



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, JUNE 14, 2005  
Closed Session – 8:00 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

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-Commerce, Aviation and Economic Development 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 (c) 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 (c) of Section 54956.9: County of Merced v. City of Atwater and Florsheim Land Co. LLC, Merced Superior Court Case No. 148361

**THE BOARD RECESSED AT 8:00 A.M. AND RECONVENED AT 10:00 A.M. WITH SUPERVISOR KELSEY NOT PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF**

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

9:00 A. M.           **TOUR – PG&E’s Looking Forward Tour on the Centennial Bus, County Administration Parking Lot**

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)

**REVIEW BOARD ORDER – SEE PAGE 12**

**PRESENTATION – PG&E’s 100<sup>th</sup> Anniversary Recognition**

**PRESENTATION OF SERVICE PINS**

**A RECEPTION WILL BE HELD IN ROOM 310 TO HONOR THE AWARDS 30 YEARS OF SERVICE**

Sheriff-Ken Thurman

**25 YEARS OF SERVICE**

Human Services Agency-Rhonda Walton  
Public Works-Charles Dixon

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Commerce, Aviation and Economic Development-\$4,100 and \$25,336; Fire-\$144,672; Health-\$38,500, \$17,000, \$115,000 and \$21,670; Public Works-\$27,000 (#105) and \$4,800 (#107) and Sheriff-\$18,174, \$1,500, \$77,000 and \$3,267 and Auditor-\$2,779,751 and \$1,113,471

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

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 45)

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

10:30 A. M.           **PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE**  
To consider proposed ordinance amendment adding Chapter 5.64 to Merced

County Code entitled "County Service Area Number One User Charge Rates for Zones of Benefit establishing the County Service Area Number One User Rates for 2005/2006 Fiscal Year"

**REVIEW BOARD ORDER – SEE PAGE 12**

**PLANNING - PUBLIC HEARING**

Zone Change Application No. 05002 submitted by Merced County to rezone approximately five foot wide strip of land, approximately 0.17 acres in area from A-2 (Exclusive Agricultural) to A-1 (General Agricultural) on property located on the east side of Cunningham Road, approximately 2,000 feet north of Hainline Avenue in Le Grand

**REVIEW BOARD ORDER – SEE PAGE 13**

**PLANNING - PUBLIC HEARING**

Appeal of the Planning Commission Denial of Minor Subdivision Application No. 05001 submitted by Jose Vega. Said application is to divide one 86.1 acre parcel into four parcels: Parcel 1=26.1 acres and Parcels 2 through 4=20.0 acres each on property located on the west side of Ingomar Grade, 2,800 feet north of Henry Miller Road in Volta

**REVIEW BOARD ORDER – SEE PAGE 13 AND 14**

**REPORTS/BOARD DIRECTION**

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

**LUNCH BREAK**

CONSENT CALENDAR (Items #1 - 45)

**APPROVED AS RECOMMENDED AYES: ALL**

Public Works

1. Accept the Final Map for El Capitan Estates Phase 4 Subdivision in Franklin/Beachwood area.
2. Approve and authorize Chairman to sign Amendment to Contract No. 2001218 with Health Metrics, Inc. for Hearing Conservation Program for employees whose noise exposure equals or exceeds an eight hour time weighted average sound level of 85 decibels or an equivalent dose of 50%.
3. Approve and authorize Chairman to sign Amendment to Contract No. 2004209 (Change Order to Purchase Order) with Orion Bus Industries, Inc. to add Electronic Validating Fareboxes to each of the nine buses.
4. Adopt Resolution authorizing Public Works Director to apply for three Safe Routes to School Grants from the Calif. Dept. of Transportation for Flashing Beacons and Sidewalk Improvements for Sybil N. Crookham Elementary School, Franklin Elementary School and Le Grand High and Charleston Elementary School for the Sixth Cycle and direct Public Works to return to the Board upon receipt of any approved Grant.

**ADOPTED RESOLUTION NO. 2005-98**

5. Adopt Resolution authorizing Right of Way Contract No. 2005122 with Alicia Baltazar for Easement Deed for acquisition of land necessary for construction of California Street Improvement Project and an adjacent public utility easement in Winton.

**ADOPTED RESOLUTION NO. 2005-99**

Probation

6. Approve and authorize Chairman to sign Renewal Contract No. 200060 with Robert and Hallie Holl for office space lease for the Adult Division Office.
7. Approve and authorize Chairman to sign Interdepartmental Renewal Contract No. 2004261 with Sheriff Department for Meals, Laundry and Landscape Service for the Iris Garrett Juvenile Justice Correctional Complex.

Sheriff

8. Approve and authorize Chairman to sign Amendment to Contract No. 2003249 with City of Atwater for Law Enforcement Communication Assistance.
9. Approve and authorize Chairman to sign Amendment to Contract No. 2004329 with Wilson Family Funeral Chapel for rotational deceased removal services.
10. Approve and authorize Chairman to sign Amendment to Contract No. 2004327 with Stratford Evans Merced Funeral Chapel for rotational deceased removal services.
11. Approve and authorize Chairman to sign Amendment to Contract No. 2004328 with Evergreen Memorial Park for rotational deceased removal services.
12. Approve and authorize Chairman to sign Renewal Contract No. 2004266 with Winton Unified School District for contractual Deputy Sheriff.

Clerk-Registrar of Voters

13. Certify the Election Results for the Special Election held in the Los Banos Unified School District on May 24, 2005.

Ag. Commissioner

14. Authorize relief of accountability for shortage in the amount of \$100 and authorize replenishment.

Mental Health

15. Approve and authorize Chairman to sign Interdepartmental Contract No. 2004105 with Health for transportation of incoming and outgoing interdepartmental mail.
16. Approve and authorize Chairman to sign Renewal Contract No. 2004184 with RMC Homes, Inc. for Board and Care Home services.
17. Approve and authorize Chairman to sign Renewal Contract No. 2004149 with Value Options, Inc. for manager of network provider of specialty mental health services.
18. Approve and authorize Chairman to sign Renewal Contract No. 2004156 with Larry Dumford for Licensed Board and Care facilities.
19. Approve and authorize Chairman to sign Renewal Contract No. 2003103 with Merced County Association of Governments for the Continuum of Care Homeless Project.

Health

20. Approve and authorize Chairman to sign Renewal Contract No. 2002243 with State Dept. of Health Services for Implementation of SB 2132 Emergency Medical Services.

#### Commerce, Aviation and Economic Development

21. Approve and authorize Chairman to sign Sublease Contract No. 2005126 with Civil Air Patrol for a portion of Building 1340 (approximately 625 square feet) at Castle Airport Aviation and Development Center for training, flight scheduling and meetings.
22. Approve and authorize Chairman to sign Sublease Contract No. 2005127 with David Green for use of a portion of Building 1564 (approximately 800 square feet) at Castle Airport Aviation and Development Center for records and equipment storage.
23. PULLED
24. Approve and authorize Chairman to sign Renewal Contract No. 2004183 with IMS Worldwide, Inc. for Foreign Trade Zone No. 226 Consulting Services.

#### Administrative Services

25. Approve and authorize Chairman to sign Amendment to Contract No. 2003146 with Hankerson Cleaning Service for Janitorial Services.
26. Approve and authorize Chairman to sign Amendment to Contract No. 2003147 with Araiza's Express Janitorial Services for Janitorial Services.
27. Approve and authorize Chairman to sign Amendment to Contract No. 2003148 with ABM Janitorial Services for Janitorial Services.

