



**MERCED COUNTY**  
**BOARD OF SUPERVISORS**

**SUMMARY ACTION MINUTES**

Regular Meeting  
TUESDAY, JULY 24, 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 Case(s)

8:30 A. M.

**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 Merced County Lawyers Association, Unit 7 and Merced County Sheriff Employee Association (MCSEA), Unit 2  
**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**

**Rev. Art Catterall - Le Grand United Methodist Church**

**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)**

**REVIEW BOARD ORDER – SEE PAGE 11**

**The following speak: Chris Rufer from The Morning Star Packing Co.**

**UC MERCED PROJECT - Liaison Report**

**RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM**

**APPROVAL OF MAY 1, 15 AND 22, 2001 MINUTES**

**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4**

**NOT PRESENT: 5**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 – 39)**

**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4**

**NOT PRESENT: 5**

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

10:30 A. M.

**SHERIFF – PUBLIC HEARING**

**To consider 2001 Local Law Enforcement Block Grant**

**REVIEW BOARD ORDER – SEE PAGE 11**

**APPROVED RECOMMENDATION AND ADOPTED RESOLUTION NO. 2001-135 AYES: 1, 2, 3, 4 NOT PRESENT: 5**

**PLANNING – PUBLIC HEARING – INTENDED APPROVAL**

**General Plan Amendment No. 99012, Parallel Zone Change No. 99013 and Conditional Use Permit No. 00006 - Beard Enterprises/Evans Group**

To amend the General Plan from Delhi SUDP Agriculture to Delhi SUDP Commercial with a Parallel Zone Change from A-1 (General Agriculture) to C-2 (General Commercial) along with a Conditional Use Permit for construction of a service station with mini-mart (alcohol sales permitted) and a maximum of

two fast food restaurants on property located northwest of Highway 99 Interchange with South Avenue

**REVIEW BOARD ORDER – SEE PAGE 11, 12 AND 13**

**WENT ON RECORD OF INTENT TO APPROVE AYES: 1, 2, 3, 4**  
**NOT PRESENT: 5**

10:30 A. M.

**PLANNING – 2001 CYCLE II GENERAL PLAN AMENDMENT AND ZONE CHANGE – POSSIBLE ADOPTION**

General Plan Amendment No. 99004 and Zone Change Application No. 99004 – Jose Ramirez

General Plan Amendment No. 99012, Parallel Zone Change Application No. 99013 and Conditional Use Permit Application No. 00006 – Beard Enterprises/Evans Group

**REVIEW BOARD ORDER – SEE PAGE 13**

**APPROVED RECOMMENDATION AND ADOPTED RESOLUTION NO. 2001-136 AND ORDINANCE NO. 1661 (ZONE CHANGE NO. 99004) AND ORDINANCE NO. 1662 (ZONE CHANGE NO. 99013) AYES: 1, 2, 3, 4**  
**NOT PRESENT: 5**

**REPORTS/BOARD DIRECTION**

County Administrator

County Counsel

County Auditor

Board of Supervisors Members

**LUNCH BREAK**

**CONSENT CALENDAR (Items #1 – 39)**

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

**Travel Requests**

1. Approve Travel Requests as submitted by Public Works and recommended by Administration.

**Public Works**

2. Adopt Resolution annexing the Marvin Gardens Unit No. 4 Subdivision No. 00008 into the Almond Estates Drainage Maintenance Zone of Benefit No. 108 in County Service Area Number One.

**ADOPTED RESOLUTION NO. 2001-128**

3. Adopt Resolution annexing the Marvin Gardens Unit No. 4 Subdivision No. 00008 into the Delhi Street Lighting Maintenance Zone of Benefit No. 102 in County Service Area No. One.

**ADOPTED RESOLUTION NO. 2001-129**

4. Adopt Resolution annexing the North Palm Estates Subdivision No. 975 into the Palm Heights Drainage Maintenance Zone of Benefit No. 122 in County Service Area No. One.

