



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, AUGUST 12, 2003

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

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

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

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

8:30 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:

Property/Reference: Castle Airport/Atwater Sewer Plant Allocation
Negotiating Parties: Riverside Motorsports Park, LLC

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: Three Cases

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: Protect our Water, San Joaquin Raptor Rescue Center, The Merced River Valley Association v. County of Merced, Appellate No. F041200

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (b) of Government Code Section 54957:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Human Services Agency Director

Title: Planning and Community Development Director

REVIEW BOARD ORDER – SEE PAGE 11

THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT

10:00 A. M.

PLEDGE OF ALLEGIANCE

PUBLIC OPPORTUNITY TO SPEAK ON ANY MATTER OF PUBLIC INTEREST WITHIN THE BOARD'S JURISDICTION INCLUDING ITEMS ON THE BOARD'S AGENDA, EXCEPT FOR THOSE ITEMS SPECIFICALLY SCHEDULED AS PUBLIC HEARINGS (See Board Clerk - Testimony limited to five minutes per person)

The following speak: Paul Clanton-Information Systems Manager, Ray Huerta-CHP Commander, Kristy Waskiewicz and Felix Huerta - AFSCME representatives and John Fowler-Business Economic Opportunities Director

**UC MERCED PROJECT - LIAISON REPORT
NO REPORT**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items # 1 - 50)
APPROVED AS RECOMMENDED AYES: ALL**

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M.

PLANNING - PUBLIC HEARING

Appeal of the Planning Commission partial denial of Modification No. 03006, First Modification to Major Subdivision No. 97006 - submitted by Dry Creek Land Company and Fox Hills Golf Community LLC.

To modify Major Subdivision No. 97006 (Fox Hills) Approval Condition No. 18: Project Phasing. The subject properties are located at the south end of Volta Road in the Los Banos area.

REVIEW BOARD ORDER – SEE PAGE 11 AND 12

10:30 A. M.

BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING

To consider past Community Development Block Grant Performance; Review County of Merced Annual Grantee Performance Report, Program Income and Program Income Reuse Plan and Revisions to the Housing Rehabilitation Program Guidelines

REVIEW BOARD ORDER – SEE PAGE 12

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items # 1 - 50)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution designating the intersection of Joanna Court and Bloss Avenue, part of Hilmar Country Estates, as a Stop Intersection and authorize the installation of a Stop Sign on the Joanna Court approach to the intersection located in the Hilmar SUDP area.
ADOPTED RESOLUTION NO. 2003-133
2. Adopt Resolution designating the intersection of Maria Avenue and Bloss Avenue, part of Hilmar Country Estates, as a Stop Intersection and authorize the installation of a Stop Sign on the Maria Avenue approach to the intersection located in the Hilmar SUDP area.
ADOPTED RESOLUTION NO. 2003-134
3. Adopt Resolution designating the intersection of Leonor Court and Station Avenue, part of Gibbs Ranch No. 3 Subdivision, as a Stop Intersection and authorize the installation of a Stop Sign on the Leonor Court approach to the intersection located in the Atwater RRC #1 area.
ADOPTED RESOLUTION NO. 2003-135
4. Approve plans and specifications for Construction of the Planada Safe Routes to School Sidewalks on Topeka Street, Childs Avenue and Fremont Street; authorize Public Works to advertise the Project and set bid opening for September 18, 2003 at 3:00 p.m. and authorize Public Works Director to award Contract and to return to the Board with information on bid award.

Public Works-Castle

5. Approve and authorize Chairman to sign Amendment to Contract No. 2001260 with Weather Nav, Inc. for Airport Navigational Aids Maintenance at Castle Airport.
6. Approve and authorize Chairman to sign Amendment to Contract No. 2000201 with Jeffrey N. Mann to provide special services to the potable water system plant at Castle Airport.
7. Approve and authorize Chairman to sign Sublease Contract No. 2002136 with Dwain Fish for Building 1541 and 1543 at Castle Airport.