#### Human Services Agency

28. Approve and authorize Chairman to sign Interdepartmental Renewal Contract No. 2004141 with Dept. of Workforce Investment for employment services.
29. Approve and authorize Chairman to sign Amendment to Contract No. 2004145 with Merced College for Educational Services.
30. Approve and authorize Chairman to sign Renewal Contract No. 2000235 with University of California-Davis for Staff Training and Development.
31. Approve and authorize Chairman to sign Renewal Contract No. 2004280 with University of California-Davis for Child Welfare Services Staff Training and Development.
32. Approve and authorize Chairman to sign Renewal Contract No. 2004042 with A Woman's Place for Domestic Violence Training Services.
33. Approve and authorize Chairman to sign the Interdepartmental Renewal Contract No. 2005128 with Public Works for provision of Reduced Cost Transportation Program and Interdepartmental Renewal Contract No. 2003134 for No Cost Transportation Program for Transportation Services for senior citizens 60 years of age and older.
34. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2004211 with Calif. Dept. of Aging for Multipurpose Senior Services Program (MSSP).

#### **ADOPTED RESOLUTION NO. 2005-100**

#### Dept. of Workforce Investment

35. Approve and authorize Chairman to sign Amendment to Contract No. 2004308 with Yosemite Chapter of SCORE (Service Corps of Retired Executives) and No. 2001103 with Calif. Dept. of Rehabilitation for One-Stop System Partners.

#### Board of Supervisors

36. Set public hearing for July 26, 2005 at 10:30 a.m. to consider an Appeal to Planning Commission decision on Minor Subdivision Application No. 05010 submitted by Rebecca Carter.

#### **REVIEW BOARD ORDER – SEE PAGE 14**

37. Approve Minutes of February 1, 8 and 22, and March 15 and 22, 2005.

#### Board Recognition

38. Authorize Certificates of Recognition to Alan Aguilar, Alyssa Duran, Francisco Gonzales, Jessica Kirby, Siria Higareda and Eileen O'Brien for selection as California Art Scholars.
39. Authorize Certificate of Recognition to Mary Esther Rodriguez for recognition as Planada Community Day Honorary Citizen.
40. Authorize Certificate of Recognition to Lalo Sanchez as Planada Community Day Grand Marshall.
41. Authorize Certificates of Recognition to the following for service to the Winton School District: Darrel Lingenfelter-40 years, Marie Gonzales-37 years and Edna Davis-28 years.
42. Authorize Certificates of Recognition to individuals who have shown support of Merced County Immigrants.

#### **REVIEW BOARD ORDER – SEE PAGE 14**

43. Authorize Certificate of Recognition to Kyle Tanaka for his Eagle Scout Project at the Animal Control Adoption Center.
44. Authorize Certificates of Recognition to Jorge Macias, Lionel Rodriguez and Dick Templeton as new Agents for Coldwell Banker Gonella Realty and new members of Atwater Chamber.
45. Authorize Certificates of Recognition to Seth Yorba, Joel Verrinder, Colton Ross, Jeremy McCormic, James Cunningham, Philip Bump and James Bronson for completing the 2005 Merced College Fire Academy.

### REGULAR CALENDAR

#### BOARD ACTION

#### PUBLIC WORKS

46. Amendment to Contract No. 2003152 with Hilmar Swim Club to maintain and operate the Hilmar Swimming Pool for Swim Team events and public swimming. (4/5 Vote Required)  
**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**
47. Contract with Mead & Hunt for Professional Services related to Airport Planning and Design Services, change the Annual Retainer Contract term from two to four fiscal years and authorize Public Works to execute Project Supplements for each individual project related to the Contract.