**ADOPTED RESOLUTION NO. 2001-130**

5. Adopt Resolution annexing the North Palm Estates Subdivision No. 975 into the Delhi Street Lighting Maintenance Zone of Benefit No. 102 in County Service Area No. One.  
**ADOPTED RESOLUTION NO. 2001-131**
6. Adopt Resolution authorizing the installation of a Stop Sign on Gibbs Avenue at its intersection with White Crane Road located in the Atwater area.  
**ADOPTED RESOLUTION NO. 2001-132**

#### Health

7. Approve and authorize Chairman to sign Renewal Contract No. 2000145 with Merced County Children and Families Commission for the Wellness in Nutrition Project.
8. Approve and authorize Chairman to sign Renewal Contract No. 200154 with Merced County Children and Families Commission for the First Steps Project.
9. Approve and authorize Chairman to sign Renewal Contract No. 2000147 with Merced County Children and Families Commission for the Immunization Registry Project.
10. Approve and authorize Chairman to sign Renewal Contract No. 8995 with Community Action Agency for Dental Disease Prevention Program to the Head Start Program.
11. Approve and authorize Chairman to sign Renewal Contract No. 8896 with Community Action Agency for Child Health and Disability Prevention Program for Head Start Program.
12. Approve and authorize Chairman to sign Renewal Contract No. 8450 with Community Action Agency for provision of services of the Child Health and Disability Prevention Program, Childhood Lead Poisoning Prevention Program and Comprehensive Perinatal Services Program.

#### Probation

13. Approve and authorize Chairman to sign Amendment to Contract No. 9763 with Fouts Springs Ranch for five additional camp beds as an alternative to placement in group homes or the California Youth Authority.
14. Approve and authorize Chairman to sign Amendment to Contract No. 99225 with California Highway Patrol for the Supervising Offenders by Enforcement Response (SOBER) Project.

#### District Attorney

15. Approve and authorize Chairman to sign Renewal Contract No. 200180 with Superior Courts of Merced County for Intra-Plan of Cooperation.
16. Adopt Resolution and authorize Chairman to sign Renewal Contract No. 9502 with Office of Criminal Justice Planning for continued participation in the Career Criminal Prosecution Program administered by OCJP.  
**ADOPTED RESOLUTION NO. 2001-133**

#### Administration

17. Approve and authorize Chairman to sign Renewal and Amendment to Contract No. 5283 with Freese & Gianelli Claims Services, Inc. for Liability Claims Administration.

18. Approve and authorize Chairman to sign Renewal Contract No. 2000132 with The Bridge, J. Stanley Bunce, Ph.D. & Associates for the EAP/OAP Program.

Ag. Commission

19. Approve and authorize Chairman to sign Renewal Contract No. 5983 with Calif. Dept. of Pesticide Regulation for Marketplace Pesticide Residue Sampling.

Sheriff

20. Approve and authorize Chairman to sign Renewal Contract No. 5418 with State 35<sup>th</sup> District Ag. Association for provision of law enforcement services/security services of the Sheriff's Department for the 2001 Merced County Fair to be held at the Fairgrounds from July 16 through 22, 2001.
21. Approve and authorize Chairman to sign Renewal Contract No. 6436 with City of Gustine for Continued Dispatch Services through June 30, 2003.

Private Industry Training Department

22. Approve and authorize Chairman to sign Renewal Contract No. 99117 with Merced College for Registered Nurses Training for WIA participants.

Human Services Agency

23. Approve and authorize Chairman to sign Renewal Contract No. 10230 with Merced College to provide Independent Living Skills Program services to eligible Child Welfare Services Youth.
24. Approve and authorize Chairman to sign Renewal Contract No. 9575 with Health Department to provide services of a Public Health Nurse for child welfare health related issues.
25. Approve and authorize Chairman to sign Renewal Contract No. 2000182 with Public Works for operation of an After School Recreation/Tutor Program.
26. Approve and authorize Chairman to sign Renewal Contract No. 9745 with A Woman's Place for services of a Domestic Violence Counselor.
27. Approve and authorize Chairman to sign Renewal Contract No. 200016 with Auditor-Controller for collection of Delinquent Human Services Agency Receivables by the Revenue and Reimbursement Division.

Area Agency on Aging

28. Approve and authorize Chairman to sign Renewal Contract No. 99119 with Alz-Care, Inc. for Alzheimer's Day Care Resource Center services.
29. Approve and authorize Chairman to sign Renewal Contract No. 1033 with Community Action Agency for provision of 43,940 Home-Delivered Meals to Senior Citizens.
30. Approve and authorize Chairman to sign Renewal Contract No. 9792 with Community Action Agency for provision of Brown Bag Program.

