



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, AUGUST 31, 2004

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  
MICHAEL G. NELSON.....DISTRICT 3  
CHAIR 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.*

### SCHEDULED ITEMS

9:00 A. M.

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

**CLOSED SESSION - 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: Nicholas Turnbough v. Deputy Sheriff Griffith, Deputy Sheriff Williams, Merced County Sheriff's Department; and Does 1 through 50

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Subdivision (e) of Section 54957.9. Conference with Legal Counsel-Determination to Initiate Litigation: One Case

**THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH SUPERVISORS NELSON AND KELSEY NOT PRESENT AND ADVISES THERE WERE NO REPORTABLE ITEMS**

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: Candace Medefind, Merced Recycle Coalition and Henry Dale**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 12)**

**APPROVED AS RECOMMENDED AYES: 1, 2, 5 NOT PRESENT: 3, 4**

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

10:30 A. M.

**PUBLIC WORKS - PUBLIC HEARING**

To consider whether to institute eminent domain proceedings to acquire interests in real property for the construction of the Avenue Two Bridge at Canal Creek Project

**CONTINUED TO SEPTEMBER 14, 2004 AT 10:30 A.M.**

**BUSINESS-ECONOMIC OPPORTUNITIES - PUBLIC HEARING**

To consider Ordinance establishing Rates and Charges for Businesses or persons utilizing Castle Airport

**REVIEW BOARD ORDER - SEE PAGE 7**

**BUSINESS-ECONOMIC OPPORTUNITIES - PUBLIC HEARING**

To consider an Ordinance establishing the operation of Water and Sewer Systems at Castle Airport Aviation and Development Center and Charges thereto (Repeals Ordinance No. 1666)

**REVIEW BOARD ORDER - SEE PAGE 7**

**TREASURER-TAX COLLECTOR - PUBLIC HEARING**

To consider Proposed Ordinance to incorporate Treasurer-Tax Collector Fees into Title 5, Revenue and Finance Chapter of the County Code

**REVIEW BOARD ORDER - SEE PAGE 8**

**PLANNING - PUBLIC HEARING**

To consider an Appeal of the Planning Commission decision to approve Conditional Use Application No. 04002 "Garcia Trucking Expansion". Said Appeal filed by Anthony Davis (and others). Application is to expand an existing agricultural transportation yard to allow a maximum of 25 trucks and trailers on property located on the north side of Gerard Avenue and 670 feet west of Ivett Road in the Planada area

**REVIEW BOARD ORDER - SEE PAGES 8 AND 9**

**PLANNING - PUBLIC HEARING**

To consider General Plan Amendment No. 03014, Zone Change No. 03016 and Major Subdivision Application No. 03017 - Silva Meadows. Said Application is to change the General Plan designation and zoning of 12.4 acres from Agricultural/A-1 (General Agriculture) to Atwater Rural Residential Center (RRC) No. 1/A-R (General Agricultural) and to change the designation and zoning of an adjacent 10.6 acres from Atwater RRC No. 1/A-R to Agricultural/A-1 for a net increase in A-R lands of 1.8 acres; the applicant proposes to re-subdivide four parcels totaling 110 acres into 85 one acre home sites on property located on the west side of Quinley Avenue and north of Moran Avenue

**REVIEW BOARD ORDER - SEE PAGES 9,10, 11 AND 12**

**REPORTS/BOARD DIRECTION**

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

**LUNCH BREAK**

CONSENT CALENDAR (Items #1 - 12)

**APPROVED AS RECOMMENDED    AYES: 1, 2, 5    NOT PRESENT: 3, 4**

Public Works

1. Approve Plans and Specifications for construction of Walnut Avenue at Center Street intersection Improvement Project and direct Public Works to return to the Board disclosing bid opening and contract results.
2. Approve Plans and Specifications for paving of the Temporary Recycling Transfer Station of the Highway 59 Landfill and authorize bid opening and direct Public Works to return to the Board disclosing bid opening and contract results.
3. Accept Final Map for Hollywood Park - Phase 2 Subdivision in the Franklin-Beachwood area.
4. Accept Final Map for El Capitan Estates Phase 3 Subdivision in the Franklin-Beachwood area.
5. Authorize Public Works to develop and circulate a Request for Proposal to qualified consultants for Aerial Photogrammetric Services for the Merced County Landfill Sites and

authorize the Department to review and rank proposals and negotiate preliminary contract to be submitted for final review and approval.

