



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, OCTOBER 07, 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

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**

8:30 A. M.

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:** It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: Two Case(s)

**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: Rose Agueda v. County of Merced, Case #142831

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Subdivision (e) of Section 54957:  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: County Counsel  
**THE BOARD RECESSED AT 8:30 A.M. AND 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**

**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: Mike Herman (includes handout of "Hawk Eye" publication)**

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

**PRESENTATION** - Merced County Fire Dept.-McKee Station – Fire Prevention Week Recognition

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required)**

Child Support Services-\$108,000 and Public Works-\$5,000 (#008)

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 28)**

**APPROVED AS RECOMMENDED AYES: ALL**

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

10:30 A. M.

**PLANNING - PUBLIC HEARING**

**Appeal of Planning Commission denial of Minor Subdivision Application No. 03030 - submitted by Carleen Belyea, et al**

Application is to divide an 89.5 acre parcel into three parcels: Parcel 1=34.99 acres, Parcel 2=25.47 acres and Parcel 3=29.00 acres on property located 1/2 mile south of Cottonwood Road, approximately 1 1/2 miles west of Wentworth Road in the Gustine area

**REVIEW BOARD ORDER – SEE PAGES 10 AND 11**

**PLANNING - PUBLIC HEARING**

**Appeal of the Planning Commission denial of Minor Subdivision Application No. 03035 - submitted by John Zoria**

Application is to divide a 138 acre parcel into four 20 acre parcels and a 58 acre remainder on property located southeast of the intersection of Volta and Pioneer Roads in the Los Banos area

**REVIEW BOARD ORDER – SEE PAGE 11**

10:30 A. M.

**PLANNING- PUBLIC HEARING**

General Plan Amendment No. 03011, Zone Change Application No. 03001, Major Subdivision Application No. 03006 - "La Paloma" - Submitted by Robert Rucker

Application to redesignate and rezone a 9.2-acre area from Winton SUDP Medium and High Density Residential and R-1 (Single Family), R-3 and R-4 (Multiple Family) to Medium Density and R-1-5000 (Single Family) respectively and subdivide this and an additional 4.5 acres (total 13.8-acre subdivision) into 72 single family residential lots (5,000 s.f. each) and a neighborhood park, all on property located at the northeast corner of Gertrude and Cypress Avenues in the Winton area

**REVIEW BOARD ORDER – SEE PAGES 12 - 15**

**AUDITOR - PROPOSED ORDINANCE - SECOND READING AND POSSIBLE ADOPTION**

An Ordinance adopting the Revenue and Reimbursement Division of the Auditor-Controller's Office as the Collection Arm of the County including the required collection procedures

**REVIEW BOARD ORDER – SEE PAGE 15**

**REPORTS/BOARD DIRECTION**

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

**LUNCH BREAK**

1:30 P.M.

**JOINT MEETING - BOARD OF SUPERVISORS AND WORKFORCE INVESTMENT BOARD**

- I. WIB Strategic Goals and Accomplishments - John Heading
  - a. WIB History, Composition and Improvements
  - b. Strategic Goals Highlights
    - Vision and Goals
    - Aligning with Economic Development
    - Worknet Certification Process
    - Regional Strategic Workforce Issues/Panel Forums
- II. Workforce Programs and Operations - Andrea Baker
  - a. End of the Year Report – Accomplishments
  - b. Strategic Direction and Future Challenges
    - WIA Reauthorization
    - Soft Skills Academy

III. Partnerships – Partners

**REVIEW BOARD ORDER – SEE PAGE 16 AND 17**

## **CONSENT CALENDAR (Items # 1-28)**

**APPROVED AS RECOMMENDED AYES: ALL**

### Claims for Damages

1. Act on Claims for Damages submitted by April A. Guy, Rodney Hill, Donald Mears, Alejandra Hurtado, Leonard Lara, Mark Menezes and Tina Davis.

### Budget Transfers

2. Approve Budget Transfers submitted by Fire-\$26,000, \$60,000 and \$6,430 and Public Works-\$3,700 (#006) as recommended by Executive Office.

