



SUMMARY ACTION MINUTES

MERCED COUNTY BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JULY 23, 2002

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

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

DEMITRIOS O. TATUM
COUNTY EXECUTIVE 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: One Case

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (e) of Section 54957.8 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with Unit 10-Deputy Sheriff Association and Unit P-Merced County Law Enforcement Sergeants

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

10:00 A. M.

PLEDGE OF ALLEGIANCE

INVOCATION

SERVICE PIN AWARDS PRESENTATION

35 YEARS OF SERVICE:

Assessor - David Cardella

25 YEARS OF SERVICE:

Assessor - Kenneth Brummel

Private Industry Training Dept. - Sandra Lemas

20 YEARS OF SERVICE:

District Attorney - William Martin

15 YEARS OF SERVICE:

County Counsel - Dennis Myers

A RECEPTION WILL BE HELD IN ROOM 310 IN HONOR OF THE SERVICE PIN AWARDS

NACO ACHIEVEMENT AWARD - 2002

Merced County Dept. of Child Support Services

PRESENTATION

Hall of Fame for the California Agriculture Teachers Association, 1900-2000 - Awarded to Les McCabe and Ed Fisher

California Agriculture Teachers Association, Teacher of Excellence Award, 2002 - Awarded to Daniel Crookham

PRESENTATION

Father of the Year Recognition - Finalist Awards and Father of the Year Award

PRESENTATION - OVERVIEW

Pacific Gas & Electric Company - Franchise Fee Agreements

NO PRESENTATION - RESCHEDULED

10:00 A. M.

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)

UC MERCED PROJECT - LIAISON REPORT

RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 35)

APPROVED AS RECOMMENDED AYES: ALL

10:00 A.M. GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

ADDED AGENDA ITEM

REVIEW BOARD ORDER – SEE PAGE 11

THE BOARD FINDS THE NEED TO CONSIDER SETTING THE ANIMAL CONFINEMENT ORDINANCE, SUBDIVISION CODE ORDINANCE AND ZONE CODE ORDINANCE FOR FIRST READING OF PROPOSED ORDINANCE FOR AUGUST 13, 2002 AT 10:30 A.M. AYES: ALL

10:30 A. M. PLANNING - PUBLIC HEARING - INTENDED APPROVAL

General Plan Amendment No. 02003, Zone Change Application No. 02003 and Administrative Permit Application No. 02021 - Atlas Storage. Said project proposes a zone change from A-1 (General Agricultural) to C-2 (General Commercial), a General Plan Amendment from Atwater Specific Urban Development Plan (SUDP), UR (Urban Reserve) to C (Commercial) and an Administrative Application to allow the construction of a 52.975 square foot Mini-Storage Facility. Project is located north of Gertrude Avenue and west of Shaffer Road in the Atwater area

REVIEW BOARD ORDER – SEE PAGE 12, 13, 14 AND 15

PURCHASING – PROPOSED ORDINANCE – FIRST READING, SET SECOND READING AND POSSIBLE ADOPTION FOR AUGUST 13, 2002 AT 10:30 A.M.

An Ordinance revising the Purchasing Ordinance to Establish a Local Business Purchasing Preference Policy

REVIEW BOARD ORDER – SEE PAGE 15

REPORTS/BOARD DIRECTION

- County Administrator
- County Counsel
- County Auditor
- Board of Supervisors Members

LUNCH BREAK

CONSENT CALENDAR (Items # 1 - 35)

APPROVED AS RECOMMENDED AYES: ALL

Travel Requests

1. Approve Travel Requests submitted by Child Support Services and Administration as recommended by Administration.

Public Works

2. Accept the Final Map for Prince Williams Commons Phases 3 and 4 located in the Atwater area.

3. Adopt Resolution authorizing the installation of a Stop Sign on Ranchitos Del Sol Drive at its intersection with Gonzaga Road in the Santa Nella area.

ADOPTED RESOLUTION NO. 2002-130

4. Authorize Le Grand High School Cheer Program to use Le Grand Park and Building on August 2, 2002 for a Fundraiser waiving the restricted use of amplified music subject to the providing the County of Merced with a Certificate of Insurance for Comprehensive General Liability including product liability in the amount required by Risk Management.
5. Approve and authorize Chairman to sign Contract with Merced Community College-Extended Education Department to use the Bedesen Conference Room of the Old Courthouse Museum for an oral history class "LifeStories"

CONTRACT NO. 2002150

REVIEW BOARD ORDER – SEE PAGE 11

Public Works-Castle

6. Approve and authorize Chairman to sign Addendum to Sublease with West Coast Gas, Inc. for the use of Building No. 1566 at Castle Airport Aviation and Development Center.

