



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, APRIL 01, 2003

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

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

RUBEN E. CASTILLO
COUNTY COUNSEL

*All supporting documentation is available for public review in the Office of the Clerk of the Board of Supervisors located in the County Administration Building, Third Floor, 2222 "M" Street, Merced, California, 95340
During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.
(209) 385-7366*

SCHEDULED ITEMS

9:00 A. M.

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: Azucena Vasquez, Jose Maria Cruz v. County, Merced County Superior Court No. 145120

San Joaquin Raptor Rescue Center v. County of Merced (Pacific Com-Tech Park); Merced County Superior Court No. 146533

CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

It is the intention of the Board to meet in Closed Session concerning a Conference with County Executive Officer-Real Property Negotiator(s) pursuant to Section 54956.8 as follows:

Property: C Street (vacant lot)

Property: 19th Street property

Negotiating Party: AGIS

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

10:00 A. M.

PLEDGE OF ALLEGIANCE

PRESENTATION – Recognition of Supervisor O'Banion for services on the San Joaquin Valley Air Pollution Control Board

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
NO REPORT

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Public Works, \$62,100 (#055) and PW-Castle, \$13,688 (#052)
APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 19)
APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M.

PLANNING - PUBLIC HEARING - INTENDED APPROVAL

General Plan Amendment No. 02006 and Zone Change No. 02007

Avila and Spinazze - To amend the Gustine Specific Urban Development Plan (SUDP) Unspecified, to Gustine SUDP - General Commercial (GC) and change the zone from R-1 (Single-Family Residence) Zone to C-2 (General Commercial) Zone on property located on the west side of Highway 33 and the north side of North Avenue in the Gustine area

REVIEW BOARD ORDER – SEE PAGE 7

REPORTS/BOARD DIRECTION

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

1:30 P.M.

JOINT MEETING WITH MERCED COUNTY OFFICE OF EDUCATION
Meeting to be held at 632 West 13th Street, Merced, CA

Program Tour with Merced County Office of Education

a. Educational TV Station

- b. Career Education Program
- c. Pre-School Program for Children with Disabilities

CONSENT CALENDAR (Items # 1 - 19)

APPROVED AS RECOMMENDED AYES: ALL

Counsel

- 1. Approve and authorize Chairman to sign Contract with Mason, Robbins, Gnass and Browning for Special Legal Services (Azucena Vasquez, Jose Maria Cruz vs. Merced County, Superior Court Case No. 145120).

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003047 AYES: ALL

Board of Supervisors

- 2. Set public hearing for April 15, 2003 at 10:30 a.m. to consider an Appeal to Zone Variance No. 02031 and Minor Subdivision No. 02059 submitted by George Jercich.

Health

- 3. Adopt Resolution approving submission of Solid Waste Enforcement Agency Grant Application for FY 2003-04 in the amount of \$19,500.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003051 AND ADOPTED RESOLUTION NO. 2003-51 AYES: ALL

- 4. Adopt Resolution authorizing submission of Used Oil Grant Application for FY 2003/04 to the California Integrated Waste Management Board in the amount of \$77,060.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003052 AND ADOPTED RESOLUTION NO. 2003-52 AYES: ALL

Public Works

- 5. Adopt Resolution annexing Minor Subdivision No. 00026 into Marilyn Estates Street Lighting and Storm Drainage Maintenance Zone of Benefit #300 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2003-53

- 6. Adopt Resolution annexing Minor Subdivision No. 0253 into the Glen Meadows Street Lighting and Storm Drainage Maintenance Zone of Benefit No. 255 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2003-54

Public Works-Castle

- 7. Approve and authorize Chairman to sign Castle Airport Sublease Contract with Kenneth Peake for Building No. 1564.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003048 AYES: ALL

- 8. Approve Castle Airport Request for Petty Cash Fund of \$100 and Change Fund of \$100.

Claim for Damages

- 9. Act on Claim for Damages submitted by EIP Associates, Inc. as recommended by Risk Management.

Mental Health

10. Approve and authorize Chairman to sign Amendment to Contract No. 200170 with State Dept. of Alcohol and Drug Programs for the Comprehensive Drug Court Implementation Grant to extend the availability of Project Year Two funds to December 28, 2003.