### Travel Requests

3. Approve Travel Request for Steve Brown submitted by the District Attorney Office as recommended by Executive Office.

### Public Works

4. Waive the restriction on the use of amplified sound equipment by the Murrillo Family on October 18, 2003 at Hagaman Park.
5. Adopt Resolution designating the intersection of Quinley Avenue and Moran Avenue as an All Way Stop Intersection and authorize installation of Stop Sign on the Quinley Avenue approaches to the intersection.

#### **ADOPTED RESOLUTION NO. 2003-172**

6. Approve and authorize Chairman to sign Amendment to Contract No. 9486 with Wickum Construction for Annual Bridge Maintenance Services.

### Health

7. Adopt Resolution authorizing Chairman to sign Amendment to Contract No. 2001139 with Planning Partners for the preparation of an Addendum to the Dairy Program EIR.

#### **ADOPTED RESOLUTION NO. 2003-173**

8. Approve and authorize Chairman to sign Renewal Contract No. 2001197 with Stanislaus County Health Agency for Public Health Laboratory Testing and Consulting Services.
9. Approve and authorize Chairman to sign Renewal Contract No. 2000146 with State Dept. of Health Services for AIDS Drug Assistance Program administrative functions.

### Mental Health

10. Approve and authorize Chairman to sign Amendment to Contract No. 9193 with Stanislaus Behavioral Health and Recovery for Children and Adolescent Inpatient Services.
11. Approve and authorize Chairman to sign Renewal Contract No. 2001298 with The Center for Applied Local Research for evaluation of the Juvenile Drug Court Grant Program.
12. Set First Reading for October 21, 2003 at 10:30 a.m. and second reading for October 28, 2003 at 10:30 a.m. to consider An Ordinance to set fees for the Deferred Entry of Judgment Services provided by Mental Health Alcohol and Drug Services.

### Sheriff

13. Approve and authorize Chairman to sign Amendment to Contract with Evercom Systems, Inc. for the Inmate Communications System and authorize solicitation of proposal for an Inmate Communication System.

### **REVIEW BOARD ORDER – SEE PAGE 10**

### Counsel

14. Authorize overhire of one Legal Assistant for a Limited-Term Appointment for a period not to exceed six months, or upon the return of the employee, whichever occurs first.

### Executive Office

15. Approve and authorize Chairman to sign Renewal Contract No. 6843 with Cooperative Personnel Services for Security and Testing Services.
16. Approve and authorize Chairman to sign Renewal Contract No. 8374 with Merced Community College to provide a laboratory-type learning experience to students.

### Community Action Agency

17. Approve and authorize CAB Chair to sign Contract with Merced County Office of Education for Schelby School Head Start Facilities (Building G, Rooms 1, 2, 3 and 4 and the common work and activity area for staff and students in the center of the classroom) in Livingston.
18. Approve and authorize CAB Chair to sign Amendment to Contract with Casitas del Sol Partners for Livingston Head Start Facility (1001 “B” Street) that reflects a change in terms.
19. Approve and authorize CAB Chair to sign Contract with 7-Eleven for the Community Operating Temporary Shelter (COTS) Program Facility (1414 “R” Street, Merced).
20. Approve and authorize Chairman to sign Contract with MacArthur Apartments I for the Los Banos Cherish Program.
21. Approve and authorize CAA to apply for a \$25,000 Grant with Child Plus to evaluate and improve the quality of service to the children and families served in the Head Start Program.
22. Accept and place Community Action Agency Information, Staff and Committee Reports on file.

### Board Recognition

23. Authorize Certificate of Recognition to Yosemite Church in celebration of the Grand Opening/Ribbon Cutting for the new Facility on September 13, 2003.
24. Authorize Certificate of Recognition to Dr. Walter Strong for his contributions to California State University-Stanislaus and upon his new position as Vice-President at Charles Drew University of Medicine and Science.
25. Authorize Certificate of Recognition to Faces House and Challenged RFC in celebration of the Open House and Ribbon Cutting on September 30, 2003.
26. Authorize Certificate of Recognition to Mental Health for Children's System of Care Open House on September 24, 2003.

