



MERCED COUNTY
BOARD OF SUPERVISORS

SUMMARY ACTION MINUTES

Regular Meeting
TUESDAY, MARCH 27, 2001
Closed Session – 8:30 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

CHAIR GLORIA CORTEZ KEENE.....DISTRICT 1
KATHLEEN M. CROOKHAM....DISTRICT 2
JOE RIVERO.....DISTRICT 3
DEIDRE F. KELSEY....DISTRICT 4
JERRY O'BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM
ACTING COUNTY ADMINISTRATIVE OFFICER

DENNIS MYERS
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.
(209) 385-7366*

SCHEDULED ITEMS

8:30 A. M.

CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: Two Cases

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATOR: It is the intention of the Board to meet in Closed Session pursuant to Section 54957.8 concerning a Conference with County of Merced Staff negotiators concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6, and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers' Association, Unit 7 and Merced County Sheriff Employee Association (MCSEA), Unit 2

8:30 A. M.

CLOSED SESSION: It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Subdivision (e) of Section 54957:

PUBLIC EMPLOYEE APPOINTMENT

Title: Planning and Community Development Director

THE BOARD RECONVENED AT 10:00 A.M. AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

10:00 A. M.

PLEDGE OF ALLEGIANCE

INVOCATION

Pastor Gary Martin, First Southern Baptist Church-Winton

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 (See Board Clerk - Testimony limited to five minutes per person)

The following speak: James Favelo

UC MERCED PROJECT - Liaison Report

RECEIVED REPORT FROM LIAISON REPRESENTATIVE KATHLEEN CROOKHAM

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 – 10a)

APPROVED AS RECOMMENDED AYES: ALL

MINUTES SUBMITTED FOR APPROVAL: NOVEMBER 7, 14, 21 AND DECEMBER 5, 12 AND 19, 2000

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M.

PLANNING – PUBLIC HEARING

Fiscal Year 2000/2001 Community Development Block Grant (CDBG) Program – Planning/Technical Assistance Allocation

REVIEW BOARD ORDER – SEE PAGE 10

AWARDED PLANNING AND TECHNICAL ASSISTANCE GRANT TO DELHI COMMUNITY IN THE AMOUNT OF \$35,000 AND MISC. PROGRAM INCOME TRUST FUND TO THE LE GRAND COMMUNITY SERVICE DISTRICT IN THE AMOUNT OF \$35,000 AYES: ALL

PLANNING – PUBLIC HEARING

2001 Community Development Block Grant (CDBG) Program General Allocation Application – Intent to apply for funding to implement a housing rehabilitation loan program in Census tracts 5.01 and 5.02 which include the unincorporated communities of Winton and Cressey

REVIEW BOARD ORDER – SEE PAGE 11

APPROVED AND ADOPTED RESOLUTION NO. 2001- AYES: ALL

10:30 A. M.

PLANNING - PUBLIC HEARING – INTENDED DECISION

General Plan Amendment No. 90-5 and Parallel Zone Change Application No. 804 – Merced County

To adopt the Santa Nella Community Specific Plan Update setting forth local land use policies involving a 2,560 acre urban planning area with the following types of land uses: 1,171 acres of Low Density Residential, 141 acres of Medium Density Residential, 290 acres of Commercial, 191 acres of Light Industrial and the balance comprised of public facilities and rights of way; and also involving parallel rezoning consistent with the General Plan designations. The community planning area is generally located east of the O’Neill Forebay, north of the California Aquaduct, west of the outside canal (except for 160 acres) and south of Fahey Road with the intersection of State Highway 33 and Interstate 5 being located in the center of the community

REVIEW BOARD ORDER – SEE PAGE 11, 12, 13 and 14

WENT ON RECORD OF INTENT TO APPROVE GENERAL PLAN AMENDMENT NO. 90-5 AND PARALLEL ZONE CHANGE APPLICATION NO. 804 AYES: ALL

PLANNING – 2001 CYCLE I GENERAL PLAN AMENDMENT – PUBLIC HEARING - PROPOSED ORDINANCES - POSSIBLE ADOPTION

General Plan Amendment No. 90-5 and Zone Change Application No. 804, General Plan Text Amendment No. 00003, and General Plan Amendment No. 00004 and Conditional Use Permit No. 00025

