



SUMMARY ACTION MINUTES

MERCED COUNTY BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, DECEMBER 03, 2002

Closed Session – 9:00 a.m.

Regular Meeting – 10:00 a.m.

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

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

9:00 A. M.

CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATOR: It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) Paul Fillebrown-Public Works Director pursuant to Section 54956.8 as follows:
Challenger Learning Center, Castle Airport

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Subdivision (a) of Section 54956.9:
Name of Case: Case #145920, San Joaquin Raptor Rescue Center et al vs. County of Merced

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 (f) of Section 54957.6: 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; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P and Deputy Sheriff Association, Unit 10

THE BOARD RECESSED INTO CLOSED SESSION AT 9:00 A.M. AND RECONVENED AT 10:30 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

10:00 A. M.

PLEDGE OF ALLEGIANCE

INVOCATION

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

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Auditor-Recorder-\$32,000; Health-\$2,225 and Public Works (#022)-\$24,246

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items # 1 - 22)

MODIFIED RECOMMENDATION PULLING CONSENT ITEM #13 FROM THE AGENDA AYES: ALL

EXECUTIVE OFFICE – DEPARTMENTAL STATUS REPORT

Human Services Agency, Mental Health and Department of Workforce Investment

REVIEW BOARD ORDER – SEE PAGE 11

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

ADDED AGENDA ITEM:

REVIEW BOARD ORDER – SEE PAGE 17

THE BOARD FINDS THE NEED TO CONSIDER THE FOLLOWING AND PLACES THEM ON THE AGENDA FOR CONSIDERATION: (1)-APPLICATION FOR INCLUSION INTO THE FAA MILITARY AIRPORT PROGRAM (2)-SPECIAL SERVICES CONTRACT FOR TELECOMMUNICATIONS SERVICES PROVIDER AND (3)-APPLICATION TO IMPLEMENT PROGRAMS DESIGNED FOR RECRUITMENT AND RETENTION OF NURSES AYES: ALL

10:30 A. M.

ASSESSOR - PROPOSED ORDINANCES - FIRST READING AND SET SECOND READING AND POSSIBLE ADOPTION FOR DECEMBER 17, 2002 AT 10:30 A.M.

An Ordinance Providing for Reassessment of Property Damaged or Destroyed by Misfortune or Calamity (Amends Ordinance No. 1443 and County Code Chapter 5.16)

An Ordinance Providing for Notice of Escape Assessment of Property under Revenue and Taxation Code Section 531, 534 and 1605

REVIEW BOARD ORDER – SEE PAGE 11

PLANNING - PUBLIC HEARING

An Appeal of the Planning Commission Denial of Zone Variance Application No. 02023 and Minor Subdivision Application No. 02042 – Maynard Medefind – To vary from the minimum parcel size (20 acres) in the A-1 (General Agricultural) zone and divide a 17.81 acre parcel into two parcels; Parcel 1=13.41 acres and Parcel 2=4.40 acres on the north side of Livingston-Cressey Road, at the west corner of Sultana Drive in the Livingston area

REVIEW BOARD ORDER – SEE PAGE 12 AND 13

PLANNING - PUBLIC HEARING

General Plan Amendment No. 02004, Zone Change Application No. 02005 and Conditional Use Application No. 02007 - Calvary Temple and County of Merced as Co-Applicant – To expand the boundary of the Franklin-Beachwood Rural Residential Center (RRC) to include an 18-acre area located on the southwest corner of Franklin Road and Belcher Avenue, to redesignate this area and rezone the site from A-1 (General Agricultural) to A-R (Agricultural-Residential); and to construct a church, school, daycare, food bank, youth center, and related outdoor facilities totaling 74,000 square feet of building area

REVIEW BOARD ORDER – SEE PAGE 13, 14, 15 AND 16

10:30 A. M.

