-1) and subdivide the 328 acre parcel into a 20 acre parcel with a remainder parcel of 308 acres on property is located on the west side of Fields Road, 500 feet south of Olsen Road in the Snelling area.

Assistant Planning Director Bill Nicholson reviews the Staff Report advising Condition 3-prehistoric and/or historic archaeological resources and Condition 4-qualified wetlands or vernal pools are unique Conditions but are a requirement prior to any building or administrative permits being issued. Mr. Nicholson reviews the power point presentation for the project proposal.

The Chairman opens the Public Hearing and asks if there is anyone present that wishes to speak.

Dave Hendricks representing Fremming, Parson and Pecchenino Engineering, on behalf of Susan Ryan, representing the applicants, requests Board approval.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board adopts the Mitigated Negative Declaration and makes an intended decision to approve General Plan Amendment No. 05-004, Parallel Zone Change No. 05-005, Minor Subdivision No. 05-037 subject to Findings and the following Conditions of Approval:

### **Planning and Community Development Department Conditions**

1. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
2. A monitoring fee, in the amount of \$245.00 shall be paid within 90 days of approval and/or prior to issuance of building permits whichever comes first.
3. A document shall be recorded in official Merced County Records and referenced on the parcel map for the project providing constructive notice to the owner(s) or Parcel 1 that the parcel may contain important prehistoric or historic archaeological resources, and that a qualified archaeologist shall survey the site for such resources, and provide mitigation to protect any resource or resources should they exist on the site, prior to the issuance of building or administrative permits for the parcel. (MM)
4. A document shall be recorded in official Merced County Records and referenced on the parcel map for the project providing constructive notice to the owner(s) of Parcel 1 that the parcel may contain vernal pools, which are under the jurisdiction of the Army Corps of Engineers, and that a qualified wetlands biologist shall survey the site for jurisdictional wetlands, and provide mitigation acceptable to the (ACOE) should such resources exist on the site, prior to the issuance of building or administrative permits for the parcel. (MM)

### **Public Works/Roads Division Conditions**

5. The owner shall dedicate to the County of Merced, annotated on the parcel map, a 30-foot width of right-of-way (the existing unaccepted westerly 20-foot road width plus an additional 10-foot width) along the entire frontage of Fields Road.

Ayes: Nelson, Pedrozo, Crookham, Kelsey, O'Banion



**10:00 A.M. SCHEDULED ITEM**  
**2006-07-25 PLANNING – PUBLIC HEARING**

The date and time previously set for a public hearing to consider General Plan Amendment No. 05-006, Parallel Zone Change No. 05-007, Property Line Adjustment No. 06-008, Conditional Use Permit No. 05-035 and Agricultural Preserve Amendment No. 06-001 submitted by David Theodore and Bob Scarpitto to re-designate a proposed 9.11 acre parcel from “Agriculture” to “Highway Interchange Center-Commercial” within the General Plan, with a concurrent Zone Change from A-1 (General Agricultural) to H-I-C (Highway Interchange Commercial); to adjust the property line between two existing parcels resulting in new parcels of 9.11 acres and 8.74 acres; to approve a permit for contractor/warehouse business park for a swimming pool construction business and ancillary construction/contractor businesses; and to remove the 9.11 acre area from the Merced County Williamson Act Agricultural Preserve on property located northeast of the interchange of State Highway 99 and Collier Road in Delhi.

Assistant Planning Director Bill Nicholson reviews the Staff Report and the power point presentation for the project proposal.

The Chairman opens the Public Hearing and asks if there is anyone present that wishes to speak.

Bob Scarpitto, Viking Pools owner and applicant, requests approval.

Based on Findings and upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board approves the Mitigated Negative Declaration and makes an intended decision to approve General Plan Amendment No. 05-006, Parallel Zone Change No. 05-007, Property Line Adjustment No. 06-008, Conditional Use Permit No. 05-035 and Agricultural Preserve Amendment No. 06-001 subject to the following Conditions of Approval:

A. Conditional Use Permit No. CUP05-035

**Planning and Community Development Department Conditions**

1. Conditional Use Permit No. 05-035 is to establish a contractor/warehouse business park for swimming pool/landscape related businesses to include ten separate buildings, nine of which will be leased to construction-based businesses with the main tenant Viking Pools, with indoor and outdoor show areas.
2. Satisfy Improvement requirements as set forth in Chapter 16.08 of the Merced County Code.
3. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
4. A monitoring fee, in the amount of \$490.00 shall be paid within 90 days of approval and/or prior to issuance of building permits whichever comes first.
5. The final site design shall be prepared to the satisfaction of the Development Services Director for conformance to all applicable Title 18 development standards, including those contained in Chapters 18.18.03, 18.37, 18.40, 18.41, 18.42 and 18.44, prior to the issuance of building permits for the project. Certificates of Occupancy shall not be issued for the project until all required development standards are implemented. (MM1)