6. Approve and authorize Chairman to sign Renewal Contract No. 2004259 with Office of the State Controller for Annual Street and Road Report of FY 2003/2004 at an estimated cost not to exceed \$3,200.

#### Health

7. Approve the California Healthcare for Indigents Program (CHIP) Application for 2004/05 and authorize the Chair to sign the Application.
8. Approve and authorize Chairman to sign Amendment to Contract No. 2001278 with California Forensic Medical Group for Correctional Health Care Services.

#### Business-Economic Opportunities

9. Approve and authorize Chairman to sign Amendment to Contract No. 2000201 with Jeffrey Mann to provide services as a consultant to repair, maintain and operate the potable water system plant at Castle Airport Aviation and Development Center.

#### Mental Health

10. Approve and authorize Chairman to sign Contract No. 2003090 with Mental Health for alcohol and drug counseling services with non-eligible Temporary Assistance for Needy Families (TANF) clients.

#### Human Services Agency

11. Approve and authorize Chairman to sign Renewal Contract No. 2000235 with University of California, Davis for Staff Training and Development for managers, supervisors, workers and support staff.

#### Executive Office

12. Approve and authorize Chairman to sign Renewal Contract No. 2004268 with Reliance Standard Life Insurance Company for Short Term and Long Term Disability for Managers.

### REGULAR CALENDAR

#### BOARD ACTION

#### PUBLIC WORKS

13. Contract with Diaz Construction to convert Room 607, Building No. 6 at the Correctional Facility.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004269      AYES: 1, 2, 5**  
**NOT PRESENT: 3, 4**

14. Contract with I.Q. Motorsports for exclusive use of Lake Yosemite for Boat Races on September 29, 2004 (Wednesday) to October 4, 2004 (Monday) and exclusive use of Lake Yosemite Park from October 1 (Friday) to October 3 (Monday) to host the International Hot Boat Association Drag Boat Races; waive the restriction on amplified sound equipment and adopt Resolution for No Parking Zones along the roadways entering Lake Yosemite and authorize vendors to sell projects at their event.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004255 AND ADOPTED RESOLUTION NO. 2004-167 AYES: 1, 2, 5 NOT PRESENT: 3, 4**

15. Contract with Mosquito Abatement District for the lease of the landing strip for aircraft on property formerly used for the Belcher's Road Sheriff's Correctional Facility for a period of 5 years at the sum of \$500 per year commencing August 31, 2004.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004256 AYES: 1, 2, 5 NOT PRESENT: 3, 4**

16. Contract with Merced Community Action Network for use of portions of the Library Ground Floor and exclusive use of Courthouse Park between 20th and 21st Streets and M and N Streets, between West 20th Street and the Library and between N and O Streets for the Blues n Cruise Style Car Show and the Fifth Annual Central Valley Blues Festival for October 9 and 10, 2004; waive the restriction on the use of amplified sound equipment for musical entertainment and approve the sale of alcoholic beverages.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004257 AYES: 1, 2, 5 NOT PRESENT: 3, 4**

17. Merced Recycling Program - Direction to Staff to assist the Merced Recycling Coalition and Waste Management, Inc. to make presentations to Municipal Advisory Councils and return to Board with recommendation and possible implementation.

**REVIEW BOARD ORDER - SEE PAGE 12 AND 13**

18. Authorize expenditure of Special Board Project Funds-District One in the amount of \$743 to Public Works-Parks for cost of the Extra Help to open the restrooms for the remainder of the Le Grand Youth Baseball/Softball Season and approve the necessary budget transfer (#002).