Board of Supervisors Office

- 27. Set public hearing for October 28, 2003 at 10:30 a.m. to consider an Appeal submitted by L & N Farms to Planning Commission decision on Minor Subdivision Application No. 03049.
- 28. Set public hearing for October 28, 2003 at 10:30 a.m. to consider an Appeal submitted by Schlies Family Trust by Duane Andrews to Planning Commission decision on Minor Subdivision Application No. 03042.

**REGULAR CALENDAR**

**BOARD ACTION**

PUBLIC WORKS

- 29. Contract with California Dept. of Transportation, Aeronautics Program for Runway Rehabilitation and Lighting; Improvement to Airfield Utilities; Rehabilitation of Access Roads; and Rehabilitation of Alert Hangars and adopts Resolution authorizing submittal of Grant Application to the Calif. Dept. of Transportation for a 5% Matching Grant.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003214 AND ADOPTED RESOLUTION NO. 2003-174 AYES: ALL**

- 30. Contract with Delhi Unified School District for reconstruction of 650 feet of Shanks Road north of August Avenue in connection with the new elementary school.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003212 AYES: ALL**

- 31. Contract with Cecil Banks, Jr. for 2,400 square feet of land located on a concrete parking ramp at Castle Airport for a privately owned aircraft hangar.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003213 AYES: ALL**

- 32. Contract with Luther Evans d.b.a. Evans Private Security, Inc. for Security Office/Dog Training Facility (Building 806).

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003215 AYES: ALL**

- 33. Contract with Kenneth Peake for Castle Airport Sublease Building No. 1566 with adjacent parking area for Woodworking Shop and Terminate Contract No. 2003048, Sublease Agreement No. 03-08.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003216 AYES: ALL**

- 34. Merced Irrigation District - Update report on the provision of electrical services and possible action.

**REVIEW BOARD ORDER – SEE PAGE 15 AND 16**

- 35. Resolution for the Notice of Intent to Vacate Arcadia Drive in the Livingston Area and set public hearing for October 28, 2003 at 10:30 a.m.

**ADOPTED RESOLUTION NO. 2003-175 AS RECOMMENDED AYES: ALL**

- 36. Contract No. 200279 with Fremming, Parson and Pecchenino, Inc. for Civil Engineering & Surveying Annual Services and authorize Public Works Director to execute Project Supplements for each individual related project.

**APPROVED AS RECOMMENDED AYES: ALL**

37. Contract with URS Corporation dba URS Corporation Americas, A Nevada Corporation for Airport Planning and Design Services and authorize Public Works Director to execute Project Supplements for each individual related project.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001171 AYES: ALL**

#### PROBATION

38. Authorize disposal of personal property left at the Juvenile Facility by minors by donating the property to a non-profit organization after notice to parents and a ninety-day waiting period.

**APPROVED AS RECOMMENDED AYES: ALL**

39. Review and approve the Juvenile Justice Crime Prevention Act Progress Report for the period of July 1, 2002 through June 30, 2003.

**APPROVED AS RECOMMENDED AYES: ALL**

40. Authorize re-application of the Grant from the Office of Criminal Justice Planning for a Violence Against Women, SAFE Project.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003211 AYES: ALL**

41. Authorize Overhire of one Deputy Probation Officer (Position #86) for a Limited-Term appointment for a Period of six months or upon the return of the employee.

**APPROVED AS RECOMMENDED AYES: ALL**

#### HEALTH

42. Resolution authorizing Chairman to sign Contract with E-Waste Solutions for packaging, transportation and recycling of electronic devices for Fiscal Year 2003/04.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003218 AND ADOPTED RESOLUTION NO. 2003-176 AYES: ALL**

43. Resolution authorizing Chairman to sign Contract with Calif. Integrated Waste Management Board for Solid Waste Clean-Up of the Manual Site in Dos Palos, authorize release of the Request for Proposal to conduct cleanup at the site, authorize Environmental Health Director to sign all payment requests and approve the necessary budget transfer-\$300,000.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003219 AND ADOPTED RESOLUTION NO. 2003-177 AYES: ALL**

#### FIRE

44. Adopt Resolution authorizing the signing of the CDF Rural Community Fire Protection Program Grant for the Volunteer Fire Assistance Program in the amount of \$17,650.