Claims for Damages

8. Act on Claims for Damages submitted by Julian Dudley, April A. Guy, Tamara Bertaina, Richard Hunter and Cindy Hunter.

Sheriff

9. Set public hearing for August 26, 2003 at 10:30 a.m. to receive comments on the 2003 Local Law Enforcement Block Grant funding by the Local Law Enforcement Advisory Board.
10. Approve and authorize Chairman to sign Amendment to Contract No. 2000255 with Wilson Family Funeral Home for pick up of deceased within Merced County.
11. Approve and authorize Chairman to sign Amendment to Contract No. 8367 with City of Dos Palos Police Department for Dispatch Services.
12. Approve and authorize Chairman to sign Amendment to Contract No. 9572 with Winton School District for a Community and School Resource Deputy.
13. Authorize the Sheriff to submit the 2003 Local Enforcement Block Grant Application process through the computerized INTERNET application process, authorize the Sheriff to continue as the implementing agency for the Grant and authorize application to be signed by the CEO as required.

Health

14. Approve and authorize Chairman to sign FY 2003-04 California Healthcare for Indigents Program (CHIP) Application.

Business-Economic Opportunities

15. Set public hearing for September 9, 2003 at 10:30 a.m. to consider selected contracts under Request for Joint Venture Proposal No. 5833 for the Fast Open Contracts Utilization Services (FOCUS) Program covering Homeland Security Technology Solutions.
16. Set public hearing for September 16, 2003 at 10:30 a.m. to consider amendment to Ordinance that grants to Central Valley Cable TV, LLC a non exclusive franchise to construction, operate and maintain a cable television system in unincorporated territories in the County of Merced.

Mental Health

17. Approve and authorize Chairman to sign Renewal Contract No. 2002182 with Winton School District for services at school sites.
18. Approve and authorize Chairman to sign Renewal Contract No. 2002217 with Aspira Counseling Services for specialty mental health services.
19. Approve and authorize Chairman to sign Renewal Contract No. 9536 with State Dept. of Mental Health for Federal Funding to provide services to clients who are homeless or risk of becoming homeless (McKinney PATH Grant).
20. Adopt Resolution authorizing Chairman to sign Amendment to Contract No. 99181 with State Dept. of Alcohol and Drug Programs for the Drug Court Partnership Program to extend the availability of Project Year Four funds.

ADOPTED RESOLUTION NO. 2003-136

Treasurer

21. Accept the Investment Report for the Quarter Ending June 30, 2003.

Child Support Services

22. Approve and authorize Chairman to sign Renewal Contract No. 200180 - Plan of Cooperation with Merced County Superior Courts to establish responsibilities with time frames as established by State and Federal laws and regulations.

Dept. of Workforce Investment

23. Approve and authorize Chairman to sign Amendment to Contract No. 2002188 with Greater Merced Chamber of Commerce for technical assistance and training projects.

General Services

24. Approve and authorize Chairman to sign Amendment to Contract No. 200219 with Nelson Auctions for Auctioneer Services for the disposition of surplus property at Merced County Yard and Castle Airport and Aviation Development Center and direct a listing of property be returned to Board with public auction approval date to be negotiated with Nelson Auctions.

Community Action Agency

25. Approve and authorize CAB Chair to sign Amendment to Contract with Madera County Community Action Agency to provide weatherization services to an additional 22 units in Madera County.
26. Approve and authorize CAB Chair to sign Amendment to Contract with State Dept. of Community Services and Development for the 2003 Community Services Block Grant Funds increasing the funding in the amount of \$41,387.
27. Approve and authorize CAB Chair to sign Renewal Contract with Peppers Auto Parts for the Los Banos Child Development Site.
28. Approve and authorize CAB Chair to sign Contract with State of California for the Child Development Services Program for 2003/2004.
29. Approve and authorize CAB Chair to sign Contract with State of California for 2003/2004 State Preschool Program.
30. Approve and authorize CAB Chair to sign Amendment with Self-Help Enterprises for Head Start Planada (Plainsburg) Center Facility.
31. Approve and authorize CAB Chair to sign Amendment to Contract with Jobs for California Graduates-Merced County, Inc. to train youth ages 17-21 years of age in the Civic Entrepreneurial Program.
32. Approve and authorize CAB Chair to sign Amendment to Contract with Arleign Grossman for the Los Banos WIC Site Facility lease.
33. Approve and authorize submission of Community Action Agency's Community Action Plan to the State Dept. of Community Services and Development for the Years of 2004 and 2005.
34. Approve and authorize the submission to the State of California of the Grant Funding request for Renovation/Repair of two Child Development Sites (Los Banos and Merced) and one State Preschool Site (Delhi) to the State Dept. of Education, Child Development in the amount of \$50,000.