REVIEW BOARD ORDER – SEE PAGE 15

ADOPTED 2001 CYCLE 1 GENERAL PLAN AMENDMENT AND ADOPTED RESOLUTION NO. 2001-63 AND ORDINANCE NO. 1655 AYES: 1, 2, 3, 5 NOT PRESENT: 4

PUBLIC WORKS – PUBLIC HEARING

To consider Resolution changing the names of several County Roadways in the Delhi area

- 1) That a portion of Stephens Street, formerly located between Hinton Avenue and the newly constructed frontage road along the west side of Highway 99 is proposed to be renamed as Shell Street,
- 2) That a portion of Merced Avenue, formerly located between Bradbury Road and the newly constructed extension of Flower Avenue along the west side of Highway 99, is proposed to be renamed as Flower Avenue,
- 3) That a portion of Third Street, formerly located between the newly constructed portion of Second Avenue South and Sands Road, is proposed to be renamed as Sands Road,
- 4) That a portion of South Avenue, formerly located between Third Street and Palm Street, is proposed to be renamed as Third Street,

- 5) That a portion of Gaddy Street, formerly located between Fourth Street and Sixth Street, is proposed to be renamed as Fourth Street

REVIEW BOARD ORDER – SEE PAGE 15

CONTINUED PUBLIC HEARING TO APRIL 10, 2001 AT 10:30 A.M.

10:30 A. M.

REPORTS/BOARD DIRECTION

County Administrator
County Counsel
County Auditor
Board of Supervisors Members

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 10a)

APPROVED AS RECOMMENDED AYES: ALL

Travel Requests

1. Approve Travel Requests submitted by Mental Health (2), Human Services Agency, District Attorney, Public Defender and Probation as recommended by Administration.

Budget Transfer

2. Approve Budget Transfers for Human Services Agency (H10), \$16,000 and Public Works (043), \$38,000 as recommended by Administration.

Health

3. Approve and authorize Chairman to sign Amendment to Contract No. 9973 with Health Net for Medical Care Services to enrollees of the Health Families Program.

Private Industry Training Department

4. Approve and authorize Chairman to sign Amendment to Contract No. 99138 with Public Works to provide Crew Leaders for Work Experience activities for Welfare to Work, Temporary Assistance to Needy Families, Independent Living Program, Probation to Work Program and the Work Experience Program participants.

Human Services Agency

5. Approve and authorize Chairman to sign Amendment to Contract No. 9444 with Public Works for Senior Transportation services to modify the funding increasing the amount by \$3,979 for a new contract amount of \$63,979.
6. Approve and authorize Chairman to sign Amendment to Contract No. 1034 with Community Action Agency for Congregate Meals Program to modify the funding increasing the amount by \$393 for a new contract amount of \$259,366.
7. Approve and authorize Chairman to sign Amendment to Contract No. 1033 with Community Action Agency for Home-Delivered Meals Program to modify the funding increasing the amount by \$3,839 for a new contract amount of \$143,971.

Administration

- 8. Adopt Resolutions approving the registration of the American Federation of State, County and Municipal Employees, Merced County Lawyers Association, Independent Employees of Merced County, Merced County Sheriff Employee’s Association, Merced County Deputy Sheriff’s Association and Merced County Law Enforcement Sergeants.

REVIEW BOARD ORDER – SEE PAGE 9

ADOPTED RESOLUTION NOS. 2001-54 FOR AFSCME; 2001-55 FOR UNIT 7-LAWYERS ASSOC.; 2001-56 FOR UNIT 3-INDEPENDENT EMPLOYEES; 2001-57 FOR UNIT 2-SHERIFF, 2001-58 FOR UNIT 2-DEPUTY SHERIFF AND 2001-59 UNIT P-LAW ENFORCEMENT SERGEANTS AYES: ALL

Public Works

- 9. Adopt Resolution honoring Sally Terpending for 28 years of outstanding service.

Board Recognition

- 10. Authorize Certificates of Recognition honoring Dolores J. Cabezit-Ortiz and Barbara Matheron for their dedication to the Agricultural community of Central California for their selection as 2001 Winners of the Common Threads Award.

Board of Supervisors

- 10a. Set public hearing for April 24, 2001 at 10:30 a.m. to consider an Appeal submitted by Sierra Club, including Tehipite Chapter, Merced Group and Members to the Planning Commission decision of Modification of the Conditions of Approval and Possible Revocation of Conditional Use Permit No. 3346 submitted by Evaristo Vaz.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 11. Construction of Planada TEA – Pedestrian/Bikeway/Landscaping Project plans and specifications, authorize competitive bids advertisement and authorize Public Works to award and sign contract with report back to the Board.