**AUTHORIZED FIRE CHIEF TO SIGN CONTRACT NO. 2003220 AND ADOPTED RESOLUTION NO. 2003-178 AYES: ALL**

#### HUMAN SERVICES AGENCY

45. Authorize additional classifications of Family Assistance Representative Series, Employment and Training Worker Series, Staff Services Analysts, System Support Analysts and Staff Fiscal Analysts to be included in the approved Alternate Work Schedule to include the H.S.A. employees attending the User Acceptance Training and Training for Trainers sessions at C-IV.

**APPROVED AS RECOMMENDED AYES: ALL**

46. Authorize Memorandum of Understanding with Department of Workforce Investment and Human Services Agency for the Kaljian Building lease in Los Banos which provides space

for the workers assigned to the CalWORKs Employment and Training Services.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003221 AYES: ALL**

**DEPT. OF WORKFORCE INVESTMENT**

47. Approve use of Non-competitive (Sole Source) procurement to solicit Contractor for Out-of-School Workforce Investment Act Youth Program understanding a fully negotiated contract will be approved by the WIB and brought back to the Board for action and understanding that DWI assumes fiscal responsibility to pay enrolled participants for paid work experience and supportive services until a new Out-of-School Contract is fully implemented and authorize Termination of Contract No. 2003121.

**APPROVED AS RECOMMENDED AYES: ALL**

48. Appoint Taide Hernandez and Kristen Miller to serve as members of the Youth Council.

**APPROVED AS RECOMMENDED AYES: ALL**

**SHERIFF**

49. Authorize submission of the Federal Annual Certification Report for the Federal Forfeiture Program for FY 2002/2003 to the U.S. Dept. of Justice/ACA Program.

**APPROVED AS RECOMMENDED AYES: ALL**

**DISTRICT ATTORNEY**

50. Authorize participation in the Southwest Border Prosecution Initiative administered by the Bureau of Justice Assistance and designate the District Attorney to act on behalf of the County Executive Officer for purposes of determining case eligibility and requesting funding.

**APPROVED AS RECOMMENDED AYES: ALL**

**EXECUTIVE OFFICE**

51. Authorize Grand Jury Letter of Response to the Presiding Judge of the Superior Court.

**APPROVED AS RECOMMENDED AYES: ALL**

52. Approve adjustment to the wage of Extra Help Special Projects Coordinator from \$33.00 to \$40.00 an hour and authorize the non-aligned classification to Planning and Community Development.

**ADOPTED RESOLUTION NO. 2003-179 AS RECOMMENDED AYES: ALL**

**APPOINTMENTS**

53. Reappoint Lynn Tanner to serve as a member of the Planning Commission until October 1, 2004, representing District Two.

**APPROVED AS RECOMMENDED AYES: ALL**

54. Appoint Lutie Harris to serve as a member of the Library Advisory Commission until August 31, 2006, representing District Two.

**APPROVED AS RECOMMENDED AYES: ALL**

55. Appoint Noah Williams to serve on the Business-Economic Opportunities Revolving Loan Fund Loan Administration Board until December 22, 2007, representing District Three.

**APPROVED AS RECOMMENDED AYES: ALL**



## **BOARD INFORMATION & POSSIBLE ACTION**

### **ACCEPTED AND PLACED ON FILE**

**AYES: ALL**

56. PULLED
57. Fire: Fire Department participation in National Fire Prevention Week.
58. Sheriff re: Annual Reporting requirement for the Inmate Welfare Trust Fund, FY 2002/03 in accordance with Section 4025(e) of the Penal Code.
59. Human Services Agency re: Continuum of Care Plan Update - Quarterly Progress Report.
60. Dept. of Workforce Investment re: Fourth Year Modification of the 5-Year Plan.
61. Dos Palos-Oro Loma Unified School District re: Notification of adoption of Resolution #02-03-24 which requests that district change board election cycle to align with the statewide general election cycle and for the Board to establish the election day.