35. Approve and accept the State of California Health and Human Services, Dept. of Social Services additional funding in the amount of \$16,000 for Emergency Food Assistance Program for a total of \$63,200.
36. Accept and place CAA Information, Staff and Committee Reports on file.

Planning

37. Approve and authorize Chairman to sign Addendum to Contract No. 2001258 with EIP Associates, Inc. for Consultant Agreement and No. 2001257 with Santa Fe Aggregates for Applicant Agreement in connection with response to comments on the draft EIR.

Human Services Agency

38. Approve and authorize Chairman to sign Renewal Contract No. 99119 with Alz-Care, Inc. for Alzheimer's Day Care Resource Center Program and authorize H.S.A. Area Agency on Aging Director to sign subsequent amendments to contract for changes within the contract budgeted amount.
39. Approve and authorize Chairman to sign Renewal Contract No. 5434 with Calif. Dept. of Aging for Senior Community Services Employment Program and authorize H.S.A. Area Agency on Aging Director to sign subsequent amendments to contract for changes within the contract budgeted amount.

ADOPTED RESOLUTION NO. 2003-137

40. Approve and authorize Chairman to sign Renewal Contract No. 200297 with Valley Caregiver Resource Center for resource and services to family caregivers and authorize H.S.A. Area Agency on Aging Director to sign subsequent amendments to contract for changes within the contract budgeted amount.
41. Approve and authorize Chairman to sign Renewal Contract No. 99157 with Calif. Dept. of Aging for Community Based Service Programs and authorize H.S.A. Area Agency on Aging Director to sign subsequent amendments to contract for changes within the contract budgeted amount.

ADOPTED RESOLUTION NO. 2003-138

Board of Supervisors Office

42. Approve Minutes of April 1, 8, 15 and 29, 2003 and May 6, 13 and 20, 2003.
43. Authorize Certificates of Recognition to the Founding Board Members and the Officers of the Hilmar-Stevenson Historical Society as follows: Vernon Erlandson, John Yarnell, Art Olson, Isabel Cabral Johnson, Peter Stavrianoudakis, Jerry Llundell, Rueben Salmonson and Vissas Danbom, Dan Ramos-President, Tony Azevedo-Vice President, Elaine Grant-Secretary and Gloria Bettencourt-Treasurer.
44. Authorize Certificate of Recognition to Great Valley Center in celebration of establishment of new headquarters.
45. Authorize Certificate of Recognition to Toni's Courtyard Cafe in celebration of the Ribbon Cutting held on July 30, 2003.
46. Authorize Certificates of Recognition to George Fowler-Atwater Police Dept., Marion Armstrong-CHP, Margie Birdsell-Sheriff Dept. and Nora Ramirez-Los Banos Police in recognition of the Dispatcher of the Year Award by the Merced County 911 Dispatchers Association.

47. Authorize Certificates of Recognition to Lee Bogear for 23 years of service to Winton Cherish and Winton-Atwater Kiwanis Club and Ola Tennis for 25 years as a dedicated patron to the Winton Cherish and to Winton Cherish in celebration of 25 years of service to the Community.
48. Authorize Certificate of Recognition to Castle Communications in celebration of their Grand Opening.
49. Adopt Proclamation proclaiming Board support to the Secretary of the Air Force concerning the possible relocation of the 129th Rescue Wing from Moffett Federal Airfield.

Probation

50. Approve and authorize Chairman to sign Renewal Contract No. 99160 with Merced County Office of Education for two deputy probation officers currently located on the Valley Community School campus.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

51. Contract with Hilmar Swim Team to maintain and operate the Hilmar Swimming Pool for Swim Team Events and public swimming.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003152 AYES: ALL

SHERIFF

52. Approve a portion of pumpkin crop grown at the Correctional Facility be utilized for a Pumpkin Patch for the community of Winton as part of a Community Based Policing Program understanding the Sheriff will reimburse the County for \$127.50 from Trust 2609 Sheriff State Forfeiture.
APPROVED AS RECOMMENDED AYES: ALL

53. Contract with Hilmar School District for Canine Drug Patrol Service.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003157 AYES: ALL