ADOPTED RESOLUTION NO. 2003-55

11. Approve and authorize Chairman to sign Amendment to Contract No. 99181 with State Dept. of Alcohol and Drug Programs for the Drug Court Partnership Program to support operation of the FY 2002/2003 Program.

ADOPTED RESOLUTION NO. 2003-56

Budget Transfers

12. Approve Budget Transfers submitted by Fire-Office of Emergency Services-\$2,595.

Community Action Agency

13. Approve and authorize CAB Chair to sign Amendment to Contract with State Dept. of Community Services and Development for increased funding.
14. Authorize submission of Application/Proposal to Children and Families First Commission of Merced County for funds in the amount of \$324,118 to be used for a new project - Community Liaison Registered Dietitian.
15. Approve and authorize CAB Chairman to sign Amendment to Contract with State Dept. of Community Services and Development for increased funding for Low Income Home Energy Assistance Program.
16. Accept and place CAA Information, Staff and Committee Reports on file.

Business-Economic Opportunities

17. Set public hearing for April 15, 2003 at 10:30 a.m. to consider Amendment to extend the Grant to Central Valley Cable TV, LLC of a non-exclusive franchise to construct, operate and maintain a cable television system in unincorporated territories in the County of Merced.

Board Recognition

18. Authorize Certificate of Recognition to Children's Hospital Central California in recognition of Grand Opening of the Merced Pediatric Subspecialty Clinic.
19. Authorize Certificate of Recognition to Sayre McFarlane Miller, Maxine Machado, Mary Cameron, Anne Hester, Elizabeth McCabe for being selected for philanthropic endeavors and community service for 2002 Common Threads Honorees.

REGULAR CALENDAR

BOARD ACTION

MENTAL HEALTH

20. PULLED.
21. PULLED

PLANNING

22. Resolution to submit an Application for Code Enforcement Grant Program Funding (CEGP) from the California Dept. of Housing and Community Development.

REVIEW BOARD ORDER – SEE PAGE 8

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003050 AND ADOPTED RESOLUTION NO. 2003-57 AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

23. Contract with Children's Services Network to provide business training to childcare providers in Merced County.

REVIEW BOARD ORDER – SEE PAGE 8

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003049 AYES: ALL

EXECUTIVE OFFICE

24. Authorize Management Services to provide departments with information regarding employees who would be eligible to retire by December 31, 2003 and to determine which of those employees might be interested in conjunction with the department's ability to reduce staffing accordingly and authorize discussion of potential impacts to funding of the Retirement System with the Retirement Administrator and Retirement Board of Directors.

APPROVED RECOMMENDATION AYES: ALL

BOARD APPOINTMENTS

25. District Three - Library Advisory Commission.

APPOINTED SYLVIA F. FULLER TO SERVE AS A MEMBER OF THE LIBRARY ADVISORY COMMISSION REPRESENTING DISTRICT THREE UNTIL AUGUST 31, 2005.

26. District Four - Hilmar Municipal Advisory Council.

REAPPOINTED LEWIS DRAKE AND ROBERT MITCHELL UNTIL MAY 3, 2006, REAPPOINTED DAVID ANDERSON UNTIL MAY 3, 2007 AND APPOINTED KAREN WOICK UNTIL MAY 3, 2006 TO SERVE AS MEMBERS OF THE HILMAR MUNICIPAL ADVISORY COUNCIL.

27. Citizens Advisory Committee of the San Joaquin Valley Air Pollution Control District Appointment.

APPOINTED MARY-MICHAL ERWIN-LOSCHKE TO SERVE AS A MEMBER OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT CITIZENS ADVISORY COMMITTEE UNTIL JANUARY 31, 2005, REPLACING PHEAKDEY PRECIADO.

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

28. State Dept. of Fish and Game re: Notification that sampling in five riparian diversions will be conducted from approximately March 24 through May 30, 2003 and will coincide with juvenile salmon out-migration in the Merced River to determine the extent of entrainment in these riparian diversion canals.
29. State Dept. of Fish and Game re: Notices of Completion of two draft Program Environmental Impact Reports for aquaculture projects in California - Coastal Marine and Inland Aquaculture Projects.

30. State Fish and Game Commission re: Notice of Meeting set for April 3, 2003.
31. U.S. Dept. of Commerce re: Government Employment March 2003 - Municipalities, Counties, Townships. (Refer to Auditor for completion)
32. Amador County Board of Supervisors re: Unanimous support in opposition to the designation of land in eastern and central Merced County by the U.S. Fish and Wildlife Service as vernal pool habitat.
33. Mariposa County Board of Supervisors re: Comments opposing the Proposed Critical Habitat and Economic Analysis.
34. Calif. State Board of Equalization re: Kings County Assessment Practices Survey, February 2003.
35. State Board of Equalization re: Legislative Changes Affecting Manufactured Homes.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF HARRIETT HADEN AND DR. DAVID DEGREGORI UNTIL TUESDAY, APRIL 8, 2003 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 1, 2003

10:30 A. M. SCHEDULED ITEM **2003-04-01 PLANNING - PUBLIC HEARING**

The time and date previously set for a Public Hearing to consider General Plan Amendment No. 02006 and Zone Change No. 02007 submitted by Avila and Spinazze to grant a General Plan Amendment amending the Gustine Specific Urban Development Plan (SUDP) unspecified, to Gustine SUDP – General Commercial (GC), and the zone from R-1 (Single-Family Residential) to C-2 (General Commercial) on property located on the west side of Highway 33 and the north side of North Avenue in the Gustine area.

Planning Director Bill Nicholson reviews the Staff Report and advises the Planning Commission recommends approval of General Plan Amendment No. 02006 and Zone Change No. 02007.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board approves the findings and action to exempt the Project from further review under the California Environmental Quality Act based on the fact the application falls within the scope of the City of Gustine General Plan Environmental Impact Report and based on the Staff Report and one Finding, the Board approves General Plan Amendment No. 02006 and Zone Change No. 02007 subject to the following Conditions:

1. General Plan Amendment No. 02006 proposes to change the designation of a 1.13 acre site, from Gustine Specific Urban Development Plan to Gustine Specific Urban Development Plan – General Commercial and Zone Change Application No. 02007 proposes to change the zone from R-1 (Single-Family Residential) to C-2 (General Commercial).
2. The project is located on the west side of Hwy 33 and the north side of North Avenue in the Gustine area.
3. The property is designated as the Gustine Specific Urban Development Plan (SUDP) unspecified and is zoned R-1 (Single-Family Residential).
4. The Merced County Zoning Code allows for a wide-range of uses and facilities on property zoned C-2 property (§18.18.02) by plot plan review, and uses that are more intensive, require approval of an Administrative or Conditional Use Permit.
5. The application will be consistent with the Merced County General Plan, Gustine Specific Urban Development Plan including but not limited to the Land Use, Circulation, and Open Space Chapters and will conform to the Highway commercial designation within the City of Gustine General Plan.
6. The project will have adequate water and sewer services shall be provided by City of Gustine.
7. The project will not have an impact on County Roads and county Facilities.
8. The proposed re-designation will be compatible with adjacent uses, properties and neighborhoods.
9. The applications have been adequately noticed and advertised.

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

ACTION ITEM NO. 22

2003-04-01 PLANNING

The Clerk states it is time to consider adoption of a Resolution to prepare and submit an application for Code Enforcement Grant Program Funding (CEGP) from the California Department of Housing and Community Development, Division of Codes and Standards.

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board authorizes the Chairman to sign Contract No. 2003050 with the State of California for Code Enforcement Grant Program Funding (CEGP) and adopts Resolution No. 2003-57.

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

ACTION ITEM NO. 23

2003-04-01 BUSINESS-ECONOMIC OPPORTUNITIES DIRECTOR

The Clerk states it is time to consider a contract between Children's Services Network and Department of Business-Economic Opportunities.

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board authorizes the Chairman to sign Contract No. 2003049 with Children's Services Network in the amount of \$9,950 to provide business training to childcare providers.

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