### **REFERRED TO CLERK-ELECTIONS DIVISION TO RETURN REQUIRED ACTION BACK TO THE BOARD**

62. State Governor's Office of Emergency Services re: Notification that the U.S. Dept. of Agricultural (USDA) granted a Secretarial disaster designation for the County of Merced and the contiguous counties of Fresno, Madera, Mariposa, San Benito, Santa Clara, Stanislaus and Tuolumne due to agricultural losses caused by hail that occurred on April 21, 2003.
63. Federal Emergency Management Agency re: Special Flood Hazard Area - Vista Del Sol Phase I Subdivision, Shallow Flooding.
64. Federal Emergency Management Agency re: Special Flood Hazard Area - Casa De Suenos Subdivision, Sheetflow.
65. U.S. Dept. of Commerce re: Letter of response to U.S. Army Corps of Engineers for May 28, 2003 Letter relative to the Five Year Permit for the UC Merced Campus Infrastructure Project (campus).
66. Calif. State Board of Equalization re: Calif. Code of Regulations - Title 18, Public Revenues - Property Tax Rule 462.180, Change in Ownership - Legal Entities.
67. Calif. State Board of Equalization re: Humboldt County Assessment Practices Survey, August 2003.
68. Santa Clara Valley Water District re: Notice of Public Meeting - San Luis Reservoir Low-Point Improvement Project set for October 8, 2003.
69. Board of Supervisors re: Department of Water Resources and sponsorship of a restoration study for the San Joaquin River.

### **AUTHORIZED CHAIRMAN TO SIGN A LETTER ON BEHALF OF THE BOARD**

70. Conservation Leaders Network re: Eligibility for funding if S.1453 passes, includes language giving states and communities funding to conduct fuel reduction treatments within the Community Protection Zone (the half-mile interface surrounding urban wildland communities within the vicinity of Federal lands that are at high risk of wildfire).

**ADOPTED RESOLUTION AND ADJOURNED MEETING IN MEMORY OF DR.  
EDWIN DEWHIRST UNTIL TUESDAY, OCTOBER 21, 2003 AT 10:00 A.M.**

## BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 7, 2003

### **CONSENT ITEM NO. 13**

#### **2003-10-07 – SHERIFF**

Upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board approves and authorizes the Chairman to sign Amendment to Contract No. 2003217 with Evercom Systems, Inc. for an Inmate Communications System; authorizes General Services Director, in conjunction with the Sheriff, to solicit a proposal for an Inmate Communication System for the Sheriff's Department Inmate Welfare Division and authorizes negotiation of agreement with the successful bidder and return to the Board for final approval.

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

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

#### **2003-10-07 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider an Appeal of Planning Commission denial of Minor Subdivision Application No. 03030 submitted by Carleen Belyea, et al. Said application is to divide an 89.5 acre parcel into three parcels: Parcel 1=34.99 acres, Parcel 2=25.47 acres and Parcel 3=29.00 acres on property located ½ mile south of Cottonwood Road, approximately 1 ½ miles west of Wentworth Road in the Gustine area.

Planner Bill King reviews the Staff Report advising water and road access were two main concerns at the Planning Commission meeting.

The Chairman asks if there is anyone present wishing to speak.

Applicant Carleen Belyea appears and introduces joint property owners of the subject property. Ms. Belyea submits a letter from the Del Puerto Water District dated August 27, 2003, and advises the property owners intend to continue to farm the land and are willing to pay for the installation of a water meter on each of the three parcels as required by the water district. Ms. Belyea further advised she would like to build a house on one of the parcels, with the other two parcels remaining as orchards.

Property Owner Tom Vorheis states he intends to maintain the land as agriculture, replace trees, and fix the irrigation system. At some point, perhaps in 5 to 10 years, he might build a home on the site.

The Chairman closes the public hearing.

Discussion is had regarding the access and water supply to the subject property.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board upholds the appeal and overturns the determination of the Planning Commission, exempts the application from CEQA, and based upon Findings approves Minor Subdivision Application No. 03030 subject to the following Conditions:

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the Hearing Officer approval date as required by the Subdivision Map Act and Merced County Subdivision Code.
2. The applicant shall comply with all County, State, and Federal regulations.
3. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the property is in the vicinity of active farming operations and residents may be subject to inconveniences or discomforts resulting from the pursuit of agricultural operation.
4. The property owners shall be responsible for access and delivery system that will provide water to each of the three parcels.