31. Approve and authorize Chairman to sign Renewal Contract No. 1034 with Community Action Agency for provision of 60,106 Congregate Meals to Senior Citizens.
32. Approve and authorize Chairman to sign Renewal Contract No. 99157 with Calif. Dept. of Aging for Community-Based Services Programs provided annually to senior citizens.

**ADOPTED RESOLUTION NO. 2001-134**

Mental Health

33. Approve and authorize Chairman to sign Renewal Contract No. 7572 with Davis Guest Home for provision of supplemental services for Board and Care Consumers.
34. Approve and authorize Chairman to sign Renewal Contract No. 2000150 with Residential Care Homes of Merced for provision of supplemental services to difficult consumers.
35. Approve and authorize Chairman to sign Renewal Contract No. 8922 with Central Valley Regional Center to provide accessible and appropriate levels of services to individuals who are both developmentally disabled and seriously emotionally disturbed.
36. Approve and authorize Chairman to sign Renewal Contract No. 8056 with Crestwood Behavioral Health, Inc. for special services.
37. Approve and authorize Chairman to sign Amendment to Contract No. 9193 with Stanislaus County for provision of Inpatient Psychiatric Services for Children and Adolescents.
38. Approve and authorize Chairman to sign Amendment to Contract No. 8051 with Merced Manor for Skilled Nursing Services.

Board Recognition

39. Authorize Certificates of Recognition to Tony Cozzi in recognition of charter membership of the Dos Palos Y Service Club since its inception on May 19, 1950 and authorize plaque to Dos Palos "Y" Service Club in celebration of their 50<sup>th</sup> Anniversary.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

40. Authorize Public Works Director to provide the City of Merced with written verification that the County would consider deeding park property on East Cone Avenue, known as Flanagan Park, to the City of Merced to be used for park and recreation purposes in order for them to apply for State Grant Funding.

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

41. Resolution authorizing submittal of a Waste Tire Amnesty Grant Application with Calif. Integrated Waste Management Board in the amount of \$20,000 for Waste Tire Disposal Costs resulting from Tire Amnesty Events and Public Education Outreach.

**APPROVED AND ADOPTED RESOLUTION NO. 2001-137 AYES: 1, 2, 3, 4 NOT PRESENT: 5**

42. Amendment to Contract No. 99177 with Clarke Broadcasting, Corp. for Display Advertising on Merced County Transit buses.  
**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5**

PUBLIC WORKS-CASTLE

43. Approve Airport Sublease Document #01-10 for Buildings 1146 and 1147 with Castle Knights Aviation, Inc. dba Gemini Flight Support.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001152 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5**

HEALTH

44. Resolution approving the Annual Assessment of the Emergency Medical Services System for 2000 and authorize submission to the State EMS Authority.  
**APPROVED AND ADOPTED RESOLUTION NO. 2001-138 AYES: 1, 2, 3, 4 NOT PRESENT: 5**
45. California Healthcare for Indigents Program (CHIP) Application for FY 2001-02.  
**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5**

UC MERCED PROJECT

46. Contract with EIP Associates for Special Status Plant and Wildlife Species Studies within the University Community Plan area.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001153 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5**
47. Contract with EIP Associates for services to support Eastern Merced County Natural Communities Conservation Plan (NCCP) Biological Studies.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001154 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5**
48. Contract with EIP Associates for the University Community Plan Environmental Impact Report.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001155 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5**
49. Contract with Merced County Association of Governments for Consulting Services.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001156 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5**
50. Proposed Meeting Schedule and Public Hearing Schedule for University Community Plan and Environmental Impact Report and set public hearings as follows: October 30, 2001 at 10:30 a.m. to consider recommendations from the Planning Commission on the UCP and EIR, November 6, 2001 at 10:30 a.m. for the Intended Decision on the UCP and EIR and November 20, 2001 at 10:30 a.m. to consider the Certification of the EIR and approval of the UCP.  
**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5**

SHERIFF

51. Contract with A Woman's Place for associated shared utility/maintenance/supply costs of utilizing Castle Station.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001158 AS RECOMMENDED**

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

PRIVATE INDUSTRY TRAINING DEPARTMENT

52. Approve permanent implementation of an Alternate Work Schedule and Alternate Work Schedule Plan for Employment & Training Specialists and Employment & Training Assessment Technicians I/II/III assigned to the Employment Resource Center and Follow-Up and Retention Unit.