CONTRACT NO. 2002151

7. Approve and authorize Chairman to sign Amendment to Sublease Contract No. 2001122 with Patelco Credit Union for use of approximately 1.64 acre parcel of land at Castle Airport.
8. Approve and authorize Chairman to sign Addendum to Sublease Contract No. 2001273 with Community Action Agency for use of Building No. 1310 at Castle Airport.

Health

9. Adopt Resolution authorizing Chairman to sign Amendment to Contract No. 200290 with State Water Resources Control Board for revisions to the Animal Confinement Ordinance.

ADOPTED RESOLUTION NO. 2002-131

10. Approve and authorize Chairman to sign Renewal Contract No. 8345 with Mariposa County for Household Hazardous Waste Collection and Disposal Services.
11. Approve and authorize Chairman to sign Renewal Contract No. 9744 with the District Attorney's Office for investigation of fraud/abuse within the Indigent Health Care Programs.
12. Approve and authorize Chairman to sign Amendment to Contract No. 10269 with Doctor's Medical Center for Major Trauma Patient Receiving Center designation services.
13. Approve and authorize Chairman to sign Renewal Contract No. 2000154 with Merced County Children and Families Commission for the First Steps Project.
14. Approve and authorize Chairman to sign Amendment to Contract No. 10268 with Memorial Medical Center for Major Trauma Patient Receiving Center designation services.
15. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 7825 with State Integrated Waste Management Board for the Local Enforcement Assistance Grant EA 12.

ADOPTED RESOLUTION NO. 2002-132

16. Approve and authorize Chairman to sign Renewal Contract No. 200028 with State Dept. of Health Services for Chlamydia Prevention and Control Project.

Ag. Commission

17. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 5983 with Calif. Dept. of Pesticide Regulation for Pesticide Residue Analysis.

ADOPTED RESOLUTION NO. 2002-133

Mental Health

18. Approve and authorize Chairman to sign Renewal Contract No. 8965 with Probation Department for on-site probation services for youth and families by providing three full time Deputy Probation Officers.
19. Approve and authorize Chairman to sign Renewal Contract No. 5045 with San Benito County for provision of mental health services for consumers.
20. Approve and authorize Chairman to sign Renewal Contract No. 9123 with Cedar Vista Hospital California for Medi-Cal patients and No. 9241 with Non-Medi-Cal patients.
21. Approve and authorize Chairman to sign Amendment to Contract No. 99156 with Phil A. Phillips for a Patients' Rights Advocate to provide mental health services to consumers.
22. Approve and authorize Chairman to sign Memorandum of Understanding Contract with Health, Sheriff and Calif. Forensic Medical Group for coordination of mental health services for Correctional Facilities inmates.

CONTRACT NO. 2002149

Human Services Agency

23. Approve and authorize Chairman to sign Amendment to Contract No. 200057 with Action Business Center (Business-Economic Opportunities) for economic development outreach, business and job creation and business retention program consistent with the Job Creation Plan.
24. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 10036 with State Dept. of Rehabilitation for provision of vocational rehabilitation services to mutual CalWORKs Employment and Training participants and authorizes the Human Services Agency Director to sign subsequent amendments and changes as long as within approved contract budgeted amount.

ADOPTED RESOLUTION NO. 2002-134

25. Approve and authorize Chairman to sign Renewal Contract No. 99080 with Catholic Charities of the Diocese of Fresno for a Senior Companion Program and authorizes the Human Services Agency Director to sign subsequent amendments and changes as long as within approved contract budgeted amount.
26. Approve and authorize Chairman to sign Renewal Contract No. 7023 with Health for Parenting/Bonding classes and authorizes the Human Services Agency and Health Directors to sign subsequent amendments and changes as long as within approved contract budgeted amount.
27. Approve and authorize Chairman to sign Renewal Contract No. 99157 with Calif. Dept. of Aging for Community Based Service Programs annually to the senior citizens of Merced County and authorizes the Human Services Agency Director to sign subsequent amendments and changes as long as within approved contract budgeted amount.