**APPROVED AS RECOMMENDED AYES: 1, 2, 5 NOT PRESENT: 3, 4**

19. Proposition 12 Playground Equipment - authorize purchase of playground equipment through U.S. Communities Government Purchasing Alliance and authorize solicitation of Request for Proposal to be returned to the Board for final award.

**APPROVED AS RECOMMENDED AYES: 1, 2, 5 NOT PRESENT: 3, 4**

**PROBATION**

20. Approve Grant Re-Application with the State Criminal Justice Program Governor's Office of Emergency Services for the Violence Against Women Probation Specialized Unit and authorize acceptance of Grant Contract and Certificate of Assurance of Compliance.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004258 AYES: 1, 2, 5 NOT PRESENT: 3, 4**

**UC PLANNING**

21. Approve the proposed "Assurances Letter" to the U.S. Fish and Wildlife Service concerning endangered species in the vicinity of UC Merced and the proposed University Community.

**APPROVED AS RECOMMENDED AYES: 1, 2, 5 NOT PRESENT: 3, 4**

**PUBLIC DEFENDER**

22. Authorize Letters of Interest to persons and firms who may be interested in contracting with the County for Investigative Services and return to the Board with a negotiated contract.

**REVIEW BOARD ORDER - SEE PAGE 13**

HUMAN SERVICES AGENCY

23. Contract with University of California, Davis for Child Welfare Services staff training and development.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004280      AYES: 1, 2, 5  
NOT PRESENT: 3, 4**

EXECUTIVE OFFICE

24. Contract with L. B. Hayhurst and Associates to perform a review of Countywide Management Classifications not to exceed \$21,500.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004281      AYES: 1, 2, 5  
NOT PRESENT: 3, 4**

BOARD APPOINTMENTS

25. District Two - Advisory Board on Alcohol and Other Drug Problems.

**APPOINTED DAVID BAKER AS A MEMBER OF THE ADVISORY BOARD ON  
ALCOHOL AND OTHER DRUG PROBLEMS REPRESENTING DISTRICT TWO UNTIL  
JUNE 30, 2007      AYES: 1, 2, 5      NOT PRESENT: 3, 4**

BOARD INFORMATION & POSSIBLE ACTION

**ACCEPTED AND PLACED ON FILE      AYES: 1, 2, 5      NOT PRESENT: 3, 4**

26. Law Library Board of Trustees re: Merced County Law Library Annual Report.
27. State Board of Equalization re: Taxpayers Bills of Rights Hearings set.
28. U.S. Dept. of the Interior re: Final Rule designating the Calif. Tiger Salamander as a Threatened Species and a Proposed Rule to Designate Critical Habitat for this Animal. (On file with Clerk)
29. State Water Resources Control Board re: Draft Staff Report on Periodic Review of the 1995 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. (On file with Clerk)
30. State Wildlife Resources Control Board re: Minutes of May 13, 2004. (On file with Clerk)
31. Governor's Office of Emergency Services re: Notification that the US Dept. of Agriculture (USDA) granted a Secretarial disaster designation for the County of Fresno and the contiguous counties of Inyo, Kings, Madera, Merced, Mono, Monterey, San Benito and Tulare due to agricultural losses caused by unseasonable hot weather during the fruit bloom and a significantly shortened bloom period with little or no pollination occurring from March 4 through March 31, 2004.
32. Governor's Office of Emergency Services re: Notification that the US Dept. of Agriculture (USDA) granted a Secretarial disaster designation for the County of Merced and the contiguous counties of Fresno, Mariposa, Madera, San Benito, Santa Clara, Stanislaus and Tuolumne due to agricultural losses caused by windy conditions during the bloom of plum trees and subsequent abnormally high temperatures that occurred March 25, 2004.
33. Water Education Foundation re: Southern California Tour set for October 6 through 8, 2004 to learn about the groundwater and surface water in southern California.