**AUTHORIZED CHAIRMAN NO SIGN CONTRACT NO. 2005129 AYES: 1, 2, 3, 5  
NOT PRESENT: 4**

48. Approve Parkland Dedication Interest Funds for replacement of a failed Lake Yosemite Irrigation Pump, re-direct \$8,000 budgeted in 70200/87018 for the South Dos Palos Irrigation Pump to the Lake Yosemite Irrigation Pump and approve the necessary budget transfer-\$8,000. (#103)

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

49. Contract with Malibu Boats West, Inc. to use Lake Yosemite to test newly constructed power boats during normal park operating hours and during off season for a period of five years with fees to be paid quarterly.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005130 AYES: 1, 2, 3, 5  
NOT PRESENT: 4**

50. Award Contract to Construction Testing and Engineering, Inc. for Special Inspections and Material Testing for the Merced County New Courts Building in the amount of \$64,449.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005131 AYES: 1, 2, 3, 5  
NOT PRESENT: 4**

51. Award Contract to Laidlaw Transit Services, Inc. for contracted transit daily operations of "The Bus"-Merced County Transit for the 5 year period from 7/1/05 through 6/30/10.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005132 AYES: 1, 2, 3, 5  
NOT PRESENT: 4**

52. PULLED

53. Authorize Letter of Support for AB 486 (Leslie) Urban Open Space and Recreation which amends Public Resources Code Section 5630 of the Roberti-Z'berg-Harris Urban Open Space and Recreation Program Act.

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

**SHERIFF**

54. Contract with Delhi Unified School District for housing of the Sheriff's North Area Station located at 16881 W. Schendel in Delhi.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005123 AYES: 1, 2, 3, 5  
NOT PRESENT: 4**

55. Authorize Sheriff to apply online through the INTERNET for the Paul Coverdell Forensic Science Improvement Grant for the Coroner Department through the U.S. Dept. of Justice to be used to improve the quality and timeliness of forensic science and medical examiner services and to eliminate backlogs in the analysis of forensic evidence.

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

**MENTAL HEALTH**

56. Contract with Davis Guest Home for specialized residential placement for clients in need of assisted living.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004006 AYES: 1, 2, 3, 5  
NOT PRESENT: 4**

HEALTH

57. Contract with State Dept. of Health Services for purchase of disaster-related equipment and supplies and authorize the Chairman to sign the necessary documents.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005139 AYES: 1, 2, 3, 5  
NOT PRESENT: 4**

AG. COMMISSIONER

58. Ratify the Letter of Request sent to the Governor's Office of Emergency Services requesting Merced County disaster declaration due to cherry crop loss from untimely rains during harvest on May 12, 2005.

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

TREASURER-TAX COLLECTOR

59. Approve the Restitution Funds Transfer of \$17,821.07 held in Fund 02410 Treasurer-Unclaimed Funds to Fund 02594 District Attorney-Victim Witness Trust.

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

60. Approve distribution of Excess Proceeds from the Public Auction of Tax-Defaulted Property sold for failure to pay taxes on real property by the Auditor Controller payable to the claimants.

**REVIEW BOARD ORDER – SEE PAGE 14 AND 15**

COUNSEL

61. Contract with Rossman and Moore, LLP for Special Legal Services.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005140 AYES: 1, 2, 3, 5  
NOT PRESENT: 4**

PLANNING

62. Proposed Guidance Package for Fox Hills SUDP Expansion Guidance Package - Approve the Guidance Package and allow Fox Hills Management Group to produce a Community Specific Plan and EIR for a potential Expanded Fox Hills SUDP.

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

HUMAN SERVICES AGENCY

63. Amendment to Contract No. 2004249 with California Dept. of Aging for Health Insurance Counseling and Advocacy Program (HICAP) to increase funding and approve the necessary budget transfer-\$7,530. (4/5 Vote Required)

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

64. Contract with Office of Emergency Services for operation of a Child Abuse Treatment Program (CHAT) and authorize signing of necessary documents.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005138 AYES: 1, 2, 3, 5  
NOT PRESENT: 4**

65. Approve the 4-Year Area Plan for the Merced County Area Agency on Aging for Senior Services and authorize submission as required by the California Dept. of Aging.