EXECUTIVE OFFICE - PROPOSED ORDINANCE - SECOND READING AND POSSIBLE ADOPTION

An Ordinance establishing Court Security Division in the Sheriff's Department pursuant to the provisions of Calif. Government Code Section 26638.5 effective January 15, 2003;

delete the classification and job specification for Marshal, Deputy Marshal I, II, Marshal Sergeant and Extra Help Deputy Marshal I, II; approve the modifications to Deputy Sheriff I, II and Sheriff Sergeant, Sheriff Senior Sergeant;

change 15 Deputy Marshal positions, Range 62.0/63.0 to Deputy Sheriff I/II, Range 62.0/63.0 and one Marshal Sergeant, Range 66.8 to Sheriff Sergeant/Sheriff Senior Sergeant, Range 66.8/67.4 and reclassify the incumbents;

adopt Resolutions effective January 13, 2003; and, approve side letter addendums to the Memorandum of Understandings (MOU) with Sheriff Employees Association (MCSEA) representing Unit 10 and Merced County Law Enforcement Sergeants (MCLES) representing Unit P to address the transition of the Marshal personnel into the Sheriff's Department

REVIEW BOARD ORDER – SEE PAGE 16

REPORTS/BOARD DIRECTION

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

11:00 A. M.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PRESENTATION

REVIEW BOARD ORDER – SEE PAGE 18

CONSENT CALENDAR (Items # 1 - 22)

MODIFIED RECOMMENDATION ELIMINATING CONSENT ITEM #13 FROM THE AGENDA AYES: ALL

Budget Transfers

1. Approve Budget Transfers from Ag. Commissioner-\$1,200; Child Support Services-\$640; County Counsel-\$352; Public Works-\$12,850 (#020) and Sheriff-\$16,000 as recommended by Executive Office.

Sheriff

2. Authorize Overhire of one Deputy Sheriff (Position #89) for a period of six months, BU 22100.
3. Authorize one Overhire of Correctional Officer (Position #66) for a period of six months, BU 23000.

Public Works

4. Approve Plans and Specifications for Automation Irrigation System and Tree Planting at O'Banion County Park, authorize Public Works to set bid opening date, conduct opening

and award contract to the lowest responsible bidder with budgeted amount and direct a report back to the Board.

5. Approve and authorize Chairman to sign Amendment to Contract No. 2001290 with Alta Apiaries for approximately two acres in the north central portion of the abandoned Belcher Road Correctional Facility, north site, for the temporary storage and removal of beehives.

Health

6. Approve and authorize Chairman to sign Renewal Contract No. 9011 with Merced Faculty Associates to provide physician backup services as needed in the various clinical programs.

Ag. Commissioner

7. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 8306 with Calif. Dept. of Food and Ag. for Pink Bollworm Cotton Plowdown and Host Free Monitoring Program.
ADOPTED RESOLUTION NO. 2002-225
8. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 1472 with Calif. Dept. of Food and Ag. for Egg Quality Control.
ADOPTED RESOLUTION NO. 2002-226
9. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 10271 with Calif. Dept. of Food and Ag. for High-Risk Pest Exclusion Inspection Program.
ADOPTED RESOLUTION NO. 2002-227
10. Approve and authorize Ag. Commissioner to sign Renewal Contract No. 5041 with Calif. Crop Improvement Association for Seed Certification.

Mental Health

11. Approve and authorize Chairman to sign Renewal Contract No. 9929 with Kings View Counseling Services for Short Term Acute Psychiatric Hospitalization.
12. Approve and authorize Chairman to sign Renewal Contract No. 99242 with City of Los Banos for Adolescent Youth Programs.

Human Services Agency

13. Approve and authorize Chairman to sign Renewal Contract No. 2001159 with Children's Services Network to provide State I Childcare Funding.
NO ACTION TAKEN - PULLED FROM THE AGENDA

Planning

14. Set public hearing for December 17, 2002 to consider CDBG Program, General and Native American Allocation.
15. Approve and authorize Chairman to sign Renewal Contract No. 2001263 with McDonough, Holland & Allen for extending the time for completion of the feasibility study for the formation of a county redevelopment agency in the unincorporated area.

Business-Economic Opportunities

16. Approve and authorize Chairman to sign Renewal Contract No. 10267 with IKON Office Solutions, Inc. in connection with FOCUS Program.