**ADJOURNED MEETING UNTIL TUESDAY, SEPTEMBER 14, 2004 AT 10:30 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – AUGUST 31, 2004**

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

**2004-08-31 BUSINESS-ECONOMIC OPPORTUNITIES - ORDINANCE NO. 1735 ADOPTED**

The time and date previously set for a public hearing to consider the following Proposed Ordinance: An Ordinance Establishing Aircraft Landing and Parking Rates and Related Charges at Castle Airport (Adding Chapter 5.40 to the Merced County Code) submitted by Business-Economic Opportunities.

Director of Business-Economic Opportunities John Fowler reviews the Staff Report.

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board waives further reading and adopts Ordinance No. 1735 An Ordinance Establishing Aircraft Landing and Parking Rates and Related Charges at Castle Airport (Adding Chapter 5.40 to the Merced County Code).

Ayes: O'Banion, Cortez Keene, Crookham

Not Present: Kelsey, Nelson

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

**2004-08-31 BUSINESS-ECONOMIC OPPORTUNITIES - ORDINANCE NO. 1736 ADOPTED**

The time and date previously set for a public hearing to consider the following Proposed Ordinance: An Ordinance regarding the Operation of Water and Sewer Systems at Castle Airport, Aviation and Development Center and Charges Related Thereto (Supersedes Ordinance No. 1666 and Adds Chapter 5.60 to the Merced County Code) submitted by Business-Economic Opportunities.

Director of Business-Economic Opportunities John Fowler reviews the Staff Report.

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board waives further reading and adopts Ordinance No. 1736 An Ordinance regarding the Operation of Water and Sewer Systems at Castle Airport, Aviation and Development Center and Charges Related Thereto (Supersedes Ordinance No. 1666 and Adds Chapter 5.60 to the Merced County Code).

Ayes: O'Banion, Cortez Keene, Crookham

Not Present: Kelsey, Nelson

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

**2004-08-31 TREASURER-TAX COLLECTOR - ORDINANCE NO. 1737 ADOPTED**

The time and date previously set for a public hearing to consider the following Proposed Ordinance: An Ordinance Establishing the Treasurer-Tax Collector Fees (Adding Chapter 5.37 to Title 5, Revenue and Finance of the Merced County Code).

Treasurer-Tax Collector Karen Adams reviews the Staff Report.

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

Merced County resident Henry Dale questions the raise in fees.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board waives further reading and adopts Ordinance No. 1737 An Ordinance Establishing the Treasurer-Tax Collector Fees (Adding Chapter 5.37 to Title 5 Revenue and Finance of the Merced County Code).

Ayes: O'Banion, Cortez Keene, Crookham

Not Present: Kelsey, Nelson

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

**2004-08-31 PLANNING AND COMMUNITY DEVELOPMENT – PUBLIC HEARING**

The time and date previously set for a public hearing to consider an Appeal of the Planning Commission decision to approve Conditional Use Permit Application No. 04002 "Garcia Trucking Expansion" submitted by Anthony Davis. Said Application is to expand an existing agricultural transportation yard to allow a maximum of 25 trucks and trailers on property located on the north side of Gerard Avenue and 670 feet west of Ivett Road in the Planada area.

Planning and Community Development Director Bill Nicholson provides an outline of the history of the Conditional Use Permit.

Planner III James Holland reviews the Staff Report and provides the power point presentation.

Supervisor Cortez Keene states she has visited the site and feels the roads are in an unsafe condition and a new circulation plan might be considered. She further states she does not believe anyone is trying to shut down Mr. Garcia's business.

Supervisor Crookham states concerns with a notation of no code enforcement documentation on the condition of the roads stating she has called herself and also states there appear to be numerous broken down trucks. She further states concern on the inability to care for 10 trucks at this time with a possible expansion to care for 25.

Mr. Nicholson states the Staff Report is incorrect and this property has been visited by a Code Enforcement Officer. Mr. Nicholson further states the Planning Department has had difficulty in contacting Mr. Garcia.

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



Michael Smith from Central California Permit Service states he is assisting the Garcia Family and states a new circulation study would not be of any benefit since there is only one way in and out of the property. He expresses concern with the writing of Condition No. 12.