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



DEPT. OF WORKFORCE INVESTMENT

66. Contract with Merced College to provide PLATO Basic Education Services.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005141 AYES: 1, 2, 3, 5**  
**NOT PRESENT: 4**
67. Contract with Merced Adult School to provide Basic Education Services.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005142 AYES: 1, 2, 3, 5**  
**NOT PRESENT: 4**

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

68. To consider and conduct First Reading of Proposed Ordinance as follows: An Ordinance Transferring Redevelopment Authority for the Redevelopment of Certain Unincorporated Areas adjacent to the City of Merced to the City of Merced, and set Second Reading for June 21, 2005 and set public hearing for July 12, 2005 at 10:00 a.m. to consider a proposed Ordinance for possible approval of the City of Merced proposed Gateways Redevelopment Plan Amendment.  
**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**
69. Resolution designating a Redevelopment Survey Area for the Castle Airport Aviation and Development Center Redevelopment Project Area.  
**ADOPTED RESOLUTION NO. 2005-101 AS RECOMMENDED AYES: 1, 2, 3, 5**  
**NOT PRESENT: 4**
70. Contract to Negotiate Exclusively with Federal Merced Developers, LLC regarding the Castle Master Developer Project.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005125 AYES: 1, 2, 3, 5**  
**NOT PRESENT: 4**
71. Resolution authorizing Contract with Tangent Computer, Inc. for FOCUS Program Procurement Vehicle covering computer hardware and software solutions, authorize Announcement Letter and utilization of such services/products as defined under this contract or any other County FOCUS Contract offering similar services/products when in the best interest of the County, without the necessity for any further bid process.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005124 AND ADOPTED RESOLUTION NO. 2005-102 AYES: 1, 2, 3, 5 NOT PRESENT: 4**

AUDITOR-CONTROLLER

72. Authorize the Auditor-Controller to make the following appropriation transfers: (1) General fund transfer salary savings appropriation to cover overdrawn accounts and accounts required to pay Information Systems, Communications, Fleet Service Management and Insurance Pool, (2) Other funds-transfer salary and service and supplies appropriations to cover overdrawn accounts and amounts required to pay Info Systems, Communications and Fleet Service Management and Insurance Pool, (3) General and other funds – transfer accrual appropriation and estimated revenue from the accrual line items to cover accounts overdrawn as a result of accruals, (4) authorize the Auditor-Controller to increase estimated proceeds from taxes and contingencies by the amount actual proceeds from taxes exceeds the estimates.  
**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

EXECUTIVE OFFICE

73. Contract with Horizon Health for Employee Assistance Program (EAP) services.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005143 AYES: 1, 2, 3, 5**  
**NOT PRESENT: 4**
74. Contract Amendment with The Bridge, Dr. J. Stanley Bunce for Employee Assistance Program (EAP) services.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000132 AYES: 1, 2, 3, 5**  
**NOT PRESENT: 4**
75. Resolution authorizing 2005 CSAC Challenge Awards applications for the First 5 Merced County, Human Services Agency (2), Dept. of Administrative Services, Merced County Spring Fair (May Day Fair) and Child Support Services as amended.  
**ADOPTED RESOLUTION NO. 2005-103 AS RECOMMENDED AYES: 1, 2, 3, 5**  
**NOT PRESENT: 4**
76. Revise the 2005 Board Meeting Calendar to add July 19, 2005 at 10:00 a.m. as a Board Meeting Date to consider the Second Reading of the proposed ordinance for the Gateways Redevelopment Plan.  
**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

BOARD APPOINTMENTS

77. Workforce Investment Board - Two Appointments.  
**APPOINTED CHRIS ROSANDER REPRESENTING EDUCATIONAL SECTOR UNTIL JUNE 30, 2006 AND LARRY PITTS REPRESENTING PRIVATE SECTOR UNTIL JUNE 30, 2008 AS A MEMBER OF THE WORKFORCE INVESTMENT BOARD (WIB) AYES: 1, 2, 3, 5 NOT PRESENT: 4**
78. Dairy Technical Advisory Committee - District One.  
**APPOINTED ED HOEKSTRA, REPRESENTING DISTRICT ONE, TO SERVE AS A MEMBER OF THE DAIRY TECHNICAL ADVISORY COMMITTEE UNTIL JANUARY 28, 2007 AYES: 1, 2, 3, 5 NOT PRESENT: 4**