Board Recognition

17. Authorize Certificates of Recognition to Mee Lee Yang, Lao Chang, Nao Vang Lee, Nhia Koua Lee, Nor Yee Lee, Chue Moua, Ker Moua and Kamua Xiong selected by the Healthy House for Hmong Shaman Partners in Healing Graduation.
18. Authorize Certificate of Recognition to Lt. Col. William Thacker for community services as a member of the Civil Air Patrol, Calif. Wing and commendation for actions taken on July 13, 2002 and continued commitment in assisting law enforcement with the security of the borders in Imperial County.
19. Authorize Certificates of Recognition to Justin Willis, Josephine Bellardia (Vita Bella Group Homes), Paul Castilleja (Fotos por Paul), John Guerra (Acme Graphics), Stephanie Lua-Casique (Nina's Day Care), Teresa Pulido (Dollar Rama), Cecilia Sanchez (Rainbow Apparel), Vanessa Starling (Natural Comfort Health Spa), Song Thao (Thao's Oriental Cuisine), Debbie Alves and Arturo Cota selected by Community Action Agency for Self Employment in Micro-Enterprise Program as Entrepreneurial Graduates.
20. Authorize Certificates of Recognition to Officer Armando Echevarria (Atwater Police), Lt. Norman Chavez (CHP), Detective Bryon Elness (Gustine Police), Officer Zina Holden (Los Banos Police), Officer Tom Fullerton (Merced City Police), Deputy Sheriff Darrell Davis (Sheriff), Chief Deputy District Attorney Larry Morse, Sheriff-Elect Mark Pazin and Sergeant Rick Marshall (Sheriff) that have made significant contributions to assist survivors of domestic violence in connection with the Response with a Heart in Merced County.
21. Authorize Certificates of Recognition to Clendenin Brothers, Agri-Business of the Year; Patrick Borelli, Field Crop Farmer of the Year; Marc Coleman, Ag-Education Recipient; Dave and Christine Long, Trees and Vines Farmer of the Year; and Pedretti Ranches, Livestock and Dairy Farmers of the Year as selected by the Greater Merced/Merced County Chamber of Commerce for 2002 Awards and proclaim the week of November 22-28, 2002 as Farm City Week in Merced County.
22. Authorize Certificate of Recognition to Frank Casillas III for heroism and life saving actions at Sparks School when coming to the aid of Beth Ward.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

23. Adopt Plans and Specifications for the Keypad Security Locks at Mental Health Buildings 1 and 2 with total budget of \$11,500 and authorize solicitation of bids and issuance of Purchase Order to the lowest responsive bidder.
APPROVED AS RECOMMENDED AYES: ALL
24. Authorize circulation of Request for Proposal for Traffic Signal Maintenance Services with Public Works to return to the Board for award of Contract.
APPROVED AS RECOMMENDED AYES: ALL
25. Approve and authorize Chairman to sign Renewal Contract No. 200064 with Penguin La Natural for Ice Cream Concession at Hagaman Park. (4/5 Vote Required)
APPROVED AS RECOMMENDED AYES: ALL

26. Authorize the Chairman to sign Letter on behalf of the County of Merced supporting modifications to the Merced Streams Group Project for constructing a bypass channel for routing storm water from the Black Rascal Creek Watershed around the City of Merced and into the watershed and wildlife area west of the community and requesting priority status for completion of the Project by the Corps of Engineers.
APPROVED AS RECOMMENDED AYES: ALL
27. Authorize purchase of Lawnmower in current funded fiscal year budget and purchase of additional lawnmower and approve necessary budget transfer-\$50,800.
APPROVED AS RECOMMENDED AYES: ALL
28. Authorize Response to the Solicitation for Offers for lease space received from the U.S. Dept. of Ag. Farm Services Agency to offer space located in the Merced County Ag. Building and return to the Board with results of the solicitation for offers.
APPROVED AS RECOMMENDED AYES: ALL
29. Authorize transfer of three surplus transit buses as follows: Bus #M36 to the City of Dos Palos and Bus #M37 and #M38 to the City of Atwater. (4/5 Vote Required)
APPROVED AS RECOMMENDED AYES: ALL
30. Memorandum of Understanding-Contract No. 2002231 with Merced County Association of Governments (MCAG) for coordination of ongoing transit planning for programming federal transit funds for the Merced County Transit "The Bus".
APPROVED AS RECOMMENDED AYES: ALL

HEALTH

31. Adopt Resolution authorizing two Solid Waste Local Agency Enforcement Agency Grants for Cycle EA 12 and EA 13 to the California Integrated Waste Management Board and authorize Environmental Health Director to sign Payment Requests related to the Grant.
ADOPTED RESOLUTION NO. 2002-229 AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