REVIEW BOARD ORDER – SEE PAGE 9

MODIFIED APPROVAL REQUESTING CONTRACT COME BACK TO THE BOARD FOR APPROVAL AYES: ALL

- 12. Declare County-owned property at 145 West 12th Street as Surplus Property and adopt Resolution authorizing sale to the City of Merced and authorizing Public Works Director to execute the necessary documents for the sale.

APPROVED AND ADOPTED RESOLUTION NO. 2001-60 AYES: ALL

- 13. Add 50 additional parking spaces for Client and Staff to use at the Human Services Agency (H.S.A.) for a total estimated cost of \$74,000 and approve expanding the scope of work of the previously approved Human Services Agency’s various Site Improvements Project (\$155,816) to include previously approved Sidewalk from West Avenue along Wardrobe Avenue to the main entrance drive at H.S.A. (\$111,286) and the addition for fifty parking spaces for client and staff use (\$74,000) for a total revised estimated Project cost of \$341,102 and approve the necessary budget transfers (2) (#049 and H08). (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

14. Construction of New Masonry Walls at Buildings No. 3 and No. 6 at the Sandy Mush Correctional Facility with an estimated total project budget of \$108,000; approve plans and specifications and authorize competitive bids advertisement; authorize Public Works to award and sign contract with report back to the Board and approve necessary budget transfer (#050). (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

15. Resolution authorizing Director of Public Works to sign the Federal Apportionment Exchange and State Match Program Agreement No. X01-5939(045) to exchange Federal Funds with Non-Federal State Highway Funds with State Dept. of Transportation (Caltrans).

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200159 AND ADOPTED RESOLUTION NO. 2001-61 AYES: ALL

MENTAL HEALTH

16. Contract with California School of Professional Psychology for Psychology Intern Program through June 30, 2002.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200164 AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

17. Accept the EDA Grant Award No. 07-01-04926 in the amount of \$5,851,229 from the U.S. Economic Development Administration for the development of telecommunications infrastructure and demolition of approximately 43 buildings at Castle and authorize the Chairman to sign Contract and appropriate documents.

REVIEW BOARD ORDER – SEE PAGE 9 AND 10

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200158 AYES: ALL

18. Authorize release of Request for Proposal to select an architect/engineering firm for designing demolition and construction of a communications center at Castle understanding no work is to be started until authorized by the Board.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

19. Amendment to Contract No. 99157 with Calif. Dept. of Aging for Community Based Programs funds increasing the amount by \$96,535 for a new contract amount of \$644,134 and approve necessary budget transfer (A1-7). (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

HEALTH

20. Authorize release of Request for Proposal for professional evaluation services on behalf of the Merced County Children and Families Commission for FY 2001/2002.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

DISTRICT ATTORNEY

20a. Resolution authorizing the District Attorney to participate in the Grant to Encourage Arrest Policies and Enforcement Protection Orders Program and authorize Chairman to sign Contract with U.S. Dept. of Justice.

APPROVED RECOMMENDATION AND ADOPTED RESOLUTION NO. 2001-64

AYES: 1, 2, 3, 5 NOT PRESENT: 4

MARSHAL

20b. Contract with Merced College for Training Purposes for the Sheriff Department Weekender Program in support of the Office of Traffic Safety-DUI Warrant Arrest Project Grant and approve the necessary budget transfer.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200165

AYES: ALL

UC MERCED

21. Contract with EIP Associates for Aerial Photography and Maps to identify Biological and Wetland features in Eastern Merced County on and around any potential University of California sites.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200166

AYES: ALL

BOARD OF SUPERVISORS

21a. Support the Merced County Coalition for 21st Century Community Learning Centers Grant participation to extend the library hours of the Dos Palos and South Dos Palos Branch Libraries to remain open by 10 hours a week at each site.