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

**10:30 A.M. SCHEDULED ITEM**  
**2003-10-07 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider an Appeal of the Planning Commission denial of Minor Subdivision Application No. 03035 submitted by John Zoria. Said application is to divide a 138-acre parcel into four 20-acre parcels and a 58-acre remainder on property located southeast of the intersection of Volta and Pioneer Roads in the Los Banos area.

Planner Bill King reviews the Staff Report and advises a portion of the subject property is served by the Central California Irrigation District and another portion is served by the San Luis Water District. He states the Planning Commission denied the Application.

Following discussion, Planner King acknowledged there is a portion of land that has no water rights.

The Chairman asked if there was anyone present wishing to speak.

Engineer Larry Bowers, Bedesen-Cardoza and Associates Inc. representing the applicant, provides some background on this project.

Applicant John Zoria states he has owned the land for ten years, is the third generation farmer and doesn't want a variance but will proceed with the gross acreage. He advises he grows apricots and is heavily financed and the Bank has suggested he subdivide the property so that it would be a more valuable piece of property.

Michaela Elliott, representing the Los Banos Unified School District, states the District opposes the Application without full mitigation of school issues. The District sees the Application as a precursor to development that would cause overcrowding in the schools.

The Chairman closes the public hearing.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board refers the matter back to Planning Staff for further alternatives to accommodate the property owner's request.

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

**10:30 A.M. SCHEDULED ITEM**  
**2003-10-07 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider General Plan Amendment No. 03011, Zone Change Application No. 03001, Major Subdivision Application No. 03006, “La Paloma” submitted by Robert Rucker. Said Application is to amend the Winton Specific Urban Development Plan (SUDP) and General Plan Land Use Map for portions of the 13.8-acre property from Winton (SUDP) Medium and High Density Residential to Winton (SUDP) Low Residential land use with a concurrent zone change and redesignate and rezone a 9.2-acre area from Winton SUDP Medium and High Density Residential and R-1 (Single Family), R-3 and R-4 (Multiple Family) to Medium Density and R-1-5000 (Single Family) respectively and subdivide this and an additional 4.5 acres (total 13.8-acre subdivision) into 72 single family residential lots (5,000 s.f. each) and a neighborhood park, all on property located at the northeast corner of Gertrude and Cypress Avenues in the Winton area.

Planning Consultant Robert Borchard reviews the Staff Report advising Condition No. 11 was modified by the Planning Commission and reviews the options available to the Board.

Supervisor Kelsey questions the Municipal Advisory Council condition that was agreed to stating it was finalized that there would be dedication of a lot for a play area with the inclusion of a basketball court.

Consultant Borchard states there was a lot dedicated; however, the condition to improve the lot was not included.

Planning Director Bill Nicholson advises Lot 60 is to be dedicated and improved as a park site and the intent was to put in a basketball court.

Supervisor Kelsey suggests a modification should be made to Condition No. 19 to specify lot and improvements that were committed to at the Municipal Advisory Council Meeting such as the basketball hoop.

Supervisor O’Banion questions if this Condition is in addition to park dedication fees.

Planning Director Bill Nicholson advises the Parkland Ordinance does have a set amount to collect per acre which would cover dedication of land and putting in improvements. Staff has not calculated the amount so we don’t know if the amount exceeds the parkland fees or not.

Public Works Director Paul Fillebrown agrees with the Planning Director and states the amount is based on a formula and if a smaller piece of land is dedicated then there is a larger fee. The piece of land set aside in this instance is small and if there is additional money left over, fees could be used to improve the park.

Duane Andrews, Golden Valley Engineering representing the Applicant, agrees with Supervisor Kelsey concerning the Municipal Advisory Council’s expectation in this matter. He advises the reason the dedicated lot is not specified is to allow the Municipal Advisory Council to approve a specific lot. The Applicant will improve the lot with a basketball court as agreed to.