32. Authorize investigation of possible sites to lease for the Multi-Disciplinary Interview Center for the County of Merced and request permission to work with General Services to identify available space in relationship to needs.
APPROVED AS RECOMMENDED AYES: ALL

GENERAL SERVICES

33. Authorize Director of General Services to sign Memorandums of Understanding with Merced County Office of Education, Merced County Historical Society and Merced Irrigation District to provide auction related services.
APPROVED AS RECOMMENDED AYES: ALL
34. Contract with James and Kathleen Mitchell for Mental Health Youth Services Program office space.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002233 AYES: ALL

PLANNING

35. Direct Planning Staff to utilize the preparation of Guidance Packages for outlining the relationship between developers and the County in processing developer financed Community Plan updates, to include funding for both consultant and staff costs and reimbursement to developers through a building permit or similar fee; and direct Planning

Staff to propose a 'community plan update fee' to be charged on building permits in all unincorporated communities in order to establish an ongoing community plan update fund.

APPROVED AS RECOMMENDED AYES: ALL

36. PULLED.

AG. COMMISSION

37. Contract with Madera County for use of Weights and Measures Testing Equipment and Personnel to operate same.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002234 AYES: ALL

LIBRARY

38. Contract with Children and Families Commission for mini-grant in the amount of \$25,000 for library materials to include books for children ages 0-5 and their parents.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002235 AYES: ALL

CHILD SUPPORT SERVICES

39. Authorize Release of Request for Proposal for Internet Locate Tools to return to the Board for final approval of the award.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

40. Authorize the Sheriff to apply for the Federal Drug Enforcement Agency Domestic Cannabis Eradication/Suppression Grant.

APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

41. Contract with Merced College to provide Basic Education and GED preparation at the Westside PLATO Lab.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002236 AYES: ALL

HUMAN SERVICES AGENCY

42. Contract with Madera County to establish collaborative relationship to handle sensitive child welfare case issues.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002237 AYES: ALL

AREA AGENCY ON AGING

43. Approve the FY 2002-2003 Area Plan Update, the FY 2002-2003 Title III E Addendum and the FY 2001-2002 Area Plan Year End Report for the Merced County Area Agency on Aging.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

44. Contract with Steven D. Smith for provision of indigent defense services as a Contract Public Defender.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002238 AYES: ALL

BOARD OF SUPERVISORS OFFICE

45. Amend 2003 Calendar to cancel the January 7, 2003 Board Meeting.

APPROVED AS RECOMMENDED AYES: ALL

46. Authorize completion of the Local Agency Biennial Notice for submission to the Fair Political Practices Commission (FPPC).

APPROVED AS RECOMMENDED AYES: ALL

AUDITOR AND TREASURER

47. Appoint Karen D. Adams, Treasurer-Tax Collector and M. Stephen Jones, Auditor-Controller, Recorder, Clerk for the unexpired terms of Bill W. Smith and James L. Ball effective December 14, 2002.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

48. Public Works re: Notice of Award of Contract for Replacement of Carpeting in Main Administration Building to House of Carpets.
49. Human Services Agency re: Report of Persons Receiving Public Assistance, September 2002.
50. Ag. Commissioner re: Animal Control Monthly Report, September 2002.
51. San Mateo County re: Flight Training Security Ordinance.
52. Humboldt County re: Buckhorn Grade Improvement Project.
53. Kings County re: Resolution adopted regarding the State Mandated In-Home Supportive Services (IHSS) Program.
54. Tulare County re: Resolution urging the State of Calif. to recognize and accept its administrative oversight and fiscal responsibilities for the mandated In-Home Supportive Services Program.
55. Calif. Office of Traffic Safety re: Planning for the California annual Drunk and Drugged Driving Prevention Month campaign through the month of December.
56. State Dept. of Parks and Recreation re: Calif. Leaders' Opinions of Parks and Recreation, 2002 - a practical tool for parks and recreation and invitation to share your stories. (On file with Clerk)
57. Calif. State Water Resources Control Board re: Development of Interested Parties List - Statewide Waste Discharge Requirement to regulate composting of greenwaste in amounts exceeding 500 cubic yards; Conversion of Waivers to Waste Discharge requirements.
58. U.S. Fish and Wildlife Service re: Reopen for Comment Period for Sacramento Splittail. (On file with Clerk)
59. Univ. of Calif.-Davis re: Copy of Handgun commerce in California, 1999 - a report by the Violence Prevention Research Program at UC Davis. (On file with Clerk)
60. Calif. State University, Sacramento re: Brochure/Application and Flyer pertaining to the 2003-2004 Calif. Senate Fellows Program - deadline is February 26, 2003. (On file with Clerk)