APPROVED AS RECOMMENDED AYES: ALL

APPOINTMENTS

22. Board of Supervisors re: Committees/Commissions and Board Recommendations.
PITD Workforce Investment Board

APPOINTED KATHY ANDRADE TO SERVE AS A MEMBER OF THE WORKFORCE INVESTMENT BOARD REPRESENTING PRIVATE SECTOR UNTIL JUNE 30, 2003

AYES: ALL

BEO Revolving Loan Fund Loan Administration Board

APPOINTED NATE MARCHIOCHI TO SERVE AS A MEMBER OF THE BUSINESS-ECONOMIC OPPROTUNITIES REVOLVING LOAN FUND LOAN ADMINISTRATION REPRESENTING DISTRICT 5 UNTIL DECEMBER 22, 2003

AYES: ALL

BOARD INFORMATION AND POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

23. State Water Resources Control Board re: Notice – seeking data and information on the quality of surface waters of the State.

24. State Dept. of Housing and Community Development re: Emergency Shelter Grant Program. (On file with Clerk)
25. U.S. Dept. of Justice re: Letter of invitation from U.S. Penitentiary to attend Law Enforcement/County Government, Community Relations Briefing and Tour for the U.S. Penitentiary-Atwater on March 29, 2001 at 10:00 a.m.
26. Center for Migration Studies re: Press Release – Past, present and future of refugee assistance.
27. State Board of Equalization re: Property Tax Committee Procedures Manual – also available on State Board of Equalizations website at www.boe.ca.gov. (On file with Clerk)
28. U.S. Dept. of the Interior re: Notice of Final Designation of Critical Habitat for the Threatened California Red-legged Frog. (On file with Clerk)
29. State Dept. of Child Support Services re: DCSS Undistributed Collections Initiative and Addition to Form CS 820 (Child/Family/Spousal and Medical Support Collections and Non-Assistance Distributions and Disbursement Form). (On file with Clerk)
30. State Dept. of Health Services re: FY 2000-01 “Revised” CHIP Allocation tables.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF MARY STEFANI, ALICE BUENDIA AND GEORGE MEYER UNTIL TUESDAY, APRIL 10, 2001 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 27, 2001

CONSENT ITEM NO. 8

2001-03-27 ADMINISTRATION

Upon motion of Supervisor Rivero, seconded by Supervisor O'Banion, duly carried, the Board approves the registration and adopts Resolutions as follows: American Federation of State County and Municipal Employees, Resolution No. 2001-54; Merced County Lawyers' Association, Resolution No. 2001-55; Independent Employees of Merced County, Resolution No. 2001-56; Merced County Sheriff Employee's Association, Resolution No. 2001-57; Merced County Deputy Sheriff's Association, Resolution No. 2001-58 and the Merced County Law Enforcement Sergeants, Resolution No. 2001-59.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

ACTION ITEM NO. 11

2001-03-27 PUBLIC WORKS

The Chairman states Request for approval of the Plans and Specifications for Construction of the Planada TEA is before the Board for consideration.

County Counsel Dennis Myers requests clarification on the authority given to the Public Works Director to sign Contracts prior to returning to the Board.

Assistant Public Works Director Linc Clendenin appears before the Board advising the recommendation before the Board is to expedite the project. He states modification to the recommendation will not prove a hardship to the project timeline.

Following discussion and upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board approves the Plans and Specifications for Construction of the Planada TEA – Pedestrian/Bikeway/Landscaping Project; authorizes Public Works to advertise the project and sets bid opening for April 26, 2001 at 3:00 p.m. understanding the bid results will come back to the Board for award of the contract.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

ACTION ITEM NO. 17

2001-03-27 BUSINESS-ECONOMIC OPPORTUNITIES

Supervisor Rivero moves, seconded by Supervisor Crookham, the Board approve and authorize the Chairman to sign Contract No. 200158 with U. S. Dept. of Commerce-Economic Development Administration for the Telecommunications Infrastructure development and demolition of old buildings (approximately 43) at Castle (Grant Award No. 07-01-04926) in the amount of \$5,851,229.

Business Economic Opportunities Director John Fowler reviews the staff report stating the County would be required to meet any match requirement not filled by other sources.

Acting County Administrator Dee Tatum states Administration is meeting and working with Merced County's business partners in providing funds for the match requirement.

The Board discusses the funding structure. Supervisor O'Banion states the Board needs to determine if Merced County could stand the impact of \$1.7 on the general fund in the event no other funds come forth.

Supervisor Kelsey expresses concern on the PG&E costs not yet anticipated and the impact on the general fund.

