



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JANUARY 25, 2005

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

JOHN PEDROZO.....DISTRICT 1
KATHLEEN M. CROOKHAM....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
DEIDRE F. KELSEY....DISTRICT 4
CHAIRMAN JERRY O'BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

RUBEN E. CASTILLO
COUNTY COUNSEL

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

SCHEDULED ITEMS

9:00 A. M.

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (f) of Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers Association, Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P; Deputy Sheriff Association, Unit 10 and Non-Safety Corrections, Unit 12

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: 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 Librarian

Title: Public Defender

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEMS

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

REVIEW BOARD ORDER – SEE PAGE 7

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: Susan Stewart and Bryant Owens

PRESENTATIONS

Cheryl Rudd - Services to Merced County on behalf SBC

United Way - Presentation to Board for support of United Way

Recognition of Paul Crookham –Area Agency on Aging Advisory Council membership services

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Ag. Commissioner-\$4,039; Fire-\$4,600; Health-\$76,231 \$5,800, \$4,800 and \$87,800; Human Services Agency-\$0, \$12,932, \$16,254; Planning-\$1,400; Public Works-CIP-\$1,000 and \$10,754; Mental Health-\$21,500; Dept. of Workforce Investment-\$2,000 and \$25,000 and Sheriff-\$39,799 and \$40,000

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 15)

APPROVED AS RECOMMENDED AYES: ALL

10:30 A. M.

PLANNING - PUBLIC HEARING

Zone Code Text Amendment No. 04001 - Merced County

To modify Section 18.02.03(c) - Minimum Parcel Size Exceptions of the Merced County Zoning Code by revising one provision and adding two

provisions that would allow more flexibility for property owners that want to divide their property through Minor Subdivisions in all Agricultural Zones. The text amendments would be effective throughout the unincorporated County:

1. To allow a Convey & Combine Subdivision to occur with adjacent properties, regardless of who owned the adjacent parcel.
2. Would allow for the creation of a parcel less than the required minimum acreage within an SUDP or other adopted urban boundary.
3. Allow for creation of parcels slightly smaller than the required minimum acreage, where the original parcel was part of an earlier recorded subdivision or deed, or where the original governmental section contained less than 640 acres (as long as the reduction is not more than 2.5%)

REVIEW BOARD ORDER – SEE PAGE 7 AND 8

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 15)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution authorizing the installation of a Stop Sign at the Intersection of Bryant Court and Lopes Avenue in the Merced Rural Residential Center No. 2 area.

ADOPTED RESOLUTION NO. 2005-11

2. Accept Final Map for Monte Vista Phase III Subdivision No. 98003 in the Planada SUDP area.

3. Accept Easement Deed from Rucker Construction, Inc. for a Recreation Lot associated with La Paloma Major Subdivision No. 03006 in the Winton SUDP area.

ADOPTED RESOLUTION NO. 2005-12

4. Authorize Quit Claim Deed to Rucker Construction, Inc. for Lot 57 associated with La Paloma Major Subdivision No. 03006 in the Winton SUDP.

ADOPTED RESOLUTION NO. 2005-13

Planning

5. Set public hearing for February 8, 2005 at 10:30 a.m. to consider the Community Development Block Grant Program Income Reuse Plan.

6. Set public hearing for February 8, 2005 at 10:30 a.m. to consider Application for Grants from the Community Development Block Grant General Allocation and Economic Development Funds and authorize preparation and release of Request for Proposal for implementation and administration of the General Allocation Grant, if funded to come back to the Board for final approval.

Executive Office

7. Act on Claims for Damages received from Liberty Mutual as Subrogee for Manuel Castro and David Corser as recommended by Risk Management.
8. Approve Travel Requests submitted by Drug Court, Child Support Services, Human Services Agency, Sheriff and Public Works as recommended by Executive Office.

Mental Health

9. Approve and authorize Chairman to sign Renewal Contract No. 200218 with State Dept. of Mental Health for State Mandated Performance Contract services.

General Services

10. Approve and authorize Chairman to sign Renewal Contract No. 2004066 with Office Depot for Office and Stationery Supplies, Furniture and related services.

Human Services Agency

11. Approve and authorize Chairman to sign Renewal Contract No. 2001166 with Derrel's Mini Storage for Storage of Client Property by the Public Guardian.
12. Approve and authorize Chairman to sign Amendment to Contract No. 2004143 with Merced Union High School District for Adult Education and Training Services.