**ADOPTED RESOLUTIONS AND ADJOURNED THE MEETING IN MEMORY OF JOEL
WHITEHURST, TED FALASO, CLIFFORD BENNETT AND ERIC ALLEN DAVIS UNTIL
TUESDAY, DECEMBER 17, 2002 AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – DECEMBER 3, 2002

10:00 A.M. SCHEDULED ITEM

2002-12-03 EXECUTIVE OFFICE – Departmental Status Report

Assistant County Executive Officer Jim Brown provides an overview of the State Budget Impacts and the effect on:

- Reimbursement Mandated Costs
- COPS
- Rural and Small County Assistance
- Library
- Ag Commission
- Child Support Penalties
- Health/Human Services

Human Services Agency Director Ana Pagan reviews and submits a summary of the Human Services Agency proposed budget cuts and reductions.

Mental Health Director Troy Fox reviews and submits the Mental Health Trust Fund Impact Budget for FY 2002/2003 on cost, revenues, trust balance, trust balance vs. usage, and the impact on CalWorks, Mental Health Services, Alcohol and Drug Services.

Department of Workforce Investment Director Andrea Baker reviews and submits the Department of Workforce Investment funding history by Fiscal Year, financial impact of CalWorks contract decrease, staffing changes due to contract reduction and impacts to the community.
Present: Rivero, Cortez Keene, Crookham, Kelsey, O'Banion

10:30 A.M. SCHEDULED ITEM

2002-12-03 ASSESSOR – PROPOSED ORDINANCE – FIRST READING

The time and date previously set for the First Reading of Proposed Ordinances entitled “An Ordinance Providing for Reassessment of Property Damaged or Destroyed by Misfortune or Calamity” (Amends Ordinance No. 1443 and County Code Chapter 5.16) and “An Ordinance Providing for Notice of Escape Assessment of Property under Revenue and Taxation Code Section 531, 534 and 1605” as submitted by the Assessor.

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board waives further reading of the Proposed Ordinances submitted by the Assessor and sets second reading and possible adoption for December 17, 2002 at 10:30 a.m.

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

10:30 A.M. SCHEDULED ITEM
2002-12-03 PLANNING – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider an Appeal submitted by Maynard Medefind of the Planning Commission denial of Zone Variance Application No. 02023 and Minor Subdivision Application No. 02042. Said application is to vary from the minimum 20 acre parcel size in the A-1 (General Agricultural) zone and subdivide a 17.81 parcel into two parcels: Parcel 1=13.41 acres and Parcel 2=4.40 acres on property located on the north side of Livingston-Cressey Road at the west corner of Sultana Drive in the Livingston area.

Deputy Director of Planning and Community Development Butch Cope reviews the Staff Report and advises the Planning Commission denied the Zone Variance and Minor Subdivision Applications based on their inability to make the required findings.

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

Duane Andrews, Golden Valley Engineering and applicant's representative, speaks in support stating this is an oddly shaped parcel.

Merced County Farm Bureau Executive Director Ed Patterson requests the Board consider approval due to the loss of farmland.

Following discussion, Supervisor Kelsey moves to uphold the Planning Commission decision. Supervisor Rivero seconds the motion.

Following a lengthy discussion, Supervisor Kelsey withdraws the Motion on the Floor.