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

Motion carries.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

10:30 A.M. SCHEDULED ITEM
2001-03-27 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider Fiscal Year 2000/2001 Community Development Block Grant (CDBG) Program, Planning and Technical Assistance Grant from Housing and Community Development Block Grant Program based on the Board's prioritization submitted by the Planning Department.

The Chairman asks if there is anyone present who wishes to speak.

Evelyn Hayes, President of Le Grand Community Service District, states Le Grand is a rural area with no way to fund needed projects and asks the Board consider the Le Grand area for CDBG funds.

George Hinds, Superintendent of Le Grand High School District, states Le Grand is a rural area with inadequate water flow for fire needs causing an impact on insurance rates. He encourages the Board to move forward and consider rural areas like Le Grand needs.

Bill Davis, Delhi Water District and Municipal Advisory Council Member states Delhi is in dire need of infrastructure money for growth expansion.

Jerry Herman, District Engineer for Le Grand Community Services District, states Le Grand is in need of basic waterlines for fire improvement. He clarifies the request for technical assistance grants stating the funding would provide basic engineering for water distribution system improvements.

Supervisor Kelsey provides background on the Delhi Community Water District expansion.

Following a lengthy discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board takes the following action: awards the Planning and Technical Assistance Grant to Delhi in the amount of \$35,000 and directs Staff to provide \$35,000 from the Miscellaneous Program Income Trust Fund to the Le Grand Community Service District for Planning and Technical Assistance projects.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

10:30 A.M. SCHEDULED ITEM
2001-03-27 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider the 2001 Community Development Block Grant (CDBG) Program General Allocation Application from the Department of Housing and Community Development.

Acting Planning and Community Development Director Bill Nicholson reviews the staff report advising Merced County is eligible to apply each year for CDBG funds for up to \$800,000 per year with a \$500,000 maximum for each application. This is a competitive process and the County has already submitted a separate CDBG application committing \$500 this year for the Economic Development Application.

He further states an Application is being prepared for CDBG funds totaling \$300,000 for General Allocation funds and would implement a housing rehabilitation loan program in which the unincorporated communities of Winton and Cressey are located.

The Chairman asks if there is anyone present who wishes to speak. No one speaks.

Upon motion of Supervisor Kelsey, seconded by Supervisor Rivero, duly carried, the Board authorizes submission of the Community Development Block Grant Application to the Department of Housing and Community Development in the amount of \$300,000 for the Housing Rehabilitation within Census Tracts 5.01 and 5.02, in which the unincorporated communities of Winton and Cressey are located, authorizes the Chairman to sign Grant Agreement, if awarded and adopts Resolution No. 2001-62.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

10:30 A.M. SCHEDULED ITEM
2001-03-27 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider General Plan Amendment No. 90-5 and Parallel Zone Change Application No. 804 submitted by Merced County. Said application is to consider the Santa Nella Community Specific Plan Update setting forth local land use policies involving a 2,560 acre urban planning area with the following types of land uses: 1,171 acres of Los Density Residential, 141 acres of Medium Density Residential, 290 acres of Commercial, 191 acres of Light Industrial and the balance comprised of public facilities and rights of way; and also involving parallel rezoning consistent with the General Plan designations. The community planning area is generally located east of the O'Neill Forebay, north of the California Aquaduct, west of the outside canal (except for 160 acres) and south of Fahey Road with the intersection of State Highway 33 and Interstate 5 being located in the center of the community.

Acting Planning Director Bill Nicholson reviews the Staff Report. He comments on the community outreach, the modified boundary area and the Santa Nella Development Association goals and funding.

Maria Gillum, Planning Center, provides project history and briefly reviews the Draft EIR and Final EIR and development of the Statement of Overriding Mitigations and the Mitigation Monitoring and Reporting Program.

Acting Planning Director Nicholson reviews the Planning Commission's recommendation and clarifies approval includes Alternative Finding 8A.

Supervisor Kelsey expresses concern on water service, transportation and road improvements. She submits letter dated October 13, 2000 from U.S. Dept. of the interior-Fish and Wildlife to Assistant Planning Director regarding cumulative effects of continuing development in Western Merced County on the San Joaquin Kit Fox.

Discussion is had on cumulative growth, mechanism for payment of improvements, traffic studies, and a regional impact fee for county growth.

The Board recesses at 11:50 p.m. and reconvenes at 12:05 p.m. with all members present.