District Attorney

13. Authorize presentation of plaque and certificate to Joyce White for her years of service to the County of Merced.

Board Recognition

14. Authorize Certificate of Recognition to Fran Barrett in honor of her dedicated service to the City of Atwater.
15. Authorize Certificates of Recognition to Best Impression Printing for Business of the 2nd Quarter and Sally Ford-Machado for Advocate of the 2nd Quarter awards by the Atwater Chamber of Commerce.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

16. Resolution committing to installation and authorizing Public Works to submit an Office of Traffic Safety Grant Application (Contract No. 2005012) for the purchase of fifteen sets of two driver feedback signs to be returned to the Board upon receipt of award for acceptance.

ADOPTED RESOLUTION NO. 2005-14 AS RECOMMENDED AYES: ALL

17. Resolution authorizing submission to Office of Traffic Safety Grant Applications (Contract No. 2005013) for the purchase of in-pavement lighted sidewalks for Elim Elementary, Hilmar High, Cesar E. Chavez Elementary, Le Grand High, Le Grand Elementary and Franklin Elementary Schools understanding Public Works will return to the Board for final

acceptance and approval.

ADOPTED RESOLUTION NO. 2005-15 AS RECOMMENDED AYES: ALL

18. Review and approve the Public Facilities Impact Fees 2003/2004 Annual Report.

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

19. Contract with Los Banos Unified School District for Mental Health services to be provided to Los Banos Unified School District.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005015 AYES: ALL

TREASURER-TAX COLLECTOR

20. Resolution, effective retroactive to January 1, 2005, for election of the five year time period for Tax-Defaulted Non-Residential Commercial Property.

ADOPTED RESOLUTION NO. 2005-16 AYES: ALL

DEPT. OF CHILD SUPPORT SERVICES

21. Grant an increase in the Change Fund of \$100 to a total of \$300 and authorize the Auditor's Office to facilitate the necessary funds transfer.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

22. Contract with Child Advocates of Merced County for Family Mentoring Services.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005016 AYES: ALL

PLANNING

23. Addendum to Contract No. 2004032 with RRM Design Group for Hilmar Community Plan Update to include a third alternative land use plan, additional community workshop and additional traffic analysis and approve the necessary budget transfer in the amount of \$24,400. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

24. District Four - Merced County Sesquicentennial: authorize expenditure of \$48,300 for anticipated Celebration costs.

APPROVED AS RECOMMENDED AYES: ALL

25. District Four - Merced County Sesquicentennial Progress Report.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

26. District One - Le Grand Municipal Advisory Council.

APPOINTED MARIA GIAMPAOLI AND JEANNETTE PACHECO UNTIL DECEMBER 7, 2006; REAPPOINTS BOB ROBSON AND VICKI RAMIREZ UNTIL DECEMBER 7, 2008, GEORGE DICKENSEN UNTIL DECEMBER 7, 2005 AND SCOTT PORTER UNTIL DECEMBER 7, 2007 TO SERVE AS MEMBERS OF THE LE GRAND MUNICIPAL ADVISORY COUNCIL AYES: ALL

27. District One - Library Advisory Commission.

APPOINTED SUZIE PEDROZO TO SERVE AS A MEMBER OF THE LIBRARY

ADVISORY COMMISSION REPRESENTING DISTRICT ONE UNTIL AUGUST 31, 2008

AYES: ALL

28. District One - Business License Appeals Board.
APPOINTED TED PEDROZO TO SERVE AS A MEMBER OF THE BUSINESS LICENSE APPEALS BOARD REPRESENTING DISTRICT ONE UNTIL OCTOBER 21, 2006 AYES: ALL
29. Merced County Employees Retirement Board - Appointment.
APPOINTED JIM LINDSAY TO SERVE AS A MEMBER OF THE MERCED COUNTY EMPLOYEES RETIREMENT BOARD UNTIL JULY 1, 2005 AYES: ALL
30. San Joaquin Valley Air Pollution Control District Citizens Advisory Committee - Two Appointments.
APPOINTED TERRY HOWARD AS A MEMBER REPRESENTING INDUSTRY/AG. PRIMARY UNTIL JANUARY 31, 2006 AND REAPPOINTED COLLEEN TRIEWELER AS A MEMBER REPRESENTING ENVIRONMENTAL-ALTERNATE UNTIL JANUARY 31, 2008 ON THE SJVU AIR POLLUTION CONTROL DISTRICT CITIZENS ADVISORY COMMITTEE AYES: ALL
31. Workforce Investment Board - Resignation of John Heading and authorize recognition for his services.
APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