Following further discussion, Supervisor Cortez Keene moves, seconded by Supervisor O'Banion, the Board finds Zone Variance Application No. 02023 and Minor Subdivision Application No. 02042 is exempt from the California Environmental Quality Act as per Section 15061(b)(3) of the CEQA Guidelines and upholds the Appeal filed by Maynard Medefind and approves Zone Variance Application No. 02023 and Minor Subdivision Application No. 02042 subject to the following Findings:

1. Zone Variance Application No. 02023 and Minor Subdivision Application No. 02042 propose to vary from the minimum 20-acre parcel size in the A-1 (General Agricultural) Zone to create a 13.41-acre parcel and a 4.40-acre parcel. The property is located on the north side of Livingston-Cressey Road at the west corner of Sultana Drive in the Livingston area.
2. Based on information provided by the applicant and presented at the public hearing, there are physical circumstances such as size, shape, topography and location or surrounding which the strict application of the zoning ordinance deprives the property owner of privileges enjoyed by other property in the vicinity and under identical zoning classification.
3. The granting of the variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated based upon the information provided by the applicant.

4. The variance would not authorize a use or activity not otherwise allowed in the zone since one home is allowed on all legal parcels in the A-1 zone.
5. Granting the variance is consistent with the Merced County General Plan based on the information presented by the applicant.
6. The Merced Irrigation District (MID) has been notified of the project and had the following comment:
 - a. The applicant shall ensure that MID irrigation water delivery be provided by MID and an irrigation easement be provided from the existing irrigation delivery gate currently serving the whole property if there is not an irrigation delivery located within each parcel.
7. The public hearing has been adequately noticed and advertised.

and subject to the following Conditions:

1. The Zone Variance No. 02023 shall be valid as long as Minor Subdivision Application No. 02042 is valid.
2. A Parcel Map shall be recorded within two years of the Planning Commission approval date.
3. A Right-to-Farm Certificate shall be placed on the Parcel Map informing the future residents of resulting parcels of the inconveniences that they may encounter from living adjacent to active farming operations.
4. For the purpose of condition monitoring, a fee in the amount of \$46.00 shall be paid prior to recording the Parcel Map.

The Chairman calls for a vote on the Motion.

Supervisor Kelsey votes “no”. Motion carries.

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

Noes: Kelsey

10:30 A.M. SCHEDULED ITEM
2002-12-03 PLANNING – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider General Plan Amendment No. 02004, Zone Change Application No. 02005, and Conditional Use Permit Application No. 02007 – Calvary Temple, and County of Merced as Co-Applicant. Said proposal is to amend the General Plan Amendment land use diagram by expanding the Franklin-Beachwood Rural Residential Center (RRC) to include an 18-acre located on the southwest corner of Franklin Road and Belcher Avenue, to redesignate this area from Agricultural to Agricultural-Residential; to rezone the site from A-1 (General Agriculture) to A-R (Agricultural-Residential) and to construct a church, school, daycare, food bank, youth center, and related outdoor facilities on property located on the northwest corner of Franklin road and Belcher Avenue.

Planner Desmond Johnston reviews the Staff Report and advises the Planning Commission recommends approval of the applications subject to modifications to Conditions #6, #10, #11 and #22.

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

Duane Andrews, Golden Valley Engineering and representative of the church, speaks in support of the applications.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board makes an Intended Decision to approve General Plan Amendment No. 02004, Zone Change No. 02005, and Conditional Use Permit Application No. 02007 subject to the following Conditions:

1. The Conditional Use Permit is granted for a church/multi-purpose building, school, day-care, food bank, youth center, and related outdoor facilities, totaling 74,000 square feet of building area, to be built out over 3 or 4 phases.
2. The project shall comply with the standard conditions of approval listed in the Planning commission Resolution No. 97-1 for conditional use permits and all discretionary permits (a copy will be sent to the applicant).
3. At full build-out, parking spaces designed according to the Parking Chapter of the Zoning Code (Chapter 18.40) shall be provided on site, and can be provided as each phase of this development is built. Parking and maneuvering areas shall be paved according to the County Department of Public Works standard and specifications.
4. Prior to issuance of the building permit for each phase of the development, the applicant shall submit three copies of the landscape and irrigation plan prepared according to the landscape chapter of the County Zoning Code (Chapter 18.38) for review and approval of the Planning and Community Development Department. The landscape shall be installed prior to occupancy of each phase of the development.
5. A full-scale plot plan showing proposed well and sewage disposal system locations, including 100% sewage disposal replacement area, must be submitted to the Division of Environmental Health (DEH) for review and approval prior to building permit issuance. Along with the full-scale plot plan, at least one soils report and percolation test performed in the sewage disposal system location must be submitted to DEH for determining the sewage disposal size and specifications.
6. Prior to Issuance of building permits, the applicant must apply for and obtain a Public Water System Permit from DEH for the church and school unless water is obtained from MeadowBrook Water Company.
7. Prior to issuance of building permits, the applicant must obtain approval from DEH for plans and specifications for operation of any food facilities, including a school cafeteria, snack bar, food donation/distribution center, etc.
8. 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 Belcher Avenue and Franklin Road frontages of the property. The owner shall dedicate ten feet of Right-of-Way, or 40 feet from centerline, along the Franklin Road frontage of the property. The owner shall dedicate sufficient Right-of-Way along the Belcher Avenue frontage of the property to affect a 60-foot width. A 25-foot radius shall be