ADOPTED RESOLUTION NO. 2002-135

28. Approve and authorize Chairman to sign Renewal Contract No. 200183 with Merced County Office of Education to provide vocational training through ROP Program to eligible youth.

Private Industry Training Department

29. Approve and authorize Chairman to sign Amendment to Contract No. 200079 with Strumpf Associates for additional training sessions for WIB members and PITD Staff.
30. Approve and authorize Chairman to sign Sublease Contract with Community Action Board for shared space with PITD for the Workforce Development Department.

CONTRACT NO. 2002152

Board Recognition

31. Authorize Certificate of Recognition to Evelyn Benidettino upon her selection by the San Joaquin Chapter as Grand Chief Knight.
32. Authorize Certificate of Recognition for the Weiland Memorial Collection endowed by the Weiland Memorial.
33. Authorize Certificate of Recognition to individuals for their dedication as the Gustine Citizens for the 4th of July Committee and their efforts to acknowledge our nation's independence by coordinating the parade and various activities for the 4th of July celebration.

REVIEW BOARD ORDER – SEE PAGE 11

34. Authorize Certificate of Recognition for Merced County Arts Council Awards: Martha Acevedo, President of the Board; Claire McNamara, Arts Angel 2002 and Merced Symphony Association, Arts Advocacy Award for 2002.

Board of Supervisors

35. Authorize Letter of Support for Journey from Merced, California to Somoto, Nicaragua Sister City Committee with the "Friendship Bus Project".

REGULAR CALENDAR

BOARD ACTION

ADMINISTRATION

36. Adopt Media Relations Policy for implementation throughout the County's departments and agencies understanding implementation of the policy would require the following: All departments designate a Public Information Liaison and a secondary spokesperson as a source of backup, All departments distribute Media Relations Policy to senior management staff and review with all staff and Public Information Liaisons and backups receive media relations training on fundamental media relations issues and tactics that reflect the basic policy of the Board of Supervisors.

APPROVED AS RECOMMENDED AYES: ALL

37. Authorize the circulation of the Request for Proposal (RFP) to have an independent law firm or association to provide Indigent Defense Services with negotiated contract to come back to the Board for approval.

APPROVED AS RECOMMENDED AYES: ALL

38. Contract with David Gottlieb for Indigent Defense Services.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002153 AYES: ALL
39. Special Duty Pay for the classification of Children's System of Care Coordinator and adopt Resolution effective July 1, 2002.
ADOPTED RESOLUTION NO. 2002-136 AS RECOMMENDED AYES: ALL
40. Adopt a Resolution authorizing the sale of Weaver Unified School District General Obligation Bonds in an amount not to exceed \$1,367,352.10.
ADOPTED RESOLUTION NO. 2002-137 AS RECOMMENDED AYES: ALL
41. Approve a Merced County Return to Work Policy, adopt an Amendment to the Human Resources Rules and Regulations which deletes Section 12. "Light Duty Policy" and incorporates those provisions into a rewritten Section G. "Employee Assistance Programs for Injury or Illness".
ADOPTED RESOLUTION NO. 2002-138 AS RECOMMENDED AYES: ALL

PUBLIC WORKS

42. Authorize Circulation of Request for Proposals to select multiple vendors to provide limited plan check and inspection services on an as-needed basis, authorize Annual Professional Service Contracts for multiple vendors that most closely match the criteria as outlined in the RFP for an amount not to exceed \$10,000 per year per vendor.
APPROVED AS RECOMMENDED AYES: ALL
43. Three Year Contract for Display Advertising on Merced County Transit Buses to Mapleton Communications.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002154 AYES: ALL
44. Plans and Specifications for New Potable Water Well for Juvenile Justice Correctional Complex and replacement potable water well for Correctional Facility, authorize bid opening and direct Public Works to negotiate and award contract and to return to the Board with action taken.
APPROVED AS RECOMMENDED AYES: ALL
45. Submission of Application to State Historic Preservation Office for total project cost of \$501,000 with \$250,000 Grant Funds and \$250,500 match for the design and construction to rehabilitate the Snelling Courthouse for adaptive re-use, adopt Resolution approving the Application for Grant Funds for the Calif. Heritage Fund Grants Program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 and other requirements and authorize Public Works to sign and file the application and any associated documents necessary to proceed as long as keeping with previously established Board action and policy.
ADOPTED RESOLUTION NO. 2002-139 AS RECOMMENDED AYES: ALL
46. Submission of Application to State Historic Preservation Office for total project cost of \$215,064 with \$107,532 match for the design and construction of repairs to the roof restructure and replacement of the roofing to protect the Old Merced County High School/Library for future adaptive re-use and adopt Resolution approving the Application for Grant Funds for the Calif. Heritage Fund Grants program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 and other requirements and authorize Public Works to sign and file the application and any associated documents necessary to proceed as long as keeping with previously established Board action and policy.
ADOPTED RESOLUTION NO. 2002-140 AS RECOMMENDED AYES: ALL