54. Contract with Public Works for weekend law enforcement services at Lake Yosemite.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003153 AYES: ALL

HEALTH

55. Contract with State Dept. of Health Services-Office of Vital Records for software licenses for Death Certificate Registration using the Automated Vital Statistics Systems.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003154 AYES: ALL

AG. COMMISSIONER

56. Authorize Survey for Red Imported Fire Ant based on letter of intent from Calif. Dept. of Food and Agriculture to fund contract when State Budget is adopted.
APPROVED AS RECOMMENDED AYES: ALL

AUDITOR-CONTROLLER

57. Approve payment to the State Board of Equalization for \$567.42 for accrued interest and any nominal amounts that accrue from the due date to the actual remittance on any sales and use tax interest charged on transactions that were paid after the date property was acquired.

APPROVED AS RECOMMENDED AYES: ALL

FIRE-EMERGENCY SERVICES

58. Approve the request to grant ownership of Equipment in connection with the Dept. of Justice-Office for State Preparedness Equipment Program Grant for the following Cities: Atwater, Dos Palos, Gustine, Livingston, Los Banos and Merced.

REVIEW BOARD ORDER – SEE PAGE 13

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

59. Contract with Devereux Foundation for Youth Placement/Day Treatment Youth experiencing severe emotional disturbance and concurrent cognitive impairments.

REVIEW BOARD ORDER – SEE PAGE 13

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003155 AYES: ALL

60. Contract with Devereux for Children Placement Facility for dual diagnosed youngster experiencing severe mental and emotional disturbance.

REVIEW BOARD ORDER – SEE PAGE 13

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003156 AYES: ALL

BOARD OF SUPERVISORS

61. Supervisor Nelson re: Castle Airport Master Developer Selection Advisory Board.

REVIEW BOARD ORDER – SEE PAGE 14

APPROVED AS RECOMMENDED AYES: ALL

62. Supervisor Nelson re: Resolution of support to form a Separate Non-Attainment Planning Area within the San Joaquin, Stanislaus and Merced Counties; authorize request to San Joaquin Unified Valley Air Pollution Control District (SJVUAPCD) recommend the San Joaquin, Stanislaus and Merced Counties be designed as a Separate Non-Attainment Planning Area and provide support and technical assistance needed for the recommendation and request the Calif. Air Resources Board submit designation to the Environmental Protection Agency for approval.

REVIEW BOARD ORDER – SEE PAGE 14 AND 15

ADOPTED RESOLUTION NO. 2003-139 AYES: ALL

63. Supervisor Kelsey re: Resolution supporting the San Joaquin Valley Water Appropriations Language to secure additional water supplies for the San Joaquin Valley.

REVIEW BOARD ORDER – SEE PAGE 15

ADOPTED RESOLUTION NO. 2003-140 AYES: ALL

64. PULLED.

65. Supervisor Kelsey re: Direct researching the air time availability and direct implementation of internet video/audio coverage of the Planning Commission and General Plan Review Steering Committee and to submit a recommendation of support to broadcast the LAFCo meetings.

REVIEW BOARD ORDER – SEE PAGE 15

66. PULLED.

EXECUTIVE OFFICE

67. Approve revisions to the job classification of the Law Library Coordinator, Range 58.9 and delete the Law Library Manager position.

ADOPTED RESOLUTION NO. 2003-141 AYES: ALL

68. Approve vacation accrual extension for Sheriff Dispatch Personnel (Sheriff Dispatcher and Supervising Sheriff Dispatcher) beginning Pay Period 17, 2003 and extending through Pay Period 26, 2003.

NO ACTION TAKEN – PULLED FROM THE AGENDA

BOARD APPOINTMENTS

69. District Four - Delhi Municipal Advisory Council.

APPOINTED FRANCISCA BRIONES TO SERVE AS A MEMBER OF THE DELHI MUNICIPAL ADVISORY COUNCIL UNTIL JANUARY 3, 2007 AYES: ALL

70. District Four - Hilmar Municipal Advisory Council.

REAPPOINTED FRANK AMARAL TO SERVE AS A MEMBER OF THE HILMAR MUNICIPAL ADVISORY COUNCIL UNTIL MAY 3, 2005 AYES: ALL

71. Vacancy Listing for All Board, Commissions and Committees.

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

72. Public Works re: Bid Results of Energy Saving Upgrades at the Merced Veterans Building and Notice of Award to Bob Holl Sheet Metal, Inc.

CONTRACT NO. 2003098

73. Human Services Agency re: Report of Persons Receiving Public Assistance for the period of April, 2003.

74. Ag. Commissioner re: Animal Control Monthly Report for April and May, 2003.

75. Community Action Agency re: 2002 Annual Report of the Community Action Agency. (On file with Clerk)

76. Western United Dairymen re: Congratulations to the County Staff on its nomination for the Governor's Environmental and Economic Leadership Award.

77. San Joaquin Valley Air Pollution Control District re: 2003-2004 Adopted Budget.

78. San Joaquin River Task Force re: Letter from Technical Committee regarding the San Joaquin River Restoration proposed by the National Resources Defense Council.

79. Yuba County re: Workforce Investment Act (WIA) Program Funding.

80. Orange County Supervisor Wilson re: Serious Concerns regarding the current funding for county health and mental health programs.

81. Kings County Board of Supervisors re: Letter opposing the passage of SB 18 (Burton), Traditional Tribal Cultural Sites.

82. Assemblymember Greg Aghazarian re: Request for consideration of striking specific language that would allow the flexibility in deciding whether funds from other UC sources should be allocated to the Merced campus.
83. State Lieutenant Governor re: Special Election Proclamation set for October 7, 2003.
84. State Dept. of Water Resources re: Petition for Temporary Change of Place of Use-year 2003 Transfer.
85. Federal Emergency Management Agency re: Letter of Map Revision based on Fill Determination Document (removal) of Merced Missing Fig Gardens.
86. State Dept. of Aging re: Repeal of Statutory Language for Adult Day Health Care Planning Councils.
87. State Board of Equalization re: Calif. Code of Regulations - Property Tax Rule 462.240 the following transfers do not constitute a change in ownership - notice of public hearing and notification to review the file.
88. State Board of Equalization re: Alameda County Supplemental Assessment Practices Survey. (On file with Clerk)
89. State Board of Equalization re: Property Tax Rule 462.500 Change in ownership of real property acquired to replace property taken by governmental action or eminent domain proceedings - discussion set for July 21, 2003.
90. State Board of Equalization re: Taxpayers' Bill of Rights Hearings set for September 11, 2003 and October 15, 2003.
91. State Board of Equalization re: Assessor's Handbook Section 577, Assessment of General Aircraft - notice to accept proposed revisions until September 12, 2003.
92. Verizon Wireless re: Notification Letter for CPUC Cell Site Report for: Santa Nella, Cottonwood and Alvarado Trail.
93. Sheriff re: Sheriff Advisory Council - Update on Council which will enhance communications between the Merced County Sheriff's Department and the citizens in which the Sheriff is sworn to protect.

ADOPTED RESOLUTIONS IN MEMORY OF ROSEMARY GLIDDEN AND GEORGE RODRIGUES AND ADJOURNED MEETING UNTIL TUESDAY, AUGUST 19, 2003 AT 10:30 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – AUGUST 12, 2003

8:00 A.M. CLOSED SESSION

2003-08-12 CONFERENCE WITH LEGAL COUNSEL

The Chairman states the Board met in Closed Session at 8:30 a.m. with all members present to consider the following:

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:

Property/Reference: Castle Airport/Atwater Sewer Plant Allocation

Negotiating Parties: Riverside Motorsports Park, LLC

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: Three Cases

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: Protect our Water, San Joaquin Raptor Rescue Center, The Merced River Valley Association v. County of Merced, Appellate No. F041200

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (b) of Government Code Section 54957:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Human Services Agency Director

Title: Planning and Community Development Director

The Chairman reconvenes at 10:00 a.m. with all members present and advises the Board will continue with Closed Session after the Board Meeting. This morning the Board authorized County Counsel to file an Appeal relative to Protect Our Water, San Joaquin Raptor Rescue Center, The Merced River Valley Association v. County of Merced, Appellate No. F041200. The Chairman states Staff was given direction on other matters.

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

10:30 A.M. SCHEDULED ITEM

2003-08-12 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider an Appeal of the Planning Commission partial denial of Modification No. 03006, First Modification to Major Subdivision No. 97006 submitted by Dry Creek Land Company and Fox Hills Golf Community LLC. Said application is to modify phasing of an approved subdivision in relation to other improvements: To revise the layout of an approved 18-hole golf course and to adjust parcel lines to accommodate design changes in the golf course on property located at the southerly terminus of Volta Road at the I-5 Freeway in the Los Banos area.