The following speak in opposition to the Garcia Trucking Expansion: Edith Daniels, Guy Daniels, Mary Loranco, Anthony Davis, Mark Burrolla, Bryant Owens, and Al Vierra.

Garcia Trucking owner Sal Garcia states they have been in business for 7 years, currently have 13 operating trucks in use and are asking for 25 for growth.

Public Works Director Paul Fillebrown states they cannot take any responsibility for non-county roads but may be able to do some patching on county roads if they have the funds.

Supervisor O'Banion questions if clean-up has been attempted on the property since July 14, 2004.

Planning Code Enforcement Officer Leon Martinez states they have not been able to connect with Mr. Garcia after numerous efforts. He further states if the applicant fails to comply, they will start with revocation hearing for the 10 trucks.

Sal Garcia states efforts have been made to clean up the property but some trucks that have been involved in accidents cannot be moved until the Insurance Company Claims Adjuster views. He states they have not been able to stay on this as they are in the middle of their busy season.

Following a lengthy discussion, and upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board refers the matter back to the Planning Department for discussion and consideration between the applicant and other requested property owners or interested parties and to come back with a report to the Board on October 19, 2004, Board Meeting.

Ayes: O'Banion, Cortez Keene, Crookham

Not Present: Kelsey, Nelson

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

#### **2004-08-31 PLANNING AND COMMUNITY DEVELOPMENT – PUBLIC HEARING**

The time and date previously set for a public hearing to consider General Plan Amendment No. 03014, Zone Change No. 03016 and Major Subdivision Application No. 03017 "Silva Meadows" submitted by Ray Franco. Said Application is to change the General Plan designation and zoning of 12.4 acres into Agricultural/A-1 (General Agricultural) to Atwater Rural Residential Center (RRC) No. 1/A-R (Agricultural-Residential) and to change the designation and zoning of an adjacent 10.6 acres from Atwater RRC No. 1/A-R to Agricultural/A-1 for a net increase in A-R lands of 1.8 acres and to re-subdivide four parcels totaling 110 acres into 98 one-acre home site. The properties are located on the west side of Quinley Avenue and north of Moran Avenue in the Merced area.

Planning and Community Development Director Bill Nicholson reviews the Staff Report.

Planner III James Holland provides the power point presentation of the project.

The following speak in support of the project: Golden Valley Engineering Representative Duane Andrews, Larry Silva, and Applicant Ray Franco.

The following speak in opposition of the project: Anthony Beebe and McSwain School Superintendent Stan Mollart.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, and Based on Findings the Board makes the Environmental Findings and adopts the CEQA Mitigated Negative Declaration prepared for General Plan Amendment Application No. 03014 and Zone Change Application No. 03016 and Major Subdivision Application No. 03017; the Board states its intended decision to approve General Plan Amendment Application No. 03002 and Zone Change Application No. 03003 based on the following Conditions:

1. The Final Map shall be recorded within two years of the Planning Commission approval date.
2. The applicant shall 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 system and underground or relocate utilities and irrigation facilities.
3. The applicant shall release and relinquish all abutters' rights of access to and from the entire Quinley Avenue and Moran Avenue frontages of the subdivision.
4. The applicant shall provide the County with a letter from M.I.D. accepting storm drainage water from this proposed development into their facilities prior to recording the final map.
5. All lot grading shall be completed, all underground improvements shall be installed and aggregate base material on all new streets shall have been rough graded and compacted, prior to the issuance of any building permits. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
6. Provide centerline striping for those new roads which intersect the existing peripheral streets.
7. 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 and 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916)341-5537, e-mail: [stormwater@swrcb.ca.gov](mailto:stormwater@swrcb.ca.gov), or visit their website at [www.swrcb.ca.gov](http://www.swrcb.ca.gov).
8. Pursuant to Section 17.04.050.B of the Merced County Code, streets which run in an east-west direction shall be designated as "Street" or "Drive". Streets which run in a north-south direction shall be designated "Avenue". Cul-de-sacs shall be designated "Court".
9. Jeffrey Way is a duplication of an existing Merced County road name and shall be changed to the satisfaction of the Department of Public Works and Fire Department.
10. If the developer is successful in enlarging the existing offsite Greenfields by Books Subdivision No. 1018 storm drainage detention basin over Parcel 1 as shown on the Parcel Maps for Ed & Lisa Sanchez (Assessor's Parcel Number 056-431-020), then the developer shall provide all documentation and shall pay all fees associated with annexing the project

into the Greenfields by Brooks Street Lighting and Drainage Zone of Benefit No. 252 in County Service Area No. 1.