included at the intersection. The owner shall retain a licensed land surveyor to prepare a legal description and exhibit map for the dedication. Dedication shall occur prior to issuance of any building permit.

9. The applicant shall pay traffic impact fees as shown in Exhibit "C", Franklin-Beachwood Fee Schedule, attached, at building permit issuance.
10. Building setbacks from Franklin Road shall be **95 feet from the centerline of Franklin Road**. Building setbacks from Belcher Avenue shall be measured from the proposed ultimate right of way line to accommodate a cul-de-sac bulb on the west side of Franklin Road. Improvement plans, including building locations, shall be submitted to the Department of Public Works for review and approval. The applicant shall retain a licensed land surveyor to provide construction staking for structure locations.
11. Access from Franklin Road shall be limited to emergency vehicle use only. The applicant may use Franklin Road as the primary access to the site only if the applicant is responsible for the design, acquisition of necessary right of way, and construction of right and left-turn channelization lanes on Franklin Road **when it has been determined by the Department of Public Works that the channelization is necessary for public safety**; design shall conform to the Caltrans Highway Design Manual. The Department of Public Works and Fire Department shall approve improvement plans prior to the issuance of any building permit.
12. In order to reduce the potentially significant train-generated noise impact upon the church/multi-purpose building, design standards and construction measures must be incorporated into the building specifications to achieve an interior noise level, which does not exceed 45 dBA. This information must be reviewed by Planning staff prior to issuance of a building permit for the church/multi-purpose building. Field performance monitoring of any needed acoustical improvements will be accomplished by Building Division staff prior to occupancy.
13. The proposed facilities will require a minimum fire hydrant flow of 1,500 gallons per minute. This rate is not likely to be available from the local water supplier. Mitigating measures will likely be required to compensate for the insufficient fire flow. These may include fire sprinkler systems, fire alarms, or other measures.
14. There shall be two access roads or drives onto the site, and vehicle equipment access shall be to within 150 feet of all exterior walls or all buildings.
15. Fire hydrants shall be installed within 250 feet of all significant buildings.
16. Undeveloped portions of the property shall remain free of weeds and debris per Merced County Code.
17. Additional requirements specifically related to building construction shall be made upon review of the building drawings.
18. A Merced Irrigation District signature block shall be provided on improvement plans.

19. All final plans for establishing outdoor sport fields shall be subject to review and approval of the Planning and Community Development Department.
 20. A Right-to-Farm Certificate shall be recorded prior to issuance of building permits.
 21. For the purpose of condition monitoring, an initial inspection fee in the amount of \$250.00 shall be required. This fee shall be paid prior to issuance of the building permit.
 22. The approved site plan shall reflect the relocation of the ball field and amphitheater away from Belcher Avenue and into the interior the project site.
- Ayes: Rivero, Cortez Keene, Crookham, Kelsey, O'Banion

10:30 A.M. SCHEDULED ITEM

2002-12-03 EXECUTIVE OFFICE – Court Security Division

The time and date previously set for the Second Reading and Possible Adoption of Proposed Ordinance entitled An Ordinance Establishing Court Security Division in the Sheriff's Department pursuant to the provisions of Calif. Government Code Section 26638.5 effective January 15, 2003.

Sheriff Commander Bill Blake speaks in support of the Ordinance and the additional recommendations submitted relative to the court security personnel changes.