The Chairman asks if there is anyone present who wishes to speak.

Dave Buchanan, member of the Santa Nella Development Association, introduces the developers that worked together on this project and provides history on the development of the comprehensive model study which addresses infrastructure, financing and comprehensive issues. He urges the Board to approve the entire planning area.

Steve Rath, Los Banos City Manager, speaks on the impact this project will have on the City and submits a letter on behalf of Mayor Michael Amabile dated March 26, 2001 requesting the Board add the following Project Condition should the Board vote to approve the Santa Nella Community Specific Plan: Merced County agrees to collect a supplemental traffic impact from residential projects within the Santa Nella Community Specific plan for the City of Los Banos should the City of Los Banos conduct a feasibility study and establish a nexus supporting the collection of said fee (Permitted under the Property Tax Sharing Agreement Chapter 5, Section D).

Following discussion, Acting Planning Director Nicholson states this proposal is a policy plan and there are no conditions of approval. He recommends that this be a Finding that the Board would work with the City of Los Banos on a mutual solution on impact fees.

The Board expresses concern with conditions or requirements requested by the City of Los Banos and the possible hold up of the project.

The Chairman states the Board has accepted the letter and it is now part of the official record.

Bob McCune, adjacent property owner, states notification was not received about this project and requests other land owners be given the opportunity to be part of this project.

Mr. James Favelo thanks the Board for naming a Road in memory of his father. He states the family at one time owned 160 acres and now only owns 20 acres due to the property being taken by eminent domain through condemnation proceedings and requests further information on the status of the remainder of the property.

Mr. Nicholson reviews the proposed changes and the road name change process.

Tom May, Los Banos resident, speaks in favor of the project remaining intact and urges the Board's support.

Ed Amaral, Attorney on behalf of Gary Gonzales and properties described in map submitted as Trustee's of the Lunderville Trust, submits a letter dated March 23, 2001 addressing specific concerns on the location of the future wastewater and/or sewage treatment plants serving the Santa Nella area. He states a previous letter was also submitted to the Board dated March 22, 2001 addressing the concerns on the boundaries of the SUDP inappropriately excluding their properties and requesting the Board seek to certify the EIR while at the same time directing Planning Staff to work with the Lunderville Trust and Gary Gonzales to include their property within the plan and the board indicate on the record their interest in having the plan amended and these properties included.

Patrick McRaff, FPM Farm LLC owner, commends Santa Nella Development Association discusses future options for property development and requests the Board consider Mr. Amaral's request.

Ms. Favelo questions future water plans and states the family would like to be afforded the opportunity to buy back the property taken from their father under Eminent Domain if anything changes.

Dan NeVille, General Manager Water District in Santa Nella, states there are no expansion plans of the existing water facility.

Ed Torres, Merced County resident, speaks on population projection and how this plan affects Merced County as a whole.

Alfred Sousa, City of Gustine, expresses his concern of taxing the unincorporated areas for Santa Nella's road deterioration, and comments on how growth affects the entire County.

Supervisor O'Banion recommends an additional action be included adding the original recommendation made to the Planning Commission in the Statement of Overriding Considerations, specifically Item #8.

Following discussion, Supervisor O'Banion moves, seconded by Supervisor Rivero, the Board takes the following action:

adopts the Environmental Findings with modifications for traffic improvements as submitted and certifies the Final Environmental Impact Report for General Plan Amendment No. 90-5 and Parallel Zone Change Application No. 804;

approves the Mitigation Monitoring and Reporting Program and adopts the Statement of Overriding Considerations as follows;

1. The Santa Nella Community Specific Plan Update (General Plan Amendment No. 90-5) involves a comprehensive revision to the existing Community Specific Plan adopted in 1981. The updated Community Specific Plan proposes a full range of urban land uses as depicted on the Land Use Map (Figure A of the Draft Community Specific Plan) including: Low and Medium Density Residential, Neighborhood and General Commercial and Light Industrial, as well as a variety of public revisions which will guide future land uses and development in the community. These goals and policies are presented in the following sections of the Plan: Land Use Concept; Circulation Concept; Open Space, Conservation, and Recreation Concept; Housing Concept; Noise Concept; Public Safety and Facilities Concept; Agriculture Concept; Infrastructure Concept; Economic Development Concept.