11. The developer shall be responsible for all costs associated with obtaining necessary easements and for roadway widening along the Moran Avenue frontage of Parcel 1 as shown on the Parcel Map for Joe M. Silva, recorded in Volume 21 of Parcel Maps on Page 21, Merced County Records (Assessor's Parcel Number 056-140-076).
12. The developer shall pay, at the building permit state, Atwater RRC#1 Bridge and Major Thoroughfare Area of Benefit fees.
13. The developer shall construct, with subdivision improvements, speed humps on Josie Lane and Johnny Lane at the direction of the Department of Public Works.
14. The developer shall improve Quinley Avenue consistent with current Department of Public Works standards.
15. The developer shall submit a Dust Control Plan to the SJVUAPCD in order to comply with Regulation VIII Rule 8021 for earth moving operations for residential projects greater than 10 acres in size. This plan should provide for the maintenance of daily records. The applicant should refer to the April 2004 U.S. Environmental Protection Agency Region 9 finalized approval of the San Joaquin Valley 2003 PM-10 Plan as meeting the Clean Air Act requirements for serious PM-10 nonattainment areas.
16. Prior to final map approval, the applicant shall provide the Environmental Health Division with an overlay identifying soil types on each proposed parcel and submit percolation tests and soil profiles for all parcels with moderate and severe soil types. Information on groundwater elevation must also be provided.
17. The abandoned well located on the project site shall be properly destroyed with the necessary permit being obtained and inspections made.
18. The applicant shall underground both the Stickney and Bloss Laterals in pipeline assemblies that meet MID standards.
19. The developer shall work with the MID to purchase and/or exchange existing fee strips and easements to provide for the proper location of, access to, and maintenance of the Stickney and Bloss Laterals.
20. Septic system leach fields for residential parcels adjacent to MID pipelines shall be located a minimum of 20 feet from the pipeline in order to protect the facility from contamination and protect the septic system from possible leakage from the MID facility.
21. The applicant shall enter into a construction agreement with the MID for work associated with MID facilities.
22. The applicant shall obtain a "Non-Exclusive License Agreement" for all crossings over or under any MID facilities, including driveways, bridges, utilities and pipelines.
23. Fences for the residential parcels adjacent to Quinley Avenue shall be located outside of the new MID easement in order to allow proper access for repair and maintenance.
24. The applicant shall place an MID signature block in the subdivision improvement plans and Final Map.
25. The applicants shall install 5 foot wide landscaped strips along Quinley Avenue and Moran Avenue, in accordance with County requirements. All proposed landscaping shall be identified on the subdivision improvement plans and be approved prior to the recording of the final map.
26. The developer shall: 1) Provide all documentation and shall pay fees associated with annexing the project into the Willow Crest Estates Lighting, Storm Drainage, and Landscape Maintenance Zone of Benefit No. 263 in County Service Area No. 1 for landscape maintenance and/or lighting and storm drainage maintenance and 2) and from Silva Meadows Sewage Zone of Benefit No. 268 in County Service Area No. 1 for groundwater monitoring of on-site sewage systems.