Following discussion and upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the takes the following actions:

Deletes the classification and job specification for Marshal, Deputy Marshal I, II, Marshal Sergeant and Extra Help Deputy Marshal I, II;

Approve the modifications to Deputy Sheriff I, II and Sheriff Sergeant, Sheriff Senior Sergeant; change fifteen Deputy Marshal I/II (Positions #3, 4, 5, 6, 7, 8, 11, 13, 16, 17, 18, 19, 20, 22 and 23) positions to Deputy Sheriff I/II, Range 62.0/63.0 and one Marshal Sergeant, Range 66.8 to Sheriff Sergeant/Sheriff Senior Sergeant, Range 66.8/67.4 and reclassify the incumbents in the Court Security Division;

Approves and authorizes the Assistant County Executive Officer to sign Contract No. 2002229 Memorandum of Understanding (MOU) with Merced County Law Enforcement Sergeants (MCLES) representing Unit P and Contract No. 2002230 with Merced County Sheriff Employees Association (MCSEA) representing Unit 10 to address the transition of the Marshal personnel into the Sheriff's Department;

Adopts Resolution No. 2002-228 amending the Salary and Position Allocation Resolution effective January 13, 2002, Pay Period 3; and,

Waives further reading and adopts Ordinance No. 1687 entitled An Ordinance Establishing Court Security Division in the Sheriff's Department pursuant to the provisions of Calif. Government Code Section 26638.5 (effective January 15, 2003).

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

10:00 A.M. ADDED AGENDA ITEM

2002-12-03 PUBLIC WORKS

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board finds the need arose, subsequent to the posting of the agenda, to consider inclusion into the FAA Military Airport Program and places the matter on the Agenda for Board consideration.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board accepts and approves the updated Airport Capital Improvement Plan for the next five fiscal years' budget requests; authorizes Public Works to apply for inclusion into the FAA Military Airport Program and authorizes the Chairman to sign the application package.

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

10:00 A.M. ADDED AGENDA ITEM

2002-12-03 PUBLIC WORKS

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board finds the need arose, subsequent to the posting of the agenda, to consider Contract with Michael Ort and Associates for services at Castle Airport and places the matter on the Agenda for Board consideration.

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor O'Banion, duly carried, the Board approves the Budget Transfer-\$10,000 and authorizes the Chairman to sign Contract No. 2002239 with Michael Ort and Associates to assist Public Works in negotiating a contract with the selected Telecommunications Service Provider for Castle Airport.

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

10:00 A.M. ADDED AGENDA ITEM

2002-12-03 DEPARTMENT OF WORKFORCE INVESTMENT

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board finds the need arose, subsequent to the posting of the agenda, to consider California Wellness Foundation Diversity Application and places the matter on the Agenda for Board consideration.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board authorizes the submittal of an Application for Diversity in Health Professions Program designed to train, recruit and retain nurses and other health professionals to the California Wellman Foundation in the amount of \$90,000 and authorizes the Dept. of Workforce Investment Director to act on the County's behalf in all matters pertaining to this application.

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

11:00 A.M. SCHEDULED ITEM

2002-12-03 PLANNING AND BUSINESS-ECONOMIC OPPORTUNITIES – PRESENTATION

The time and date previously set for the Community Development Block Grant (CDBG) Presentation submitted by Planning and Business-Economic Opportunities.

Planning and Community Development Director Bill Nicholson reviews the Staff Report and overviews the Community Development Block Grant (CDBG) Program, Objectives and Requirements. He advises the State has moved deadlines and the workshop will be in December rather than January. He states each Board Member is requested to identify potential projects that would be recommended during the public hearing. Projects can be proposed for their district in the following categories:

1. Planning/Technical Assistance – Housing/General Community Development
2. Planning/Technical Assistance – Economic Development
3. Housing/Community Development – General Allocation
4. Economic Development – Enterprise Fund
5. Economic Development – Over-the-Counter

Business-Economic Opportunities Director John Fowler states Economic Development submitted an Enterprise Fund Application in the amount of \$100,000 for development of micro-enterprise training, counseling and loan programs and a Technical Assistance Application in the amount of \$25,000 for a feasibility study on creating a Community Development Corporation (CDC). Expected notifications for these two applications are in December.

The Board sets the funding cycle dollar value for the General and Economic Development components as agreed to between Planning and Business Economic-Opportunities in the amount of \$800,000 to be divided between Housing and Economic Development Projects and sets the Public Hearing for December 17, 2002 at 10:30 a.m.

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