The Chairman closes the public hearing.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board approves the Negative Declaration prepared for General Plan Amendment No. 03011, Zone Change Application No. 03011 and Major Subdivision Application No. 03006 and Based on Findings approves General Plan Amendment No. 03011, Zone Change Application No. 03001 and Major Subdivision Application No. 03006 based upon Findings subject to the following Conditions with a modification to Condition No. 19:

1. A Final map shall be recorded within two (2) years of the Planning Commission approval date as required by the County Subdivision Code and the State Subdivision Map Act.
2. Satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, which generally includes dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, street-lighting, storm drainage systems and underground or relocate utilities and irrigation facilities. Sufficient right-of-way dedication shall be made to achieve 30' of half width along the frontages of both Cypress Avenue and Gertrude Avenue, to provide for 22' of pavement plus curbs, gutters, and sidewalk.
3. Release and relinquish all abutters' rights of access to and from the entire Gertrude Avenue frontage of Lot 71; and release and relinquish all abutters' rights of access to and from the entire Cypress Avenue frontage of Lots 1, 14, 15, 30, 31, 47 and 48. Dedicate a non-access strip across the north boundary of the subdivision at the Future Extension dead-end street located between Lots 52 and 53.
4. No Building Permits will be issued until all lots (including Building Pads) have been upgraded, all underground improvements have been installed, and aggregate base material on all new streets within the subdivision has been rough graded and compacted. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
5. Provide 200' of centerline striping along Reece Avenue prior to its intersection with Cypress Avenue; and along Carlen Avenue prior to its intersection with Gertrude Avenue. Also, both Reece Avenue and Carlen Avenue must be constructed with pavement undulations.
6. Developer/Applicant is advised that he/she may be obligated to comply with Federal Regulations for storm water runoff issued by the U.S. EPA on November 16, 1990 (40 Code of Federal Regulations Parts 122, 123, 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 657-1146.
7. Reece Avenue/Court is a duplication of an existing road named Reese Road. Reece Avenue/Court shall be changed to the satisfaction of the Department of Public Works and Fire Department and Reece Avenue shall be designated a Street or Drive.
8. Designate a road name for the north-south dead-end street on the north side of Reece Avenue to the satisfaction of the Department of Public Works and Fire Department. Designate this road as an Avenue.

9. Developer plans to utilize a percolation basin for storm water disposal therefore, the Merced Irrigation District (MID) will not accept any storm drainage unless a "Deferred Fee Subdivision Drainage Agreement" is executed between the Developer and MID.
10. A solid fence with provision to capture incidental runoff from the embankment, meeting MID approval, shall be constructed along the entire interface of the Middle Lateral. It should be placed outside of the 70-foot wide MID fee strip and should be at least 6-feet in height. Access gates that could allow pedestrian, vehicular or animal traffic onto MID property are prohibited. Additionally, a fee equal to 50% of the cost of under grounding the Middle Lateral is to be placed on deposit with the MID for future construction of a pipeline when the property east of the lateral is developed.
11. An MID signature block is to be placed on the improvement plans.
12. The Middle Lateral "B" 20-foot wide irrigation easement should be kept clear for MID access. If there are to be fences installed across MID's right-of-way, permission must be acquired from MID and either removable fence section or access gates constructed to MID standards.
13. No buildings or permanent structures are to be constructed or placed on MID right-of-way.
14. No trees are to be planted on MID right-of-way.
15. Crossing Agreements must be in place for any crossing-over or under of MID facilities including, but not limited to, bridges, utilities, pipelines or roadways.
16. Existing water well and septic tank, lot 31/32 are to be properly destroyed under permit and inspection from the Division of Environmental Health (DEH) prior to obtaining a building permit.
17. The proposed storm-water drainage percolation basin shall be constructed to Merced County standard.
18. Drainage and storm basins shall be designed to the satisfaction of the Merced County Department of Public Works. Design shall include screening and/or landscaping as required by the County Engineer.
19. After the Municipal Advisory Council approves of a lot to be dedicated for recreation, the subdivider shall make the necessary improvements for a basketball court as agreed to by the MAC. The subdivider shall pay a recreational parkland space and improvement fee as required by Merced County Ordinance No. 1090. Said fee is payable prior to or concurrent with the recording of the Final Map, and credit will be provided for the parkland dedicated and improved within the subdivision.
20. Any relocation, removal or under grounding of PG&E facilities shall be done at developer's expense.
21. Right-to-Farm Certificate shall be placed on the Final Map in compliance with Ordinance No. 1213.