27. The developer shall provide landscape irrigation water by connecting to the existing system at the north boundary of the subdivision. The developer shall reimburse the developer(s) of Willow Crest Estates Subdivision No. 00009 and Green Acres Subdivision No. 03009 for their pro-rata share, based upon linear feet of Quinley Avenue and Moran Avenue frontage, of the cost of well development and the landscape irrigation system upgrades to accommodate Silva Meadows Major Subdivision No. 03017. The Department of Public Works will administer the reimbursement.
28. To address concerns over potential impacts of the project on adjacent farmland, the project applicant shall construct a 7-foot masonry wall along the subdivision boundary with the Horta property.
29. To complement the required landscaping, the applicant shall construct monumented and landscaped entrance features identifying the subdivision at the Moran and Quinley Avenue entrances.
30. The design, color and materials proposed for the required masonry wall and entrance features shall be reviewed and approved by the Planning Department prior to the issuance of any building permits.
31. The applicant shall pay the Parkland Dedication and/or Improvement fees consistent with Ordinance No. 1090 prior to recording the Final Map.
32. For the purpose of mitigation and/or condition monitoring, a fee in the amount of \$460.00 shall be required. The fee shall be paid prior to recordation of the Final Map.
33. Three (3) groundwater-monitoring wells shall be constructed to the standards and locations determined by the Division of Environmental Health. These monitoring wells shall be monitored at least twice a year for the constituents determined by the Division of Environmental Health.

Ayes: O'Banion, Cortez Keene, Crookham

Not Present: Kelsey, Nelson

### **ACTION ITEM NO. 17**

#### **2004-08-31 PUBLIC WORKS**

The Clerk states the matter before the Board for consideration is: Merced Recycling Program - Direction to Staff to assist the Merced Recycling Coalition and Waste Management, Inc. to make presentations to Municipal Advisory Councils and return to Board with recommendation and possible implementation.

Supervisor Cortez Keene questions the funds to finance the Curbside Recycling Service.

Public Works Director Paul Fillebrown reviews the Staff Report and the proposal stating if the Board wishes to proceed with the program implementation, the Merced Recycling Coalition and Waste Management Staff and Public Works Staff will meet with each of the Municipal Advisory Councils describing the proposed program and its specific cost to resident. In addition, individuals affected will be notified through their monthly billing and an increase will be shown when the curbside recycling is added.

Recycling Coalition Member Tom Graves speaks in support of the program and states meetings will be held to explain the program to the residents.

Following discussion and upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board directs Staff to assist the Merced Recycling Coalition and Waste Management, Inc. to make presentations to the Municipal Advisory Councils regarding a proposed Curbside Recycling Program and directs staff to return to the Board with a report and recommendation on the possible implementation of a Curbside Recycling Program at the conclusion of the presentations.

Ayes: O'Banion, Cortez Keene, Crookham

Not Present: Kelsey, Nelson

**ACTION ITEM NO. 22**

**2004-08-31 PUBLIC DEFENDER**

The Clerk states the matter before the Board for consideration is: Authorize Letters of Interest to persons and firms who may be interested in contracting with the County for Investigative Services and return to the Board with a negotiated contract

Several Board Members question if this is a cost saving measure and if individuals previously employed that performed the job be considered.

Public Defender Wayne Eisenhart states it is anticipated that there will be a cost savings by proceeding in this fashion and all individuals that submit letters of interest will be considered.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board authorizes the Public Defender to send out Letters of Interest to persons and firms who may be interested in contracting with the County for Investigator Services and return to the Board with a negotiated contract for final approval.

Ayes: O'Banion, Cortez Keene, Crookham

Not Present: Kelsey, Nelson

# SUMMARY ACTION MINUTES

## COMMUNITY ACTION AGENCY GOVERNING BOARD

Regular Meeting  
TUESDAY, AUGUST 31, 2004  
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  
KATHLEEN M. CROOKHAM.....DISTRICT 2  
MICHAEL G. NELSON.....DISTRICT 3  
CHAIR 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

10:00 A. M.

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

**ADDED AGENDA ITEM:**

**REVIEW BOARD ORDER - SEE PAGE 16**

**THE BOARD FINDS THE NEED TO CONSIDER POSSIBLE ACTION ON TITLE HOLDER OF PROPERTY HELD BY COMMUNITY ACTION BOARD AND PLACES THE ITEM ON THE AGENDA FOR CONSIDERATION**      **AYES: 1, 2, 5**      **NOT PRESENT: 3, 4**

REGULAR CALENDAR

BOARD ACTION

Community Action Board

1. Community Action Board re: Acknowledge that the Governing Board of the Community Action Agency has been informed of the finance of loan with Martin Financial Corporation for \$210,000.