32. Supervisor Weygandt re: Agricultural Niche Marketing Workshop set for February 4, 2005.
33. U.S. Dept. of Labor re: GovBenefits.gov is an official government web site for benefit information for 1,000 federal and state administered benefit programs.
34. The Forest Foundation re: Current Edition of California Forests. (On file with Clerk)
35. California Oaks Foundation re: Passage of Senate Bill 1334.
36. California Regional Water Quality Control Board - Central Valley Region re: Regular Meeting Notice for January 27 and 28, 2005.
37. Calif. Council on Problem Gambling re: Third Annual National Problem Gambling Awareness Week March 6-12, 2005.

ADOPTED RESOLUTION IN MEMORY OF MARIE ROMNEY HILL AND ADJOURNED MEETING UNTIL FEBRUARY 1, 2005 AT 10:30 A. M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JANUARY 25, 2005

10:00 A. M. ADDED AGENDA ITEM
2005-01-25 HUMAN SERVICES AGENCY

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, to consider Application for development of a homeless shelter and places the matter on the Agenda for Board consideration.
Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board authorizes the Chairman to sign Contract No. 2005011 with Community Action Board for property located at 1567 D Street, Merced, CA to be submitted with the Application to the Department of Housing and Community Development, Emergency Housing and Assistance Program for Capital Development Deferred Loan (EHAPCD) in order to cooperate with HCD Requirements of an Application for the development and construction of Homeless Shelter funding.
Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

10:30 A.M. SCHEDULED ITEM
2005-01-25 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider Zone Code Text Amendment No. 04001 submitted by Merced County as follows: To modify Section 18.02.03(c) - Minimum Parcel Size Exceptions of the Merced County Zoning Code by revising one provision and adding two provisions that would allow more flexibility for property owners that want to divide their property through Minor Subdivisions in all Agricultural Zones. The text amendments would be effective throughout the unincorporated County:

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Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board waives further reading of the proposed ordinance entitled: An Ordinance amending Merced County Code, Chapter 18.02, entitled "A-1, A-1-40, A-2 Agricultural Zones", Chapter 18.02.02 (C), "Minimum Parcel Size Exemptions"; to provide flexibility for property owners to subdivide land in all Agricultural zoning district.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

Planning and Community Development Director Bill Nicholson reviews the Staff Report and recommendations stating the amendments are exempt from CEQA Guidelines using the "General Rule" and Zoning Code Text Amendment No. 04001.

Planner III Dave Gilbert submits and reviews the power point presentation.

Supervisor Kelsey requests information on comments received by the Municipal Advisory Council.

Mr. Nicholson advises no comments were received from the Municipal Advisory Council's or by the Merced County Farm Bureau.

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

Bob Hart, Los Banos, states he supports the proposal "as determined by the surveyor."

Bryant Owens opposes the proposal stating he was not notified and that at neither December nor January Planada Municipal Advisory Council meetings this item was not mentioned and therefore, feels the Board should postpone their decision.

David Corser reiterates what is stated by Mr. Owens.

Bryant Owens, representing the Kahl Family, states all acres are not created equal.

The Board discusses boundary lines, land not previously surveyed and the proposed amendments and Supervisor Kelsey clarifies the purpose of the ordinance is to allow more flexibility for property orders that want to divide their property through Minor Subdivisions in all Agricultural zone.

Supervisor Kelsey states her concern on the community being aware of this topic.

Following discussion, Supervisor Crookham moves, seconded by Supervisor Pedrozo, the Board acknowledge Zone Code Text Amendment No. 04001 is exempt from CEQA Guidelines using the "General Rule" and approve Zone Code Text Amendment No. 04001 with the addition that notification be sent to the agricultural groups and Municipal Advisory Council's advising of the Board's action and adopts Ordinance No. 1745-An Ordinance entitled A-1, A-1-40, A-2 Agricultural Zones, Minimum Parcel Size Exemptions, to provide flexibility for the property owner to subdivide land in all Agricultural Zoning Districts (Amends Chapter 18.02 of the Merced County Code).

Supervisor O'Banion emphasizes that concurrence needs to take place with the Surveyor as discussed.

The Chairman calls for a Vote on the Motion. Motion carries.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey