



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, NOVEMBER 16, 2004
Closed Session – 8:00 a.m.
Regular Meeting – 9:00 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

8:00 A. M.

CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATOR: It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) John Fowler-Dept. of Commerce, Aviation and Economic Development Department Director pursuant to Section 54956.8 as follows: Castle Property

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 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, et al. v. County of Merced, Case No. 144855 and Case No. 147518

THE BOARD RECESSED AT 8:00 A.M. AND RECONVENED AT 9:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEMS

9:00 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)

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) HEALTH-SCEAP - \$10.00

APPROVED AS RECOMMENDED AYES: ALL

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

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

REPORTS/BOARD DIRECTION

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

10:00 A. M.

PRESENTATIONS

United Way – (To be Rescheduled)
School Facility Needs in Merced County

REVIEW BOARD ORDER – SEE PAGE 8

10:30 A. M.

MENTAL HEALTH - PUBLIC HEARING

To consider Proposed Ordinance to Amend Mental Health Fees Service Fees (Amends Ordinance No. 1717 and Code Chapter 9.48 Section 9.48.030)

REVIEW BOARD ORDER – SEE PAGE 8

PLANNING - PUBLIC HEARING

General Plan Amendment No. 04005, Zone Change Application No. 04005, Major Subdivision Application No. 03019 and Planned Development No. 03001 - Lindgren Cottages

To change the General Plan designation from Hilmar SUDP Low-Density Residential to Hilmar SUDP Medium Density Residential; to change the zoning

from R-1 (Single-Family Residential) to PD (Planned Development) and subdivide 1.8 acres into 18 individuals lots designated as Planned Development to be known as Lindgren Cottages on property located on the south side of Bloss Avenue and 120 feet west of Pearl Street in Hilmar

REVIEW BOARD ORDER – SEE PAGES 8, 9 AND 10

PLANNING - PUBLIC HEARING

General Plan Text Amendment No. 03003 and General Plan Amendment No. 03003 - Betty Mancebo

To amend the Merced County General Plan text to allow expansion of isolated urban areas and to expand Isolated Urban Area No. 5 by 15.6 acres and to amend the Merced County General Plan land use diagram by designating it from Agricultural to Isolated Urban Area No. 5 Agricultural-Residential on land located southeast of the intersection of Gurr Road and SP Avenue

REVIEW BOARD ORDER – SEE PAGE 11

PLANNING - PUBLIC HEARING

Appeal of the Planning Commission Decision of Denial of Minor Subdivision Application No. 04027 - Maria Cabral

Application is to divide a 72.3 acre parcel into three parcels: Parcel No. 1=32.3 acres; Parcel No. 2 & 3=20.0 acres each on property located on the east side of Bert Crane Road and 1,280 feet south of Highway 140 in Atwater

REVIEW BOARD ORDER – SEE PAGES 11 AND 12

PLANNING- PUBLIC HEARING

2004 Cycle II General Plan Amendment

Cycle II Applications: General Plan Amendment No. 03006 (Gallo/5 G's Corporation; General Plan Text Amendment No. 03003 (Betty Mancebo) and General Plan Amendment No. 04005 (Waterson Ent.)

REVIEW BOARD ORDER – SEE PAGE 12

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 12)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve and authorize Chairman to sign Renewal Contract No. 2004365 with Regina Wolf dba Bear Country Pre-School located at the Human Services Agency site.
2. Approve plans and specifications for Construction of Barrier Railing on Santa Fe Drive at Highline Canal in Ballico and return to the Board with recommendations for Award of Contract.

Executive Office

3. Reject Claims for Damages submitted by Victor A. Dias, Michael J. Flores (6), Frances A. Hermann-Dykmans, Bettie Abercrombia and Patty Stanfill.

Health

4. Approve and authorize Chairman to sign Amendment to Contract No. 2003202 with State Water Resources Control Board for Air Emission Studies related to Animal Feeding Operations.

ADOPTED RESOLUTION NO. 2004-215

5. Approve and authorize Chairman to sign Renewal Contract No. 2000224 with Human Services Agency for Social Worker III Services in conjunction with the First Steps Project.
6. Approve and authorize Chairman to sign Renewal Contract No. 2000225 with Mental Health for Alcohol and Drug Specialist Services in conjunction with First Steps Project.

Human Services Agency

7. Approve and authorize Chairman to sign Renewal Contract No. 2004034 with Merced Community College for the Independent Living Program.

Business-Economic Opportunities

8. Approve and authorize Chairman to sign Renewal Contract No. 2000230 with Davis Office Systems, Inc. for Fast Open Contracts Utilization Services (FOCUS) Program Procurement Vehicle.

Board of Supervisors

9. Authorize Certificates of Recognition to the following individuals recognized by A Woman's Place for their significant contributions to assist in Domestic Violence and in honor of Response with a Heart Awards: Chief Deputy District Attorney David Moranda, Officer Kalani Souza, Detective Armondo Echievarria, Sergeant Jeff Rhea, Officer Donavan Sizemore, Officer Dennis Brusenski, Officer Hector Ortiz, Deputy Kevin Blake, Deputy Probation Officer Victoria Vega, Chief Richard Hawthorne, and Detective Keith McClain.
10. Authorize Certificates of Recognition to Lyons Investment Family and Pacific Supply in celebration of Open House and Ribbon Cutting of Merced new location.
11. Authorize Certificate of Recognition to American Ballet Conservatory in Celebration of Grand Opening.

Clerk-Registrar of Voters

12. Certify the Election Results for the Consolidated General Election held on November 2, 2004.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

13. Resolution authorizing Public Works to apply for a Grant from the State Bicycle Transportation Account for a Bicycle/Pedestrian Bridge over the T.I.D. Lateral 7 in Hilmar and commit to the local matching funds.

ADOPTED RESOLUTION NO. 2004-215 AS RECOMMENDED AYES: ALL

14. Establish a Capital Improvement Project (CIP) and Fixed Asset Account 75300/83637 and authorize Public Works to begin the Alternative Compliance Analysis Review in an amount

not to exceed \$10,000, to bring the Merced County Heavy Equipment Shop into compliance for maintenance of compressed natural gas (CNG) powered buses and other equipment; return to the Board with results and recommendation and approve the necessary budget transfer in the amount of \$408,000. (#016) (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

15. Contract with Universal Coatings, Inc. for Castle Airport Hangar 1560 - Fire Station Re-roof; authorize increase in Castle Fire Station Project Budget and approve the necessary budget transfer in the amount of \$15,500. (#018) (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004369 AYES: ALL

16. Authorize transfer of Special Board Project Funds-District One to the Road Fund for the installation of curb, gutter and sidewalk and approve the necessary budget transfer. (4/5 Vote Required)

REVIEW BOARD ORDER – SEE PAGES 12 AND 13

16. Authorize expenditure of Special Board Project Funds-District One in the amount of \$600 to rent the Merced District Fairgrounds Junior Building for March 9, 2005 for the California Financing Coordinating Committee's 2005 Funding Fair Workshop.

REVIEW BOARD ORDER – SEE PAGE 13

18. Continue discussions with Administrative Office of the Court regarding the transfer of responsibility of operations and maintenance of the New Justice Facility Project upon completion of construction; approve the plans and specifications for the New Courts Building and authorize Public Works to advertise for competitive bids and conduct Bid Opening to return to the Board with results and recommendations; authorize Contract with Kelling, Northcross and Norbriga for Financial Advisory Services; authorize Contract with Orrick, Herrington & Sutcliffe for Bond Counsel Services and authorize Contract with Hawkins, Delafield and Wood for Disclosure Counsel Services.

REVIEW BOARD ORDER – SEE PAGES 13 AND 14

BUSINESS-ECONOMIC OPPORTUNITIES

19. Contract with City of Atwater for Microenterprise Technical Assistance and Loan Program and approve the budget transfer in the amount of \$33,333.00. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004370 AYES: ALL

20. Contract with City of Dos Palos for Microenterprise Technical Assistance and Loan Program and approve the budget transfer in the amount of \$33,333.00. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004371 AYES: ALL

21. Contract with City of Livingston for Microenterprise Technical Assistance and Loan Program and approve the budget transfer in the amount of \$32,667.00. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004372 AYES: ALL

22. Contract with City of Los Banos for Microenterprise Technical Assistance and Loan Program and approve the budget transfer in the amount of \$32,667.00. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004373 AYES: ALL

23. Contract with Golden Capital Network for Microenterprise Technical Assistance and approve the budget transfer in the amount of \$133,333.00. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004374 AYES: ALL

HEALTH

24. Contract with Healthy House Within a MATCH Coalition for the purpose of providing transportation coordination and other health care related services to newly arriving Hmong Refugees.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004375 AYES: ALL

PLANNING

25. Authorize Williamson Act Contracts with the following property owners: Christine and Erich Gemperle, Steve and Vicky Greene, James A. Bruner Family Trust, Rodger McAfee, Richard and Sharon Clauss, Nicolas Jones, etal, Bernard Meza, Swingle Family Trusts, Gilardi Farms, Hubert E. Edrington, Simoes/Meneze Ranch, LLC etal, Rosemarie Smith and Patricia Ann Woods, Aron A. Schmidt and Westside Holsteins LLC.