**REVIEW BOARD ORDER – SEE PAGE 16**

Executive Office

2. Authorize the Chair to send a Letter to Head Start providing notice of Merced County's Intent to Transfer the designation of the Community Action Agency from the County to the Community Action Board and relinquish responsibility for the Head Start Program effective June 30, 2005.

**REVIEW BOARD ORDER - SEE PAGE 17**

BOARD INFORMATION AND POSSIBLE ACTION

**ACCEPTED AND PLACED ON FILE                      AYES: 1, 2, 5                      NOT PRESENT: 3, 4**

3. Place Board Information Items on file from Community Action Board – Staff and Committee Reports, Community Action Board Items (BAI's) and Community Action Board Items (CAFS) from Board Meeting on June 22, 2004.
4. Place Board Information Items on file from Community Action Board – Staff and Committee Reports, Community Action Board Items (BAI's) and Community Action Board Items (CAFS) from Board Meeting on July 13, 2004.

**RECESSED AS A COMMUNITY ACTION AGENCY AND RECONVENED AS A BOARD OF SUPERVISORS AT 10:20 A.M.**

**BOARD ORDER – SUMMARY ACTION MINUTES – AUGUST 31, 2004**  
**COMMUNITY ACTION AGENCY**

**10:00 A.M. SCHEDULED ITEM**

**2004-08-31 ADDED AGENDA ITEM – COMMUNITY ACTION AGENCY**

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, to consider possible action on a title holder of property held by Community Action Board and places the item on the agenda for consideration.

Ayes: O'Banion, Cortez Keene, Crookham

Not present: Kelsey, Nelson

Deputy County Counsel James Fincher provides an overview of the matter before the Board stating a correction needs to be made to the title holder from the Community Action Agency to the Community Action Board. In 1993, the property was granted to the Community Action Board by the Housing and Urban Development Department (HUD) and its intent was to deed the property to the CAB and not as it is currently recorded.

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board authorizes a Quitclaim Deed to correct the title holder of deed from the Community Action Agency to Community Action Board.

Ayes: O'Banion, Cortez Keene, Crookham

Not Present: Kelsey, Nelson

**ACTION ITEM NO. 1**

**2004-08-31 COMMUNITY ACTION BOARD**

The Clerk states the matter before the Board is to: Acknowledge that the Governing Board of the Community Action Agency has been informed of the finance of loan with Martin Financial Corporation for \$210,000.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board acknowledges receiving the information of the finance of a loan with Martin Financial Corporation for \$210,000 and makes the following findings:

1. Directs that neither the Merced County Community Action Agency nor the County of Merced have any legal or financial interest in the financing loan for Merced Community Action Board.
2. Authorizes Staff to process and record any necessary documents to ensure that the real property title or loan financing documents do not include the Community Action Agency or Merced County.

Ayes: O'Banion, Cortez Keene, Crookham

Not Present: Kelsey, Nelson



**ACTION ITEM NO. 2**

**2004-08-31 COMMUNITY ACTION AGENCY**

The Clerk states the matter before the Board is to: Authorize the Chair to send a Letter to Head Start providing notice of Merced County's Intent to Transfer the designation of the Community Action Agency from the County to the Community Action Board and relinquish responsibility for the Head Start Program effective June 30, 2005.

U.S. Dept. of Health and Human Services, Head Start Associate Director Jerry Gomez provides an overview of the program services.

Following discussion and upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board authorizes the Chairman to send a letter to Head Start providing notice of Merced County's intent to transfer the designation of the Community Action Agency from the County to the Community Action Board and relinquish responsibility for the Head Start Program effective June 30, 2005.

Ayes: O'Banion, Cortez Keene, Crookham

Not present: Kelsey, Nelson