HEALTH

47. Contract with Kara Morley-Smolek, M.D. to serve as Child Health and Disability Prevention and California Childrens Service Medical Consultant.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002155 AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

48. Submission of Application to Pacific Gas & Electric Grant Program for \$10,000 to fund the continuation of the Procurement Technical Assistance Center; authorize Business-Economic Opportunities Director to execute necessary documents and return to the Board with recommended action.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002156 AYES: ALL

49. Authorize the development of a Community Development Block Grant (CDBG) Enterprise Fund Application in the amount of \$100,000 for the creation of a Microenterprise Assistance Activities Program and set a public hearing for September 10, 2002 at 10:30 a.m. to consider said Application.

APPROVED AS RECOMMENDED AYES: ALL

PUBLIC WORKS-CASTLE

50. Circulation of Request for Proposal for Telecommunications Service Provider at Castle Airport Aviation and Development Center and authorize Public Works to negotiate a Contract and to come back to the Board for approval.

APPROVED AS RECOMMENDED AYES: ALL

51. Amendment to Contract No. 2001260 with Weather Nav Incorporated for Airport Navigational Aids Maintenance and authorize Public Works Director to sign said documents.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

52. Authorize Human Services Agency to pay Central Valley Collections \$2,457.68 and the client \$1,054.42 as part of a client's Child Welfare Case Plan and Agreement and authorize the Auditor to process the payment.

APPROVED AS RECOMMENDED AYES: ALL

PRIVATE INDUSTRY TRAINING DEPARTMENT

53. Authorize submission of Application to the Governor's Nursing Workforce Initiative for up to \$2 million to implement programs designed to train, recruit, and retain nurses; authorize the PITD Director to execute necessary documents and return to the Board with recommended action.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002157 AYES: ALL

BOARD OF SUPERVISORS

54. Authorize transfer of \$16,000 from Special Board Project Funds-District One to the Merced County Library Budget.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

55. Merced Cemetery District. (2)

REAPPOINTED RALPH BUSBY AND BRIAN MORSE TO SERVE AS MEMBERS

OF THE MERCED CEMETERY DISTRICT UNTIL JULY 1, 2006 AYES: ALL

56. Merced County Employees Retirement Board.

REAPPOINTED DON BOLES TO SERVE AS A MEMBER OF THE MERCED COUNTY EMPLOYEES RETIREMENT BOARD UNTIL JULY 1, 2005 AYES: ALL

57. Coalition for Tobacco Prevention and Cessation Programs.

REAPPOINTED RONDA EATON TO SERVE AS A MEMBER OF THE COALITION FOR TOBACCO PREVENTION AND CESSATION PROGRAMS UNTIL MARCH 31, 2004, REPRESENTING DISTRICT ONE AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

58. Human Services Agency re: Report of Persons Receiving Assistance for period of May, 2002.
59. Mental Health re: Establishment of a Narcotics Treatment Program in Merced County.
60. San Joaquin Valley Air Pollution Control District re: 2002-2003 Adopted Budget. (On file with Clerk)
61. Turlock School Districts re: General Obligation Bond Election - November 5, 2002.
62. Hilmar Unified School District re: Resolution ordering Bond Election, setting forth the specifications thereof, and requesting the Board of Supervisors of Merced County to consolidate the bond election with other elections occurring on November 5, 2002.
63. Bureau of Reclamation re: Revising the criteria for evaluating water conservation plans required by the Central Valley Project Improvement Act of 1992.
64. State Victim Compensation and Government Claims Board re: Extension to November 2nd to submit claims for reimbursement on SB 551 - a measure to assist family members of victims and other Californians affected by the terrorist attacks at the World Trade Center, the Pentagon and Pennsylvania.
65. Calif. Historical Records Adv. Board re: Historical Records in the Golden State – A Strategic Plan for preserving California’s Documentary Heritage. (On file with Clerk)
66. The Governor's Office of Emergency Services and the Collaborative for Disaster Mitigation re: Announcement of the Third Annual Disaster Resistant California Conference.
67. State Board of Equalization re: Taxpayer's Bill of Rights Hearings set for August 20, 2002 in Culver City and October 3, 2002 in Sacramento.
68. U.S. Dept of the Interior-Bureau of Land Management re: Invitation to partner with us in a cooperating agency relationship for the Bureau of Land Management's (BLM) land use planning processes here in California.
69. State Water Resources Control Board re: Notice of Petition for Temporary Change involving the transfer of 13,000 acre-feet of water from the Calif. Dept. of Water Resources to Del Puerto Water District and San Luis Water District under Permit 16482.
70. CALFED Bay-Delta Program re: Drinking Water Subcommittee Notice of Calif. Bay-Delta Public Advisory Committee set for July 26, 2002 in Sacramento.

71. CALFED Bay-Delta Program re: Bay-Delta Public Advisory Committee Notice of Water Supply Subcommittee Meeting set for July 24, 2002 in Sacramento.

ADOPTED RESOLUTIONS IN MEMORY OF ALVIN HALSTEAD, MARTIN VALDEZ, JAMES CASEY, PRISCILLA GRAVES AND JENNIFER ANN LORENZI UNTIL TUESDAY, AUGUST 13, 2002 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JULY 23, 2002

CONSENT ITEM NO. 5

2002-07-23 PUBLIC WORKS

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2002150 with Merced Community College – Extended Education Department to use the Bedesen Conference Room of the Old Courthouse Museum for an oral history class “Lifestories”.

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

CONSENT ITEM NO. 33

2002-07-23 BOARD OF SUPERVISORS

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board authorizes Certificates of Recognition to the following individuals for their dedication as the Gustine Citizens for the 4th of July Committee and their efforts to acknowledge our nation's independence by coordinating the parade and various activities for the 4th of July celebration: Jim and Nancy Bonta, Co-Chairpersons; Janet Cordiero, Board Member; Mike and Judi Gandy, Co-Chairpersons; John Gedney; Dr. Ben Leonard, Board Member; Debbie Lopes, Secretary; C. Raulin Mendoca, Treasurer; Dieter Poetsch, Board Member; Jennifer Sexton, Board Member; Alvin Amaral, Board Member; Rita Azevedo, Board Member; Tressa Bal, Board Member; and Tiffany Vitorino, Board Member.

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

10:00 A.M. ADDED AGENDA ITEM

2002-07-23 HEALTH

Upon motion of Supervisor O’Banion, seconded by Supervisor Cortez Keene, duly carried, the Board finds the need arose, subsequent to the posting of the agenda, to consider setting the Board Meeting date for the Animal Confinement Ordinance, Zone Code Ordinance and Subdivision Code Ordinance amendments submitted by the Health Department and places the item on the agenda for consideration.

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

Upon motion of Supervisor Crookham, seconded by Supervisor Kelsey, duly carried, the Board sets the First Reading to consider modifications to the Animal Confinement Ordinance, Zone Code Text Amendment Ordinance and Subdivision Code Text Amendment Ordinance and to certify the program environmental impact report for August 13, 2002 at 10:30 a.m..

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

10:30 A.M. SCHEDULED ITEM
2002-07-23 PLANNING – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider General Plan Amendment No. 02003, Zone Change Application No. 02003, and Administrative Permit Application No. 02021 submitted by Atlas Storage. Said project proposes a zone change from A-1 (General Agricultural) to C-2 (General Commercial), a General Plan Amendment from Atwater Specific Urban Development Plan (SUDP), UR (Urban Reserve) to C (Commercial) and an Administrative Application to allow the construction of a 52,975 square foot Mini-Storage Facility. Project is located north of Gertrude Avenue and west of Shaffer Road in the Atwater area.

