



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, FEBRUARY 01, 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 - 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:

Marcus Aue and Jason Haugen v. County of Merced, Merced Superior Court Case No. 148183

San Joaquin Raptor Rescue Center et al. v. County of Merced, et al., Merced Superior Court Case No. 148210

Erica Rivera v. County of Merced, et al., Federal Court Case No. 04-6771

**THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH SUPERVISOR PEDROZO NOT PRESENT**

9:00 A. M. **GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA 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)

**PRESENTATION - Commerce, Aviation and Economic Development-Castle Airport Master Developer Policy**

Recommendations: Accept the proposal for development under the 1996 Castle Reuse Plan; authorize Staff to begin negotiations on the Land Value Determination and formal Master Developer Agreement; authorize Staff and the Master Developer to begin work on a full buildout plan for Castle Airport and the associated environmental impact report to be returned to the Board with progress updates on all requests and for final approvals on the necessary documents

**REVIEW BOARD ORDER – SEE PAGE 8**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 10)**

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

**REPORTS/BOARD DIRECTION**

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

**LUNCH BREAK**

CONSENT CALENDAR (Items #1 - 10)

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

Public Works

1. Authorize a mail-out ballot as required by Proposition 218 for the purpose of raising assessment rates for Landscape Maintenance for the Santa Nella Village Landscape Zone of Benefit No. 408 and set a public hearing for April 5, 2005 at 10:30 a.m. to tabulate the ballots.
2. Authorize a mail-out ballot as required by Proposition 218 for the purpose of raising assessment rates for Landscape Maintenance for the Camden Place Landscaping Zone of Benefit No. 117 and set a public hearing for April 5, 2005 at 10:30 a.m. to tabulate the ballots.

3. Set a public hearing for February 22, 2005 at 10:30 a.m. to consider proposed Ordinance creating a Regional Transportation Impact Fee (RTIF) and the associated Capital Improvement Plan and to consider approval of an implementation agreement with the six cities within Merced County authorizing the Merced County Association of Governments to implement the RTIF Program.

#### Executive Office

4. Act on Claim for Damages submitted by David Flores as recommended by Risk Management.

#### Board of Supervisors Office

5. Set public hearing for February 22, 2005 at 10:30 a.m. to consider an Appeal to Conditional Use Permit No. 2794 submitted by Amarant's Propane Service to consider Revocation of Propane Service and Distribution Facility.

#### Board Recognition

6. Authorize Certificates of Recognition to Bigilow & Company in recognition of Ribbon Cutting and Open House.
7. Authorize Certification of Recognition to Outgoing Board Members Michael Gallo, Greg Thompson, Michele Gabriault Acosta, Leo Lamb and 2004 Award Recipients as follows: Shannon Pump Company and Werner Ladder Company-Business of the Year, Mark Pazin-Ambassador of the Year, Ellie Wooten-Businesswoman of the Year, Greg Hostetler-Business of the Year as recognized by the Merced County Chamber of Commerce.
8. Authorize Certificates of Recognition to Frank Amaral-Lowell N. Peters Award, Vaz Electric-Presidential Special Award, Gustine Unified School District and Tropic Wash and Dry-Beautification Award, Terry Talbott-Citizen of the Year, and Tony L. Lopes, Sr.-Dairyman of the Year as recognized by the Gustine Chamber of Commerce for 2004.
9. Authorize Certificate of Recognition to Senator Denham for Grand Opening of newly re-located Merced District Office.
10. Authorize Certificates of Recognition to the Quarterly Luncheon Award honorees: Dave Heyer-Volunteer, Sandy Johnson-Ambassador, Jerry Deal-Conference and Visitors Bureau Volunteer as recognized by The Greater Merced Chamber of Commerce.

### REGULAR CALENDAR

#### BOARD ACTION

#### PUBLIC WORKS

11. Contract with Dowling Associates, Inc. for Transportation Planning Services for the Community of Le Grand.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005021 AYES: 2, 3, 5  
NOES: 4 NOT PRESENT: 1**

12. Contract with BK-Sydran Ventures Inc. for Landlord Estoppel which assigns all of its rights under the Lease to the Purchaser who would assume all of the obligations of BK-Sydran under the Lease for periods of time from and after the closing of the pending sale.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005014 AYES: 2, 3, 4, 5**  
**NOT PRESENT: 1**

**DISTRICT ATTORNEY**

13. Accept letter of release and approve termination of the Contract with Larry D. and Saranne C. Morse for office space at 1944 M Street and approve the sublease contract for Office Space located at 626 West 18th Street and 1729 "M" Street, Merced and approve the budget transfer in the amount of \$547.00.

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

**HUMAN SERVICES AGENCY**

14. Authorize preparation and solicitation of Request for Proposal to secure the services of a qualified vendor to provide Stage I Child Care Services and authorize negotiation of contract with the most responsive vendor to perform services as requested to be returned to the Board for final approval.