2. The Santa Nella Specific Urban Development Plan (SUDP) boundary is proposed to be reduced by approximately 594 acres in the northwest side of the community, and to be expanded by 650 acres on the north and east sides of the community resulting in a net increase of 94 acres.
3. Zone Change Application No. 804 proposes to redesignate the zoning of various properties to be consistent with the new Community Specific Plan land use designations.
4. The Santa Nella Community Specific Plan (CSP) also contains an Implementation Plan (Chapter 5.0), which identifies the amount and cost of the public services, facilities and infrastructure necessary to accommodate the development envisioned by the Plan, and which will serve as the basis for a variety of impact fees or assessments through latter implementation actions by the County.
5. The Santa Nella CSP is consistent with the requirements for “specific plans” contained in Section 65450 through 65457 of the State Government Code.
6. The Santa Nella CSP is consistent with the overall Merced County General Plan and constitutes an implementation action of the General Plan to update existing Community Plans (Objective 2.A of Goal 2 of the Land Use Chapter). Individual Chapters of the CSP are consistent with and provide local implementation of the corresponding chapters of the General Plan.
7. The expansion of the Santa Nella SUDP boundary requires an evaluation of the ten factors under implementation of Policy 2 under Goal 1 of the General Plan Land Use Chapter. Based on the analysis presented in the Planning Commission Staff Report, the SUDP expansion satisfies the following criteria: agriculture use (acreage added similar to areas to be deleted from the SUDP); adequacy of public services; avoidance of use of individual waste disposal systems; avoidance of exposures to hazards; avoidance or mitigation of impacts to open space/conservation values; availability of vacant land for 20 year horizon (rather than for 10 years); and consistency with the Updated Community Specific Plan.
8. Approval of the Santa Nella SUDP expansion raises potential concerns with three of the criteria under Implementation of Policy 2 of Goal 1 of the Land Use Chapter as follows: the SUDP expansion area includes 37 more acres of prime farmland than the acres being removed from the SUDP; the parcel sizes in the expansion area are all large enough for economic agriculture uses, with a net increase of 94 acres over the previous SUDP; and there is a potential for land use conflicts between the SUDP expansion area lying east of the CCID Main Canal and adjacent farming operations-notably dairies.

The following Findings support the conclusion that the value of the Santa Nella SUDP expansion provides an overall benefit to the County that outweighs the issues raised above:

1. The additional 180 acres will provide much needed housing to help balance the overall development within the Community Specific Plan area;
2. The development of this territory will contribute its fair share of the community-wide services and infrastructure identified in the Community Specific Plan thereby assisting in the implementation of the Plan; and,
3. The 180 acre territory was within the Community Specific Plan study area boundary from the beginning and is logical to remain included within the Final Plan boundary.

And makes an Intended Decision to adopt the Santa Nella Community Specific Plan and intent to approve General Plan Amendment No. 90-5 and Zone Change Application No. 804.

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

Motion carries.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

10:30 A.M. SCHEDULED ITEM

2001-03-27 PLANNING – 2001 CYCLE I GENERAL PLAN - PUBLIC HEARING

The time and date previously set for a public hearing to consider the 2001 Cycle I General Plan Amendment submitted by Planning. Said Cycle includes General Plan Amendment No. 90-5 (Zone Change Application No. 804), General Plan Text Amendment No. 00003, and General Plan Amendment No. 00004 (Conditional Use Permit No. 00025).

The Chairman asks if there is anyone present who wishes to speak. No one speaks.

Upon motion of Supervisor Crookham, seconded by Supervisor Rivero, duly carried, the Board adopts the 2001 Cycle I General Plan; approves General Plan Amendment No. 90-5 and Zone Change Application No. 804 (Santa Nella Specific Plan Update); General Plan Text Amendment No. 00003 and General Plan Amendment No. 00004 and Conditional Use Permit No. 00025; waives further reading and adopts Ordinance No. 1655 and adopts Resolution No. 2001-63.

Ayes: Cortez Keene, Crookham, Rivero, O'Banion

Not Present: Kelsey

10:30 A.M. SCHEDULED ITEM

2001-03-27 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider changing the names of several County Roadways in the Delhi area.

Public Works Director Paul Fillebrown requests the Board continue the item to April 10, 2001 at 10:30 a.m.

Upon motion of Supervisor Crookham, seconded by Supervisor Rivero, duly carried, the Board continues the Public Hearing to April 10th 2001, at 10:30 a.m.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