**Public Works/Roads Division Conditions**

6. The design and improvements to Pinewood Street shall be to the satisfaction of the Merced County Public Works, Roads Division so as to meet County street safety and design standards and to adequately serve the project. Certificates of Occupancy shall not be issued for the project until all required roadway improvements to Pinewood Street are constructed by the project proponent. (MM2)

B. Property Line Adjustment No. PLA06-008

**Planning and Community Development Department Conditions**

1. As required by the Merced County Subdivision Code, and the State Subdivision Map Act, the following shall be provided to the Planning and Community Development Department before this Property Line Adjustment can be finalized by the recording of a Certificate of Compliance by the County.
2. The following documents prepared and “wet stamped” by a licensed land surveyor, or a registered civil engineer authorized to perform land surveying: 1) a Final Property Line Adjustment Map, as per Section 17.16.060 of the Subdivision Code; and 2) complete legal descriptions of all newly adjusted parcels.
3. A letter from the County Tax Department stating that taxes on all property involved have been paid.
4. If more than one property owner is involved, written notice from a title company stating that all necessary deeds are ready for recording and requesting that the County record the Certificate of Compliance.
5. All structures shall meet the setback requirements for the new property lines or a Minor Deviation Application must be approved prior to recordation of the Certificate of Compliance.

Ayes: Nelson, Pedrozo, Crookham, Kelsey, O’Banion

**10:00 A.M. SCHEDULED ITEM**

**2006-07-25 PLANNING – PUBLIC HEARING – 2006 CYCLE II**

The time and date previously set for a public hearing to consider the 2006 Cycle II General Plan Amendment Resolution and related Zone Change Ordinances as submitted by Planning.

Development Services Director Robert Lewis states there are three applications for consideration for the 2006 Cycle II General Plan Amendment as follows:

- 1) General Plan Amendment No. 05-005, Zone Change Application No. 05-006, Major Subdivision Application Nos. 06-002, 06003 and 06004, and Administrative Permit Application No. 06040 – Fox Hills
- 2) General Plan Amendment No. 05-004, Parallel Zone Change No. 05-005, Minor Subdivision Application No. 05-037
- 3) General Plan Amendment No. 05-006, Parallel Zone Change No. 05-007, Property Line Adjustment No. 06-008, Conditional Use Permit No. 05-035 and Agricultural Preserve Amendment No. 06-001

Mr. Lewis recommends the Board consider each matter separately and reviews the Staff Report for Item 1) General Plan General Plan Amendment No. 05005, Zone Change Application No. 05006, Major Subdivision Application Nos. 06002, 06003 and 06004, and Administrative

Permit Application No. 06040 – Fox Hills. He summarizes new information and reviews the six supplemental findings that are before the Board for consideration.

The Chairman opens the Public Hearing and asks if there is anyone present that wishes to speak.

Bill Geyer, Geyer Associates, submits letter dated July 21, 2006, regarding issue on the Nonrenewal as a Substitute for Cancellation-Fox Hills Project and highlights the legal and practical responses. He also summarizes the letter dated July 17, 2006 from Law Office of John McCaull regarding the legal issues related to Williamson Act Cancellation request for Contract No. WA2000-0220.

Deputy County Counsel Walter Wall reviews the 2006 history with the County of Merced, the State Dept. of Conservation correspondence and Findings relative to the Fox Hills project, reviews the Supplemental Findings and objections and reviews the County's responses to each Finding.

Diana Westmoreland Pedrozo, Merced County Farm Bureau, reads letter dated July 25, 2006, stating the Merced County Farm Bureau continues to be concerned with the petition for Williamson Act cancellation for APN 78-200-67 stating the cancellation could adversely affect the near-term enforceability of restriction upon other Williamson Act properties in the County and urges the Board to reconsider the cancellation of this contract.

Dave Hendricks, Fremming, Parson and Pecchenino Engineering, representing Susan Ryan requests the Board consider the applications separately.

Following discussion, Supervisor O'Banion moves, seconded by Supervisor Crookham, the Board approves General Plan Amendment No. 05-005, Zone Change Application No. 05-006, Major Subdivision Application Nos. 06-002, 06-003 and 06-004, Administrative Permit Application No. 06-040, Agricultural Preserve Amendment No. 06-003 and the related Williamson Act Contract tentative cancellation for Fox Hills and adopts Resolution No. 2006-145 and Ordinance No. 1787, An Ordinance Changing the Boundaries of and the Classifications of Property Uses within Zones Established by Merced County Code Title 18 Titled "Zoning" (Zone Change No. 05-006).

Supervisor Kelsey states she cannot vote in favor of the cancellation and also has concerns with the State Findings being met and therefore will abstain.

The Chairman calls for a Vote on the Motion.

Supervisor Kelsey abstains. Motion carries.

Ayes: Nelson, Pedrozo, Crookham, O'Banion

Abstains: Kelsey

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board approves combining 2) General Plan Amendment No. 05-004, Parallel Zone Change No. 05-005, Minor Subdivision Application No. 05-037 and 3) General Plan Amendment No. 05-006, Parallel Zone Change No. 05-007, Property Line Adjustment No. 06-008, Conditional Use Permit No. 05-035 and Agricultural Preserve Amendment No. 06-001 of the 2006 Cycle II Plan Amendment for consideration by the Board.

Ayes: Nelson, Pedrozo, Crookham, Kelsey, O'Banion

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board approves General Plan Amendment No. 05-004, Parallel Zone Change No. 05-005, Minor Subdivision Application No. 05-037 (Ruth Cassinella) and General Plan Amendment No. 05-006, Parallel Zone Change No. 05-007, Property Line Adjustment No. 06-008, Conditional Use Permit No. 05-035 and Agricultural Preserve Amendment No. 06-001 (Dave Theodore/Bob Scarpitto); adopts Resolution No. 2006-145B approving 2006 Cycle II General Plan Amendment and Ordinance No. 1786, An Ordinance Changing the Boundaries of and the Classification of Property Uses within Zones Established by Merced County Code Title 18 Titled "Zoning" (Zone Change No. 050-007) and Ordinance No. 1785 An Ordinance Changing the Boundaries of and the Classification of Property Uses within Zones Established by Merced County Code Title 18 Titled "Zoning" (Zone Change No. 05-006)

Ayes: Nelson, Pedrozo, Crookham, Kelsey, O'Banion

**ACTION ITEM NO. 14**  
**2006-07-25 PLANNING**

The Clerk announces the Village of Geneva at Planada General Plan Amendment/EIR Guidance Package submitted by Planning is before the Board for consideration.

Development Services Director Bobby Lewis reviews the Staff Report stating approval of the Guidance Package for processing with the General Plan Amendment does not grant approval of the development or project.

The Chairman asks if there is anyone wishing to speak on this matter.

Maria Giampaoli, Le Grand Municipal Advisory Council, states opposition to the Guidance Package and asks the Board to deny it.

Mary Furey, Planada resident, submits and reads letter dated July 25, 2006 representing her family on the Geneva Project asking the for the General Plan update and to deny this item.

Les McCabe states concerns about use at a Municipal Advisory Council meeting should create the matter to be deferred until all issues are resolved and any conflicts with soil, parcel size and land use should be resolved and he, therefore, urges the Board to deny the Guidance Package.

Supervisor O'Banion moves, seconded by Supervisor Nelson, to approve the Guidance Package for the Village of Geneva at Planada General Plan/EIR.

Diana Westmoreland Pedrozo, Merced County Farm Bureau, states there has been considerable discussion about the land but nothing about the water and feels the project is premature and asks the Board to deny it.

Des Johnston, on behalf of Santa Fe Land Company, states this is a guidance package and is not a vote on the project or package but this will allow the description and clarification of roles and the process of the proposal to begin.

Brian Godbe, Godbe Research, reviews and submits the Planada Voter and Resident Survey conducted for Santa Fe Land Planning to Planada residents.

David Corser reads and submits the document titled Summary of Planada Vision and Community Plan advising and feels there is no need to take steps for an amendment and also submits a Grand Jury Complaint regarding an alleged improper land purchase.

Kim Rogina, Planada resident who resides across the street from the proposed project, states she would hope the Board would consider delaying an amendment of this magnitude at this time.

Kristie Waskewitz, Le Grand resident, states the Planning Department is already short staffed and requests the matter be rejected.

Bryant Owens, Le Grand resident, states based on the resources we have, he requests Board to postpone voting until the current SUDP and Community Plan are adopted and completed.

Discussion is had on the current status of the Court issue, funds used in developing this plan, developers concerns, municipal advisory council concerns, poll survey information provided and the project area.

Following discussion, Supervisor O'Banion moves, seconded by Supervisor Nelson, to accept the Guidance Package for the Village of Geneva at Planada General Plan Amendment/EIR.

Following further discussion, Chairman Nelson calls for a Vote on the Motion.

Supervisors Pedrozo, Crookham and Kelsey vote "no". Motion fails.

Ayes: Nelson, O'Banion

Noes: Pedrozo, Crookham, Kelsey

### **ACTION ITEM NO. 19**

#### **2006-07-25 RETIREMENT**

The Clerk announces the Early Retirement Incentive Plan is before the Board for consideration.

County Executive Officer Demitrios Tatum reviews the Staff Report stating the majority of the positions that would be impacted by this retirement plan would need to be re-filled thereby significantly reducing any potential offset through salary savings. He further states the Executive Office is reviewing the feasibility of offering a Public Service Buyback Program and will return with a recommendation at a later date for Board consideration.

County Treasurer-Tax Collector Karen Adams and Trustee of the Retirement Board, appears stating the early retirement incentive plan is not justified at this time and summarizes information to support the statement.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board rejects the implementation of the Early Retirement Incentive Plan.

Ayes: Nelson, Pedrozo, Crookham, Kelsey, O'Banion