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

15. Contract with Merced County Arts Council for Disease Prevention and Health Promotion Program for seniors to provide dance, physical fitness, group exercise, music, art and dance-movement therapy programs.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005025 AYES: 2, 3, 4, 5**  
**NOT PRESENT: 1**

16. Amendment to Contract with California Dept. of Aging for Area Plan for the Title III, Title VII, III E, and Community-Based Services Plan Programs for senior citizens increasing the amount by \$127,657 and approve the necessary budget transfer-\$131,688. (4/5 Vote Required)

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004222 AYES: 2, 3, 4, 5**  
**NOT PRESENT: 1**

**BOARD OF SUPERVISORS**

17. District Four - Authorize Grant Application to the California Endowment for funds to conduct a Feasibility Study of Childcare Needs in Delhi and authorize expenditure of \$3,500 from Special Board Project Funds-District Four authorizing the Chairman to sign grant related documents on behalf of the Board.

**NO ACTION TAKEN - PULLED FROM THE AGENDA**

**COUNTY COUNSEL**

18. Authorize agreement to waiver of conflict so that Donald Proietti's Firm may continue to represent the County of Merced and allow Mr. Proietti to proceed to represent a client in a conservatorship matter in which the County is an opposing party.

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

**EXECUTIVE OFFICE**

19. PERSONNEL ACTIONS - Recommendation to approve a variety of requests from various departments for personnel actions as recommended by the Human Resources Department for FY 2004/05.

**NO ACTION TAKEN – PULLED FROM THE AGENDA**

**BOARD APPOINTMENTS**

20. Los Banos Area Recreation Commission.

**REAPPOINTED TESSE MAZZINA TO SERVE AS A MEMBER OF THE LOS BANOS AREA RECREATION COMMISSION REPRESENTING DISTRICT FIVE UNTIL JANUARY 1, 2009 AYES: 2, 3, 4, 5 NOT PRESENT: 1**

BOARD INFORMATION & POSSIBLE ACTION

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

21. Central Valley Opportunity Center, Inc. re: Letter of appreciation for donation provided for Christmas Food Baskets.

22. State Fish and Game Commission re: Meeting Agenda of February 3, 2005.

**ADJOURNED MEETING UNTIL FEBRUARY 8, 2005 AT 10:00 A.M.**

## BOARD ORDERS – SUMMARY ACTION MINUTES – FEBRUARY 1, 2005

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

#### **2005-02-01 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PRESENTATION**

Commerce, Aviation and Economic Development Director John Fowler reviews the recent physical changes at Castle Airport and advises over the last eight months, the Master Developer Team began the process of researching and planning for the development of Castle Airport Aviation and Development Center. He states the Team has identified the following: existing conditions and physical land structures, analyzed land uses, constraints and opportunities, determined the market needs and demands, evaluated site planning alternatives, and existing Master Plan and EIR status, identified airport operating issues, issued a market feasibility report, a general strategic plan and a business plan and public/private financing structures.

Federal Merced Associates President and Chairman John Patino states the Federal Merced Associates members Al Fortune, Wes Taylor and Don Hatch have been working on the Project and suggests changing the name of Castle Airport Aviation and Development Center to Castle Commerce Center and reviews the Strategy Plan for the Castle Commerce Center.

Upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board accepts the presentation/proposal for development under the 1996 Castle Reuse Plan, authorizes Staff to begin negotiations on the Land Value Determination and formal Master Developer Agreement, and authorizes Staff and the Master Developer to begin work on a full buildout plan for Castle Airport with the associated environmental impact report to be returned to the Board to provide progress updates on all requests and for final approval on the necessary documents.

Ayes: O'Banion, Crookham, Nelson, Kelsey

Not Present: Pedrozo

### **ACTION ITEM NO. 13**

#### **2005-02-01 DISTRICT ATTORNEY**

The Clerk announces the next Item before the Board: Letter of Release and termination of Contract with Larry D. and Saranne C. Morse for office space at 1944 "M" Street and the sublease contract with Ranchwood Homes for office space located at 626 W. 18<sup>th</sup> Street and 1729 "M" Street, Merced.

District Attorney Gordon Spencer briefly reviews the Staff Report on the proposed termination lease for office space at 1944 "M" Street and the relocation to 626 W. 18<sup>th</sup> Street and 1729 "M" Street. He submits and reviews an outline displaying what Ranchwood Homes pays the City and the District Attorney's Office pays Ranchwood Homes for the term of the lease and advises Ranchwood will pay \$61,000 more to the City and the new office space would be better suited to law enforcement needs.

Ranchwood Homes owner Greg Hostetler appears and states Ranchwood Homes unsuccessful in locating office space countywide to house their entire staff and are in need of the 1944 "M" Street office space.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board accepts the Letter of Release and approves termination of Contract with Larry D. and Saranne C. Morse et al for office space at 1944 "M" Street; approves and authorizes the Chairman to sign Sublease Contract No. 2005024 with Ranchwood Homes Corporation for office space located at 626 W. 18<sup>th</sup> Street and 1729 "M" Street and approves the necessary budget transfer in the amount of \$547.

Ayes: O'Banion, Crookham, Nelson, Kelsey

Not Present: Pedrozo