REVIEW BOARD ORDER – SEE PAGE 14

FIRE

26. Application for Funding from the National Emergency Medicine Association (NEMA) for a Training Program that will upgrade seven first responders to Emergency Medical Technician (EMT1/EMT Upgraded) status and if funded, award to come back to the Board for approval.

APPROVED AS RECOMMENDED AYES: ALL

MERCED COUNTY SPRING FAIR

27. Approval of the Merced County Spring Fair 2005 State Operating Budget for State Funding.

APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

28. Resolution in support of Merced County's Workforce Investment Board's continued designation as a Workforce Investment Area and opposing the California Performance Review Section GG23.

APPROVED AS RECOMMENDED AYES: ALL

AUDITOR-CONTROLLER

29. Contract MOU with Superior Courts of Merced County for enhanced collection efforts of Court Fees, Fines and Penalties with Revenue and Reimbursement.

PULLED FROM THE AGENDA – NO ACTION TAKEN

MENTAL HEALTH

30. Contract with Chae Sun Lee for rental of Clinical Office space located at 1471 "B" Street, Suites L, N, and O in Livingston.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000190 AYES: ALL

HUMAN SERVICES AGENCY

31. Accept Consortium-IV Equipment, 250 chairs, 100 worktables, and nine LCD projectors with an approximate value of \$60,000-\$70,000, and authorize costs associated with the transport of the equipment to Merced County.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

32. Authorize Travel Request from Sheriff-Coroner as recommended by Executive Office.

APPROVED AS RECOMMENDED AYES: ALL

33. Early Retirement Incentive Plan - provide policy direction to continue or rescind Phase Two of the Early Retirement Incentive Plan.

REVIEW BOARD ORDER SEE PAGES 14 AND 15

34. Adopt the 2005 Board of Supervisors Meeting Calendar.

APPROVED AS RECOMMENDED AYES: ALL

35. Approve the FY 2005/2006 Budget Calendar.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

36. Business-Economic Opportunities re: Comcast notification of changes in programming and pricing effective December 1, 2004.

37. Mental Health re: Mental Health Advisory Board Annual Report.

38. State Wildlife Conservation Board re: Notice of Meeting set for November 18, 2004. (On file with Clerk)

39. State Dept. of Social Services re: County Children's Trust Fund Share of Kid's Plate Revenue.

ADJOURNED MEETING UNTIL DECEMBER 7, 2004 AT 5:30 P.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 16, 2004

10:00 A.M. SCHEDULED ITEM

2004-11-16 PRESENTATION – School Facility Needs

Merced Union High School District Board Member Bob Weimer, speaking on behalf of the Coalition of Advocates Regarding Education (CARE), introduces Dr. Robert Fore, Superintendent of the Merced Union High School District.

Dr. Fore reviews and presents a power point presentation on School Facility Needs in Merced County and speaks to growth and challenges for educators. He advises the school district would like to partner with the County to create a joint vision and plan for future growth.

The Board thanks the District members for making a presentation to the Board regarding partnering and establishing a relationship between the schools and the County.

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

10:30 A.M. SCHEDULED ITEM

2004-11-16 MENTAL HEALTH – PUBLIC HEARING – Ordinance No. 1741

The time and date previously set for a public hearing to consider a proposed ordinance entitled An Ordinance Amending Fees Charged for Mental Health Services (Amends Ordinance No. 1717 and County Code Chapter 9.48, Section 9.48.030) submitted by Mental Health.

The Chairman asks if there is anyone 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 the proposed ordinance.

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board adopts Ordinance No. 1741 An Ordinance amending Merced County Code, Chapter 9.48, Section 9.48.030. To Change Fees Charged for Mental Health Services (Supercedes Ordinance No. 1717).

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

10:30 A.M. SCHEDULED ITEM

2004-11-16 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider General Plan Amendment No. 04005, Zone Change Application No. 04005, Major Subdivision Application No. 03019 and Planned Development No. 03001–Lindgren Cottages to change the General Plan designation from

Hilmar SUDP Low-Density Residential to Hilmar SUDP Medium Density Residential; to change the zoning from R-1 (Single-Family Residential) to PD (Planned Development) and subdivide 1.8 acres into 18 individual lots designated as Planned Development to be known as Lindgren Cottages on property located on the south side of Bloss Avenue and 120 feet west of Pearl Street in the Hilmar area.

Planning Director Bill Nicholson provides the overview of the project site.

Planner John LeVan reviews the Staff Report and the power point presentation.

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

Project Engineer Tom Owens speaks in favor.

The Chairman advises the Hilmar Municipal Advisory Council is in favor of the project.

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, based on Findings, the Board goes on record of its intent to approve General Plan Amendment No. 04005, Zone Change No. 04005, Major Subdivision No. 03019 and Planned Development No. 03001, Waterson Enterprises "Lindgren Cottages" subject to the following conditions:

1. The Final Map shall be recorded within two years of the Board of Supervisors approval date.
2. Water and sewer improvements shall be constructed and applicable user fees paid as per the specifications and requirements of the Hilmar County Water District. A current "can and will serve" letter shall be received from the District prior to recording the Final Map.
3. The applicant shall satisfy Improvement Level I requirements as set forth in Chapter 16.08 of the Merced County Code, which generally includes dedication of right-of-way as shown on the tentative map and public utility easements, roadway construction and installation of matching pavement along existing roadways, street lighting, storm drainage system and underground or relocate utilities and irrigation facilities. A 10-foot wide public utility easement shall be dedicated along the Bloss Avenue frontage of the property.
4. Provide a letter from the Turlock Irrigation District (TID) accepting storm drainage water from this proposed development into their facilities prior to recording the final map. Provide a signature approval block for TID and Hilmar County Water District on the Improvement Plans.
5. Bloss Avenue shall be constructed 24 feet from the centerline to the face of curb.
6. The entry and exit gates shall be set back 25 feet south of the Bloss Avenue right-of-way line.
7. The subtitle of the final map shall include for condominium purposes.
8. Prior to recordation of the final map, the owner shall obtain an offsite storm drainage easement from the Hilmar Christian Tabernacle Church located on Lots 60 and 61 as shown on the map of Hilmar High School Tract in Volume 7 of the Official Plats at Page 27, Merced County Records, also known as Assessor's Parcel number 017-041-025.

9. The developer shall relocate the irrigation structure at the northeast corner of the property and replace the private irrigation pipeline outside of the Bloss Avenue road right-of-way to serve Lots 60 and 61, if the owner of said property, Hilmar Christian Tabernacle Church, does not relinquish their water rights through abandonment out of the TID.
10. Conditions, Covenants, and Restrictions shall be submitted to the Department of Public Works for review of maintenance provisions for the private roadway and storm drainage system in addition to graffiti abatement for the fence along Bloss Avenue and maintenance of the fence and any required landscaping.
11. 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.
12. 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 11/16/90 (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 or visit their website at www.swrcb.ca.gov.
13. Access gates, if any, must be approved with a Merced County coded "Knox" key switch or an acceptable alternative. Access gate plans shall be submitted to the Fire Department for approval.
14. An approved water system, including at least one onsite fire hydrant, capable of a minimum fore flow of 1,000 gallons per minute is required for one or two family residential buildings.
15. Approved addressing or numbers shall be placed on premises in such a position as to be plainly visible and legible from the street fronting the property.
16. The developer will need to supply a set of improvement plans for review by the Hilmar County Water District Engineer, with calculations for water, sewer and storm drainage from the site. Also, the storm drainage for the site with storage of a 10-year storm event will need to be designed in accordance with Merced County standards.
17. Pay the local parkland dedication and improvement fee as required by County Ordinance No. 1090 prior to recording the final map.
18. Prior to the final map recordation, the parking spaces shall be realigned to better distribute the parking around the site.

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

10:30 A.M. SCHEDULED ITEM
2004-11-16 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider General Plan Text Amendment No. 03003 and General Plan Amendment No. 03003 submitted by Betty Mancebo to amend the Merced County General Plan text to allow expansion of isolated urban areas and to expand Isolated Urban Area No. 5 by 15.6 acres and to amend the Merced County General Plan land use diagram by designating it from Agricultural to Isolated Urban Area No. 5 Agricultural-Residential on land located southeast of the intersection of Gurr Road and SP Avenue.

Planning Director Bill Nicholson reviews the Staff Report and the power point presentation.

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

Larry Bowers, Bedesen and Cardoza, is present representing the applicant.

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board approves the Negative Declaration prepared for General Plan Text Amendment No. 03003 and General Plan Map Amendment No. 03003 and states its intended approval decision to approve General Plan Text Amendment No. 03003 and General Plan Amendment No. 03003.

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

10:30 A.M. SCHEDULED ITEM
2004-11-16 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider an Appeal of Planning Commission Decision of Denial of Minor Subdivision Application No. 04027 submitted by Maria Cabral. The applicant proposes to divide a 72.3 acre parcel into three parcels: Parcel No. 1=32.3 acres; Parcel 2 and 3=20.0 acres each on property located on the east side of Bert Crane Road and 1,280 feet south of Highway 140 in the Atwater area.

Planning Director Bill Nicholson reviews the Staff Report and the power point presentation.

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

Appellant Marie Cabral speaks in favor stating she would like to divide the two parcels for a Living Trust.

Attorney Bill Gnass, representing the Appellant, states Ms. Cabral wishes to leave her property to her children or grandchildren and that the Applicant's request is legally permitted in an A-1 Zone and should be allowed.

Following discussion, Supervisor Cortez Keene moves, seconded by Supervisor O'Banion, the Board uphold the appeal and overturn the determination of the Planning Commission and approve the application, the Board exempts Minor Subdivision Application No. 04027 from CEQA and approve the Minor Subdivision Application based on Findings and subject to the following conditions:

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the Planning Commission approval date as required by the Subdivision Map Act and Merced County Subdivision Code.
2. The project shall comply with the standard conditions of approval as adopted in Planning Commission Resolution No. 97-1.
3. The applicant shall comply with all County, State and Federal regulations.

Supervisor Kelsey votes “no”. Motion carries.

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

Noes: Kelsey

10:30 A.M. SCHEDULED ITEM
2004-11-16 PLANNING – CYCLE II - PUBLIC HEARING

The time and date previously set for a public hearing to consider 2004 Cycle II General Plan Amendment for the following Applications:

General Plan Amendment No. 03006 (Gallo/5 G’s Corporation),
General Plan Text Amendment No. 03003 and General Plan Map Amendment No. 03003 (Betty Mancebo) and,
General Plan Amendment No. 04005 and Zone Change Application No. 04005 (Waterson Enterprises).

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 adopts Ordinance No. 1742, An Ordinance Changing the Boundaries of and the Classifications of Property Uses within Zones Established by Merced County Code Title 18 Titled “Zoning” (Zone Change No. 04005) and adopts Resolution No. 2004-217.

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

ACTION ITEM NO. 16
2004-11-16 PUBLIC WORKS

The Clerk reads the item before the Board for consideration: Authorization to transfer Special Board Project Funds-District One to the Road Fund for the installation of curb, gutter and sidewalk on Cook Street in Planada and approve the budget transfer.

Supervisor Cortez Keene states the road name is an error and should reflect Chapman Street in Le Grand instead of Cook Street in Planada.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board authorizes the transfer of \$4,000.00 from Special Board Project Funds-District One to

the Road Fund for the installation of curb, gutter, and sidewalk on Chapman Street in Le Grand and approves the necessary budget transfer in the amount of \$4,000. (#017)
Ayes: Kelsey, Cortez Keene, Crookham, Nelson, O'Banion

ACTION ITEM NO. 17
2004-11-16 PUBLIC WORKS

The Clerk reads the item before the Board for consideration: Authorize the expenditure of \$600 of Special Board Project Funds to rent the Merced District Fairgrounds Junior Building for March 9, 2005 for the California Financing Coordinating Committee's 2005 Funding Fair Workshop.

The Chairman requests Supervisor Cortez Keene provide the Board information on this item.

Supervisor Cortez Keene advises she made a commitment to the Chairman of the California Financing Coordinating Committee for the Junior Building at the Merced District Fairgrounds for their 2005 Funding Fair Workshop and requests the Board's support.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board authorizes expenditure of \$600.00 from Special Board Project Funds-District One to rent the Junior Building at the Merced District Fairgrounds on March 9, 2005 for the California Financing Coordinating Committee's 2005 Funding Fair Workshop.

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

ACTION ITEM NO. 18
2004-11-16 PUBLIC WORKS

The Clerk reads the item before the Board for consideration: New Courts Building – Approval of Construction Documents Phase and Recommendations.

Public Works Director Paul Fillebrown provides background information on the New Courts Facility and advises Staff is requesting Board approval of the Plans and Specifications; authorize staff to advertise for competitive bids and hold a bid opening returning to the Board with the results and award of the contract.

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

- (1) directs the County Executive Officer and County Counsel to continue discussions with the Administrative Office of the Courts regarding the transfer of responsibility of operations and maintenance of the New Justice Facility upon completion of construction;
- (2) approves the Plans and Specifications and authorizes Public Works to advertise for competitive bids and hold a public bid opening;
- (3) Return to the Board to disclose bid opening results and recommendation for award of the Contract;

- (4) Authorizes the Chairman to sign Contract No. 2004366 with Kelling, Northcross and Nobriga for Financial Advisory Services related to the new Justice Facility Project;
- (5) Authorizes the Chairman to sign Contract No. 2004367 with Orrick, Herrington, and Sutcliffe for Bond Counsel Services related to the new Justice Facility Project; and,
- (6) Authorizes the Chairman to sign Contract No. 2004368 with Hawkins, Delafield, and Wood for Disclosure Counsel Services related to the new Justice Facility Project.

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

ACTION ITEM NO. 25

2004-11-16 PLANNING

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board approves and authorizes the Chairman to sign the Williamson Act Contracts with the following property owners:

WA2004-0001	Christine and Erich Gemperle
WA2004-0002	Steve and Vicky Greene
WA2004-0003	James A. Bruner Family Trust
WA2004-0004	Rodger McAfee
WA2004-0005	Richard and Sharon Clauss
WA2004-0006	Nicholas Jones et al
WA2004-0007	Bernard Meza
WA2004-0008	Swingle Family Trusts
WA2004-0009	Gilardi Garms
WA2004-0010	Hubert E. Edrington
WA2004-0011	Simoese/Meneze Ranch LLC et al
WA2004-0012	Rosemarie Smith and Patricia Ann Woods
WA2004-0013	Aron A. Schmidt
WA2004-0014	Westside Holsteins LLC

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

ACTION ITEM NO. 33

2004-11-16 EXECUTIVE OFFICE

The Clerk reads the item before the Board for consideration: Early Retirement Incentive Plan-Phase Two – request for the Board to take action to continue with or rescind the plan.

Supervisor Crookham questions what the savings will be on the Phase Two list as some of the positions will need to be filled.

Supervisor O'Banion states approximately 75 to 100 positions are currently being held vacant, minus emergency positions, as a result of the early retirement incentive phases. Phase Two is brought before the Board based on the original proposal on the Retirement Incentive Plans.

Following a lengthy discussion, CEO Tatum advises it is estimated to cost \$1500 to \$1800 per person to fill the 20 positions to be reinstated for operational needs which means the net savings of \$50,000.

Following further discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board approves Phase Two of the Early Retirement Incentive Plan for the twenty two eligible employees as recommended by Human Resources.

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



A G E N D A

COMMUNITY ACTION AGENCY GOVERNING BOARD

Regular Meeting
TUESDAY, NOVEMBER 16, 2004
9:00 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
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CHAIR DEIDRE F. KELSEY....DISTRICT 4
JERRY O'BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

RUBEN E. CASTILLO
COUNTY COUNSEL

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

*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.*

9:00 A. M. **PUBLIC OPPORTUNITY TO SPEAK ON ANY MATTER OF PUBLIC INTEREST WITHIN THE BOARD'S JURISDICTION INCLUDING ITEMS ON THE BOARD'S AGENDA** (Testimony limited to five minutes per person)

REGULAR CALENDAR

BOARD ACTION

1. Approve the recommendation of the Head Start Parent Policy Council and the Merced County Community Action Board to accept the proposed PY40 Prorated Budget for operating months March, April, May and June, 2005; endorsement of the PY40 Prorated Budget by the Chairman of the Governing Board on behalf of the Community Action Agency is approved.
APPROVED AS RECOMMENDED AYES: ALL

2. Approve the recommendation by the Head Start Parent Policy Council and the Merced County Community Action Board to accept the Head Start Goals and Objectives for January 2005 through June 2005; endorsement of the Goals and Objectives by the Chairman of the Governing Board on behalf of the Community Action Agency is approved.

APPROVED AS RECOMMENDED AYES: ALL

ADJOURNED AT 11:15 A.M.