Planner III James Holland reviews Staff Report recommending the Board uphold the Planning Commission's partial denial of Modification No. 03006, First Modification to Major Subdivision No. 97006.

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

Dick Price, Developer representing Fox Hills, speaks in behalf of the applicants, reviews the phases and requests the Board to overturn the Planning Commissions decision.

Paul Aldretti, Superintendent Los Banos School District, states Los Banos is a rapidly growing community and the contribution to the school district is not enough to accommodate the growth.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board approves the Appeal of Modification No. 03006 (1st Modification) to Major Subdivision No. 97006, Modification No. 03005 (1s Modification) to Conditional Use Permit No. 3324 and Property Line Adjustment No. 03001, Dry Creek Land Company (Fox Hills) filed by Fox Hills Management Group, LLC and overturns the determination of the Planning Commission that revision of residential and golf course construction phasing was not necessary for the Fox Hills Project to move forward with the stipulation that the Final Map will be processed through the Board of Supervisors and that a report be given to the Planning Commission.

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

10:30 A.M. SCHEDULED ITEM

2003-08-12 BUSINESS ECONOMIC OPPORTUNITIES – PUBLIC HEARING

The time and date previously set for a public hearing to receive comments on the Community Development Block Grant (CDBG) Annual Grantee Performance Report, Program Income and Program Income Reuse Plan, and Revision of the Housing Rehabilitation Program Guidelines submitted by Business-Economic Opportunities.

Business-Economic Opportunities Director John Fowler and Planning Director Bill Nicholson reviews the Staff Report recommending the Board approve Revisions to the Housing Rehabilitation Program Guidelines. Mr. Fowler states for the record that and as required by Calif. Dept. of Housing and Community Development that there is a sign up sheet for individuals that wish to speak or wish to obtain additional information.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board reviews and accepts the Community Development Block Grant (CDBG) Annual Grantee Performance Report, Program Income and Program Income Reuse Plan and approves the Revisions to the Housing Rehabilitation Program Guidelines as submitted.

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

ACTION ITEM NO. 58

2003-08-12 FIRE-EMERGENCY SERVICES

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board approves the request to grant ownership of the following listed Equipment in connection with the Dept. of Justice-Office for State Preparedness Equipment Program Grant for the following Cities:

Atwater City – 4 Survivair Panther Self Contained Breathing Apparatus (15 minute), \$5,019.30 and 1 Air Source Cart, \$3,445.94

Dos Palos City – 2 Survivair Panther Self Contained Breathing Apparatus (30 Minute), \$7,301.58

Gustine City – 2 Survivair Panther Self Contained Breathing Apparatus (60 Minute), \$8,434.14

Livingston City – 6 MSA Air Bottles for Self Contained Breathing Apparatus, \$7,424.70

Los Banos City – 2 Survivair Panther Self Contained Breathing Apparatus (30 Minute), \$7,301.58 and 2 Radiation Monitors, \$4,258.88

Merced City – 1 HazMat Kit, \$3,083.44; 2 Radiation Monitors, \$4,258.88; 6 Dosimeters, \$1,608.75 and 1 Dosimeter Charger and 1 Drager HazMat Simultest Kit and Colorimeter Tubes, \$4,880.95.

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

ACTION ITEM NO. 59 AND 60

2003-08-12 MENTAL HEALTH

Mental Health Director Troy Fox reviews the staff report advising this is the only high level dually diagnosis treatment facility in the State.

Supervisor Kelsey states this was discussed at the mental health meeting and there is a concern to have our own facility needs rather than contracting out for services. She states the Mental Health Board states their interest in seeing the county pursue this path for the future and that this be further explored.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2003155 with Devereux Foundation for Youth Placement/Special Services.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board authorizes the Chairman to sign Contract No. 2003156 with Devereux Foundation for Professional/Special Services.