22. The developer shall comply with all the standard condition of approval listed in the Planning Commission Resolution No. 97-1.
23. Prior to recording the Final Map, a landscape plan for the street trees in conformance with the Landscaping Chapter of the County Zoning Code shall be submitted to the Planning and Community Development Department for review and approval. Approved street trees shall be installed prior to occupancy of each house. The location of the street trees shall be shown on the improvement plans.
24. The developer may be required to enter into an Improvement Agreement with Merced County (in conformance with Article 2.5 of Chapter 4 of Division 1 of the Government Code) prior to recording a Final Map to provide necessary infrastructure to the satisfaction of the Merced County Department of Public Works.
25. For the purpose of condition monitoring, a fee in the amount of \$250.00 shall be required. The fee shall be paid prior to recordation of the Final Map.

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

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

**2003-10-07 AUDITOR – ORDINANCE NO. 1709 ADOPTED**

The time and date previously set for Second Reading and possible adoption of proposed Ordinance titled An Ordinance Adopting the Revenue and Reimbursement Division of the Auditor-Controller's Office as the Collection Arm of the County Including the Required Collection Procedures as submitted by the Auditor.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board waives further reading of proposed ordinance and adopts Ordinance No. 1709.

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

**ACTION ITEM NO. 34**

**2003-10-07 PUBLIC WORKS**

The Chairman states the Merced Irrigation District Electric Service Update is before the Board for consideration.

Public Works Director Paul Fillebrown reviews the history of the recommendation to select Merced Irrigation District to provide electrical services for the Human Services Agency and Agricultural Center located on Wardrobe Avenue in Merced. He states previous Board Action of September 9, 2003, allowed PG&E and Merced Irrigation District until September 30, 2003 to submit additional information in connection with their proposals to the RFP that was let for electrical services. Staff received a letter dated September 30, 2003 from MID and the letter states agreement to extend the cost stabilization clause from December 31, 2004 to April 30, 2005, and based on the information received, staff's recommendation remains to switch to MID for the two facilities.

Mark Hendrickson of PG&E submits a handout he provides to the Board and reviews rates offered by PG&E.

MID Assistant General Manager-Energy Resources Garith Krause speaks to the issue of rates.

Following discussion, Supervisor Cortez Keene moves, seconded by Supervisor Kelsey, the Board select Merced Irrigation District to provide electrical services for the Human Services Agency and Agricultural Center located on Wardrobe Avenue in Merced and approve and authorize the Chairman to sign Contract No. 2003227 with Merced Irrigation District for the Human Services Agency Building and Contract No. 2003229 with Merced Irrigation District for the Agricultural Center to provide electrical services with the understanding the matter will return to the Board in six months for reconsideration.

The Chairman calls for a Vote on the Motion.

Supervisors Crookham and O'Banion state they cannot agree to the matter being returned to the Board in six months.

Motion carries.

Ayes: Cortez Keene, Nelson, Kelsey

Noes: Crookham, O'Banion

**1:30 P.M. SCHEDULED ITEM**  
**2003-10-07 – WORKFORCE INVESTMENT BOARD**

The time and date previously set for a joint meeting with the Board of Supervisors and the Workforce Investment Board.

Workforce Investment Director Andrea Baker refers to the Workforce Investment Board Year End Report for the period of July 2002 through June 2003 and introduces John Heading, Chairman of the Workforce Investment Board (WIB).

WIB Chairman John Heading reviews the following:

- WIB History
- WIB Purpose
- WIB Vision Statement
- WIB Composition
- WIB Functions
- WIB Highlights
- WIB Improvements

In conclusion, Chairman Heading states WIB went through a forming stage and now is moving forward with major improvements in the system and tackling issues. He advises the entire Workforce Investment Board is present and turns the presentation over to Andrea Baker for the Operations Report.



Workforce Investment Director Andrea Baker reviews the following:

- WIB Accomplishments
- Fiscal Reports
- Participant Data
- Customer Satisfaction Data
- Jobs by Sector
- Programs and Operations
- Partnership

The Board Members acknowledge and thank the WIB Members and the presentation concludes at 2:10 p.m.

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