Planner Sean Purciel reviews the Staff Report and advises the Planning Commission recommends approval of the Mitigated Negative Declaration for the project with 23 mitigation measures.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board approves the Negative Declaration prepared for General Plan Amendment No. 02003, Zone Change Application No. 02003 and Administrative Permit Application No. 02021 with 23 mitigation measures based on the following findings:

1. Based on the initial environmental evaluation and comments received at the public hearing, there is no substantial evidence that the proposed project will have a significant effect on the environment with implementation of the mitigation measures as Conditions of Approval No. 6 through 28.
2. The Mitigation Negative Declaration has been prepared and circulated in accordance with CEQA and reflects independent judgment of the lead agency.
3. On the basis of the Initial Environmental Study, there is no evidence before the County that the project will have a potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends.

Based on Findings and upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board makes an Intended Decision to approve General Plan Amendment No. 02003, Zone Change No. 02003 and Administrative Permit Application No. 02021 subject to the following Conditions:

1. Administrative Permit Application 02021 is approved to construct a 52,975 square foot mini-storage facility after General Plan Amendment No. 02003 and Zone Change No. 02003 have been approved. The Permit is granted only for the following use: Mini-storage facility. This use shall be located, developed and operated in a manner as described on the approved plot plan, section, and elevations. Minor modification may be approved by the Planning Director.
2. *Approved Plot Plan* – The project shall comply with the approved plot plan subject to these conditions and any County standards, including but not limited to parking, on-site circulation, landscaping, fences and walls, signage, trash areas, lighting, noise and pollutants, and building setbacks. The plot plan shall be reviewed and approved by staff prior to issuance of any building permits. Staff may make minor modifications as necessary.

3. *Planning Commission Resolution No. 97-1* – The project shall comply with the standard conditions of approval listed in the Planning Commission Resolution No. 97-1 for Administrative Permits.
4. *Section 18.47.58, County Department Compliance* – The applicant shall comply with applicable regulations administered by the County. These regulations shall include, but not limited to standards administered by the County Fire, Environmental Health, Planning and Public Works Departments.
5. *Permit Life* – If the Administrative Application is not used within one year, it shall become automatically null and void without further action. The Planning and Community Development Director may extend the Permit if a request is filed by the applicant prior to its expiration.
6. *Section 18.45, Impact Fees* – The project will be subject to any all development impact fees adopted by the County according to law. Said fees shall be collected at the Building Permit Stage.
7. *Construction Plans* – Construction plans for building permits shall include the following note for noise control: The applicant shall ensure that construction hours shall be limited to the daytime hours between 7:00 a.m. and 6:00 p.m., and all construction equipment shall be properly muffled and maintained. Placement of this note on construction plans shall be conducted on a random basis by the County Planning Department.
8. *Section 16.40, Landscape Plans* – Three copies of the landscape and irrigation plans as shown on the plot plan shall be submitted for review and approved by the Planning Director in accordance with the standards of Section 16.40 of the Merced County Code prior to the issuance of Building Permits. Landscaping and irrigation, in compliance with the approved plans, shall be installed prior to Final Inspection or issuance of a Certificate of Occupancy by the County Building Division.
9. *Section 16.40, Landscaping* – The proposed landscaping and irrigation plan shall be prepared by a licensed landscape architect/contractor and shall be approved by the Planning Director prior to issuance of any building permits and installed prior to initiation of uses.
10. *Section 16.40, Landscaping* – All landscaping areas shall be maintained in a viable growth condition throughout the life of this permit.
11. *Section 18.44, Trash Enclosures* – A trash enclosure shall be provided and designated on the plot plan. – Two (2) trash enclosures are adequate to enclose a minimum of two (2) bins shall be located as shown on the approved exhibit and shall be constructed prior to the issuance of occupancy permits. The enclosures shall be six feet in height and shall be made with masonry block and a solid gate, which screens the bins from external view. The trash receptacle shall be provided per Section 18.44.
12. *Site Maintenance* – The site shall be maintained and in a neat and orderly manner at all times.
13. *Section 18.42, Sign Plan* – All sign plans shall be submitted to the Planning Director for approval prior to the installation of any sign. All on-site signage shall comply with the provisions of Chapter 18.42. (Sign Regulations).