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

HUMAN SERVICES AGENCY

53. Contract with Children's Services Network of Merced County to provide Stage I Childcare Funding for CalWORKs participants.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001159 AS RECOMMENDED**

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

TREASURER

54. Approve Authority for the Tax Collector, through General Services, to go out for a Request for Proposal for a Interactive Voice Response and Internet Payment System.

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

RETIREMENT

55. Adopt recommended Retirement Rates effective September 14, 2001.

**PULLED FROM AGENDA – NO ACTION TAKEN**

MENTAL HEALTH

56. Amendment to Bylaws of the Merced County Advisory Board on Alcohol and Other Drug Problems reducing the membership from Twenty to Fifteen and deletion of language limiting membership to two consecutive full terms.

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

PRIVATE INDUSTRY TRAINING DEPARTMENT

57. Concur with Workforce Investment Board and ratify the appointment to Youth Council.

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

BOARD OF SUPERVISORS

58. Resolution supporting the use of the *Policy Statement for Farmland Conservation Easements funded through Agricultural Lands Transaction Program of the Great Valley Center in Merced County.*

**PULLED FROM AGENDA – NO ACTION TAKEN**



APPOINTMENTS

59. Board of Supervisors re: Committees/Commissions and Board Recommendations.  
Delhi Municipal Advisory Council

**REVIEW BOARD ORDER – SEE PAGE 14**

Advisory Board on Alcohol and Other Drug Problems

**REVIEW BOARD ORDER – SEE PAGE 14**

Winton Municipal Advisory Council

**REVIEW BOARD ORDER – SEE PAGE 14**

BOARD INFORMATION AND POSSIBLE ACTION

**ACCEPTED AND PLACED ON FILE                      AYES: 1, 2, 3, 4      NOT PRESENT: 5**

60. Health re: Children and Families Commission Project Grants for FY 2001-02.
61. Tax Collector re: Pacific Gas & Electric Settlement.
62. Public Works re: Notification of Contract Award to Quincy Engineering, Inc. for Bridge Design Services.  
**AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2000173**
63. Public Works re: Notification of Contract Award to Wickum Construction for Dickenson Ferry Road over the Deane Canal.  
**AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2000209**
64. Public Works re: Notification of Contract Award to Shasta Contractors for Van Clief Over East Side Canal Project.  
**AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2000208**
65. Human Services Agency re: Expansion of the Operating Hours of the Human Services Agency – Update.
66. Merced County Farm Bureau re: Request to add the issue of Right-To-Farm disclosure be added to an upcoming Board of Supervisors agenda.
67. Employment Development Department re: Faces of Success Brochure through California's One-Stop Career Center System. (On file with Clerk)
68. Superior Court of California re: Notification of Retirement from the Merced County Superior Court effective August 5, 2001 by Judge Michael Hider.
69. Calif. Building Standards Commission re: Notice of Public Hearing – Proposed Building Standards to Calif. Code of Regulations.
70. Calif. Dept. of Child Support Services re: Adoption of Emergency Regulations – Complaint Resolution Process and State Hearing Process.

71. Calif. Dept. of Child Support Services re: "Adjusted" State Allocation of Funds for Program Compliance Reviews for State Fiscal Year 2000-01.
72. State Water Resources Control Board re: Notice of Petition for Temporary Change involving the transfer of 35,428 acre-feet of water from the California Dept. of Water Resources (DWR) to Del Puerto Water District, Panoche Water District, San Benito Water District, San Luis Water District, and Tranquility Irrigation District under DWR's Permit 16482.
73. Calif. Victim Compensation and Government Claims Board re: News Release – State seeks nominations for the 2001 Governor's Victims Services Awards.
74. California County Fish and Game Commissions re: Updated draft Constitution and By-Laws of the Calif. Association of Co. Fish and Game Commissioners. (On file with Clerk)
75. Central Valley Regional Water Quality Control Board re: Public Meeting Notice.
76. Calif. Industrial Development Financing Advisory Commission re: Request to approve Initial/Final Resolutions for Tax-Exempt and Taxable Bonds.
77. Administration re: Public Notice of Submission under Section 5 of the Voting Rights Act.

**ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF LILLIAN KEENE, MR. THURSTON AND MARY T. VELASQUEZ UNTIL JULY 31, 2001 AT 10:30 A.M.**

## BOARD ORDERS – SUMMARY ACTION MINUTES – JULY 24, 2001

### **10:00 A. M. SCHEDULED ITEM** **2001-07-24 PUBLIC OPPORTUNITY**

Mr. Chris Rufer, owner of The Morning Star Packing Company, appears before the Board and submits a letter dated July 24, 2001 stating the County of Merced is applying road impact fees in a manner inconsistent with basic law and reasonableness and requests the Board approve Morning Star Permit Application as proposed and outlines the overview of the project, discussion and conclusion of the proposal with his communications with Merced County.

County Counsel Dennis Myers advises Mr. Rufer that there is an appeal process to an Administrative Permit.

Present: Cortez Keene, Crookham, Rivero, Kelsey

Not Present: O'Banion

### **10:30 A.M. SCHEDULED ITEM** **2001-07-24 SHERIFF – PUBLIC HEARING**

The time and date previously set for a Public Hearing to consider Department of Justice 2001 Local Law Enforcement Block Grant in the amount of \$101,978 with a required approximate matching share of \$11,218 submitted by the Sheriff Department.

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 approves the Local Law Enforcement Committee recommendations, authorizes submission of the 2001 Local Law Enforcement Block Grant and Follow Up Information Form and authorizes the County Administrative Officer to sign via INTERNET once all requirements are met and approval of recommendations are made for use of this grant funding in the amount of \$101,978 and adopts Resolution No. 2001-135.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey

Not Present: O'Banion

### **10:30 A.M. SCHEDULED ITEM** **2001-07-24 PLANNING - PUBLIC HEARING**

The time and date previously set for a Public Hearing to consider General Plan Amendment No. 99012, Parallel Zone Change 99013 and Conditional Use Permit No. 00006 submitted by Beard Enterprises/Evans Group to amend the Merced County General Plan from Delhi Urban Development Plan (SUDP) Agricultural to Delhi SUDP General Commercial with a Parallel Zone Change from A-1 (General Agricultural) to C-2 (General Commercial) along with a Conditional Use Permit for construction of a service station with mini-mart (beer and wine sales permitted) and two

fast food restaurants on property located northwest of the Highway 99 interchange with South Avenue in the Delhi area.

Planner Bob King provides the Staff Report and advises the Planning Commission recommends approval of General Plan Amendment 99012, Parallel Zone Change 99013 and Conditional Use Permit No. 00006 and adoption of the proposed Negative Declaration.

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

Based on Findings and upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board approves the Negative Declaration prepared for General Plan Amendment No. 99012, Zone Change No. 99013 and Conditional Use Permit No. 00006 and goes on record of its intended decision to approve General Plan Amendment No. 99012, Parallel Zone Change No. 99013 and Conditional Use Permit No. 00006 subject to the following conditions:

1. Conditional Use Permit No. 00006 is subject to approval of General Plan Amendment No. 99012 and Zone Change No. 99013 and is approved as a conceptual plan for construction of a service station/mini-mart (with alcohol sales limited to beer and wine only) and two fast food restaurants, subject to further refinement based on actual project design elements.
2. The owners/developers shall submit a detailed final site plan when actual tenants are proposed to address site-specific issues as to parking, landscaping, drainage and traffic impacts as required by the Merced County Zoning Code and this permit for approval prior to issuance of any building permits.
3. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1 (copy provided with applicant's staff report).
4. The applicant shall satisfy Improvement Level I requirements of Chapter 16.08 of the Merced County Code which generally include but are not limited to, dedication of right-of-way and public utility easements, pavement widening along existing roadways, installation of street lighting, construction of a storm drainage system, and undergrounding or relocating utilities or irrigation facilities in conflict with required improvements.
5. Improvement plans and calculations shall be submitted to and approved by Caltrans and the Department of Public Works prior to the issuance of any building permits.
6. The applicant shall obtain necessary encroachment permits and provide required dedications prior to issuance of building permits. All improvements shall be constructed and approved prior to a final building inspection or prior to the issuance of a Certificate of Occupancy, whichever occurs first.
7. Provide a letter from Caltrans accepting storm water runoff into their facility prior to the issuance of any building permits. Storm water calculations shall be consistent with Caltrans methodology. The applicant shall comply with all provisions of the Caltrans Storm Water Quality Handbooks.
8. The applicant shall pay adopted Bridge and Major Thoroughfare Fees prior to the issuance of building permits pursuant to Section 13.40.040.C of the Merced County Code.
9. The property owner shall annex the property into the Delhi Lighting Maintenance Zone of Benefit 102 in County Service Area No. 1 prior to the issuance of any building permit.