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

ACTION ITEM NO. 61

2003-08-12 BOARD OF SUPERVISORS

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board appoints the following to serve as members of the Castle Airport Master Developer Selection Advisory Board:

Scott Galbraith, President/CEO, MCEDCO; Duane Andrews, President-Golden Valley Engineering; Greg Bonifay, Executive Vice-President-Riggs Ambulance Service; Paul Gellegos, Retired Businessman; Jack Mobley, Servicemaster of Merced; Sharon Mogliott, President-Castle Now and Beyond; Linda Morris, Manager-Atwater County Bank; Pat O'Connell, President-Party Perfect; Bill Spriggs, Appraiser-Thomas Wilkins Company; Stan Thurston, President/General Manager-Gemini Flight Support; Nathan Todd, Los Banos Airport Commission member; Ben Wells, Courtesy Automotive President; Tony Whitehurst, President-Whitehurst Group Consulting and Development; Roger Wood, Retired Businessman; Paul Fillebrown, Director-Public Works; John Fowler, Director-Business Economic Opportunities; Scott Malta, Manager-Castle Airport and Chris Tafoya, Director-General Services

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

ACTION ITEM NO. 62

2003-08-12 BOARD OF SUPERVISORS

Merced County Association of Governments Executive Director Jesse Brown reviews the Staff Report and advises the Board the San Joaquin Council of Governments (SJCOG) has requested consideration and support of a request for a separate Non-Attainment Air Quality Planning Area within the current San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD).

Dave Kawkins, Senior Planner with the Sierra Nevada Air Quality Group, reviews his past experience as U.S. EPA employee and reviews the advantages for separation and the 2006 requirements by the EPA. He speaks in support of the separate Non-Attainment Air Quality Planning Area stating separation should foster greater accountability, improve the business climate, increase local control and enhance regulatory flexibility with the improvement of air quality.

John Andrete, Air Quality Planner-Air District Modesto Office, states a meeting is being set up with Air Resources Board and EPA at the end of the month to address the possibilities of the approval of this plan.

Lakhmir Grewas, Deputy Air Pollution Control Officer for the Calaveras County Air Pollution Control District, reviews the valley air quality standards and the disbursement of funds. He states the valley counties would be best served to have local people responsible for the planning and further states the needs of the valley are not similar to the needs of the south or the bay area.

Supervisor O'Banion requests language be included in any action that states "upon approval of the regulatory agency".

Upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board supports and agrees to form a Separate Non-Attainment Planning Area for San Joaquin, Stanislaus and Merced Counties upon approval of the regulatory agencies, requests the San

Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) recommend San Joaquin, Stanislaus and Merced Counties be designated as a Separate Non-Attainment Planning Area and provide support and technical assistance needed for the recommendation and request the California Air Resources Board to designate San Joaquin, Stanislaus and Merced counties as a Separate Non-Attainment Planning Area and submit to the Environmental Protection Agency for approval adopts Resolution No. 2003-139.

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

ACTION ITEM NO. 63

2003-08-12 BOARD OF SUPERVISORS

Mike Cahill, Staff with the San Joaquin Valley Water Coalition appears before the Board and reviews the Coalition objectives, projects and recommendation before the Board.

Upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board supports the San Joaquin Valley Water Appropriations language to secure additional water supplies for the San Joaquin Valley, directs staff to inform the County's legislative advocates to lobby on behalf of the proposed language in the current and any future water bond negotiations and adopts Resolution No. 2003-140.

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

ACTION ITEM NO. 65

2003-08-12 BOARD OF SUPERVISORS

Supervisor Kelsey reviews the Staff Report provided and reviews the recommendations before the Board to direct staff to further research the availability of additional air time, direct Information Systems to implement internet video/audio coverage/archives of the Planning Commission and General Plan Review Steering Committee by September 1, 2003 and support a recommendation to broadcast LAFCo meetings.

Supervisor O'Banion states he cannot support the motion as he does not see the need for other agencies within the government to be televised. He states the County supports public access but he questions the committees and working groups costs and need.

Following discussion, Supervisor Kelsey moves, seconded by Supervisor Nelson, the Board support the televising of the Planning Commission meetings.

Supervisor Cortez Keene states the matter should be returned back to the Planning Commission for discussion and their action.

Following further discussion, Supervisor Kelsey withdraws the motion on the floor.

Upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board refers the issue of broadcasting public meetings of the Planning Commission back to the Planning Commission for more information requesting they provide additional information and a recommendation to the Board and that this issue be re-set before the Board for consideration.

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