14. *Section 18.44, Wall Requirement* – The site shall be completely enclosed with the building wall or a solid masonry wall, at least six feet high, with landscaping according to Section 18.38 Landscape Standards, except for points of ingress and egress (including emergency fire access), shall be gated. The gate(s) shall be maintained in good working order and shall remain closed except when in use.
15. *Interior Access* – The interior access road for the mini-storage facility shall be paved and (at least) 20-foot in width. Also, the parking and maneuvering areas for the other areas shall be paved and striped appropriately.
16. *Daily Cleanup* – During the construction phase of the project, the air quality could deteriorate due to the dust created by machinery. This condition would be temporary, but as a mitigation measure, the applicant shall conduct watering of exposed earth surfaces during cleaning, grading, and earth moving and other site preparation. The watering shall occur at least twice a day with complete coverage, preferably in the late morning and after work is done for the day as needed. There shall also be a daily cleanup of dirt from adjacent roads and all trash. This mitigation measure will be monitored by the applicant, the Planning Department and the Department of Public Works.
17. *Security Lighting* – All area and security lighting shall be hooded and directed downward and into the project site. No glare or direct light shall emanate from the project area. This shall be monitored by the County Public Works Department and Planning Departments. All on-site lighting shall be energy efficient, stationary and directed away from adjoining properties and public rights-of-way.
18. *Section 18.47.58, Storing of the Items* – The proposed mini-storage facility shall be limited in use to the storing of the items listed and prohibitions stated in Section 18.47.58 of the Zoning Code. No business activity shall be conducted other than the rental of storage spaces for inactive storage use. All storage shall be located within fully enclosed structure(s) except for operable vehicles, boats and RV's. Finally, no large (shipping) containers or flammable or otherwise hazardous materials shall be stored on-site.
19. *Residential Quarters* – Residential quarters for a manager or caretaker may be provided in the development subject to Planning Director's approval.
20. *Section 18.47.58, Inoperative Vehicles* – Storage of inoperative vehicles shall not be allowed.
21. *Section 18.40, Parking* – The development shall provide for two (2) parking spaces for the manager or caretaker, and a minimum of five spaces located adjacent or in a close proximity to the manager's quarters for customer parking.
22. *Section 18.40, Parking* – A minimum of eight (8) 9' x 19' parking spaces shall be provided as shown on the approved exhibit, unless otherwise approved by the Planning Department. The parking area shall be surfaced with asphaltic concrete to current standards as approved by the Department of Public Works.
23. *Section 18.40, Accessible Parking* – A minimum of two (2) parking spaces for handicapped persons shall be provided as shown on the approved exhibit.

24. *Section 16.08, Level 1 Requirements* – The applicant shall satisfy Improvement Level 1 requirements of Chapter 16.08 of the Merced County Code for required dedications and street improvements along the Gertrude Avenue and Shaffer Road frontages of the property. The City of Atwater shall approve the improvement plans for the project prior to the issuance of any building permit. Improvements shall be constructed under encroachment permit.

25. *Section 18.45, Winton Bridge and Major Thoroughfare Fees* – The applicant shall pay Winton Bridge and Major Thoroughfare Fees at the building permit stage.

26. *Plot Plan Approval* – the applicant shall indicate an available leach line replacement area equal to 100% of the size of the sewage disposal system. The replacement area must be shown on a plot plan approved by the Division of Environmental Health prior to approval of the Building Permit.

27. *City of Atwater Requirements* – The applicant shall comply with City of Atwater requirements (as the project lies within the Sphere of Influence of the City of Atwater) in regards to City road standards, possible annexation, and City development agreements. A signature block shall be provided on final improvement plans for approval by the jurisdiction.

28. *Section 18.54, Condition Monitoring* – For the purpose of condition monitoring, an initial and annual inspection fee in the amount of \$62.00 shall be required. This fee shall be paid prior to issuance of building permits. Should additional inspections be required, inspection time shall be billed to the applicant at the established hourly rate at the time of inspection.

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

10:30 A.M. SCHEDULED ITEM
2001-07-23 GENERAL SERVICES

The time and date previously set for the First Reading of Proposed Ordinance entitled “An Ordinance Concerning Local Business Purchasing Preference Policy” (Amends Chapter 5.12 of the Merced County Code and Ordinance Nos. 1138 and 374) submitted by General Services.

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

Upon motion of Supervisor Crookham, seconded by Supervisor Kelsey, duly carried, the Board waives further reading of the Proposed Ordinance entitled “An Ordinance Concerning Local Business Purchasing Preference Policy” and sets second reading and possible adoption for August 13, 2002 at 10:30 a.m.

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