10. The property owner shall limit encroachment to Stephens Street as shown in the submitted Conceptual Site Plan. Calculations shall also be submitted to County Public Works verifying the adequacy of the structural section of Stephens Street to support the project through a 20 year design life.
11. The applicant shall obtain approval of improvement plans from the Turlock Irrigation District prior to issuance of any building permits.
12. The project shall comply with all requirements of the County Fire Department, including providing adequate fire flow water supply (1,500 gal/per/minute) and possible installation of a sprinkler system.
13. A mitigation-monitoring fee of \$112.00 shall be paid prior to submittal of any building plans. Should additional staff time be required for review of the development plans or condition monitoring, the applicant shall reimburse the County for staff time at the established hourly rate at the time of plan review or inspection.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey

Not Present: O'Banion

#### **10:30 A.M. SCHEDULED ITEM**

#### **2001-07-24 PLANNING – 2001 CYCLE II GENERAL PLAN – POSSIBLE ADOPTION**

The time and date previously set for the 2001 Cycle II General Plan Amendments submitted by Planning which includes the following applications:

General Plan Amendment No. 99004 and Zone Change Application No. 99004; and,  
General Plan Amendment No. 99012, Parallel Zone Change Application No. 99013 and Conditional Use Permit Application No. 00006.

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 II General Plan Amendment Resolution, related Zone Change Ordinances and Conditional Use Permit; approves General Plan Amendment No. 99004 and Zone Change Application No. 99004 and General Plan Amendment No. 99012, Parallel Zone Change Application No. 99013 and Conditional Use Application No. 00006 and waives further reading and adopts Ordinance No. 1661 (Zone Change 99004) and Ordinance No. 1662 (Zone Change No. 99013) and adopts Resolution No. 2001-136.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey

Not Present: O'Banion

**ACTION ITEM NO. 59**

**2001-07-24 DELHI MUNICIPAL ADVISORY COUNCIL**

Upon motion of Supervisor Kelsey, seconded by Supervisor Rivero, duly carried, the Board appoints Dorothy Samuel to serve as a member of the Delhi Municipal Advisory Council until January 3, 2002 replacing Pete Karabinis.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey

Not Present: O'Banion

**ACTION ITEM NO. 59**

**2001-07-24 MENTAL HEALTH - ADVISORY BOARD ON ALCOHOL AND OTHER DRUG PROBLEMS**

Upon motion of Supervisor Kelsey, seconded by Supervisor Rivero, duly carried, the Board reappoints Collette Farris to serve as a member of the Advisory Board on Alcohol and Other Drug Problems until June 30, 2005 representing District Five.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey

Not Present: O'Banion

Upon motion of Supervisor Kelsey, seconded by Supervisor Rivero, duly carried, the Board reappoints Dave Riordan to serve as a member of the Advisory Board on Alcohol and Other Drug Problems until June 30, 2005 representing District Three.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey

Not Present: O'Banion

Upon motion of Supervisor Kelsey, seconded by Supervisor Rivero, duly carried, the Board appoints Joan Kelly to serve as a member of the Advisory Board on Alcohol and Other Drug Problems until June 30, 2005 representing District Two.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey

Not Present: O'Banion

**ACTION ITEM NO. 59**

**2001-07-24 WINTON MUNICIPAL ADVISORY COUNCIL**

Upon motion of Supervisor Kelsey, seconded by Supervisor Rivero, duly carried, the Board reappoints Genevieve Ousley to serve as a member of the Winton Municipal Advisory Council until March 31, 2005.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey

Not Present: O'Banion