BOARD INFORMATION & POSSIBLE ACTION

- ACCEPTED AND PLACED ON FILE AYES: 1, 2, 3, 5 NOT PRESENT: 4**
79. Merced Redevelopment Agency re: Merced Gateways Redevelopment Plan Amendment - Notice of Public Hearing and Public Information Meetings.
80. San Joaquin Valley Air Pollution Control District re: Notice of Public Hearing on Proposed Rules and Regulations.
81. Merced County re: Public Notice and Announcement of Public Hearing - Campus Parkway Draft EIR-EIS.
82. Governor Schwarzenegger re: California Wetlands Week Proclamation.
83. State Office of the Director re: Notice that U.S. Dept. of Agriculture has granted a Secretarial Disaster Designation for the County of Mariposa and the contiguous counties of Madera, Merced, Stanislaus and Tuolumne due to physical losses caused by flooding which occurred on March 22, 2005.

84. State Dept. of Finance re: State-County Property Tax Administration Grant Program - Notice of Request to State Controller to grant money be provided to the County of Merced.
85. State Dept. of Social Services re: CAPIT/CBCAP/PSSF Three Year Plan Instructions for State Fiscal Years 2005-2008. (On file with Clerk)
86. State Dept. of Health Services re: Maternal, Child and Adolescent Health (MCAH) Allocation #200424. (On file with Clerk)

**ADOPTED RESOLUTIONS IN MEMORY OF DON ROBINSON AND MAUDE EDMONSON AND ADJOURNED MEETING UNTIL JUNE 21, 2005 AT 3:00 P.M.**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 14, 2005**

### **10:00 A.M. SCHEDULED ITEM** **2005-06-14 PUBLIC OPPORTUNITY**

Grassland Water District Biologist representative Rich Rider requests the appeal submitted by Jose Vega that is scheduled for the 10:30 a.m. Public Hearing today in the Volta area be denied stating the Board should follow the clear direction of the General Plan.

Rebecca Carter appears before the Board on Consent Item No. 36 requesting her Appeal filed on Minor Subdivision Application No. 05010 being set for hearing in June, 2005 be changed and request a postponement until July, 2005.

Gary Doesckle speaks on county issues.

Ayes: O'Banion, Pedrozo, Crookham, Nelson  
Not Present: Kelsey

### **10:30 A.M. SCHEDULED ITEM** **2005-06-14 PUBLIC WORKS – PUBLIC HEARING – Ordinance No. 1752**

The time and date previously set for a public hearing to consider a Proposed Ordinance to amend the County Service Area Number One User Charge Rates for Zones of Benefit in the 2005/2006 Fiscal Year (Amends Ordinance No. 1725 and adds Chapter 5.64 to the Merced County Code) submitted by Public Works.

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo duly carried, the Board waives further reading of the Proposed Ordinance titled An Ordinance to amend the County Service Area Number One user Charge Rates for Zones of Benefit in the 2005/2006 Fiscal Year (Amends Ordinance No. 1725 and Adds Chapter 5.64 to the Merced County Code).

Ayes: O'Banion, Pedrozo, Crookham, Nelson  
Not Present: Kelsey

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

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board adopts Ordinance No. 1752.

Ayes: O'Banion, Pedrozo, Crookham, Nelson  
Not Present: Kelsey

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

**2005-06-14 PLANNING – PUBLIC HEARING – Ordinance No. 1753**

The time and date previously set for a Public Hearing to consider Proposed Ordinance for Zone Change Application No. 05002 submitted by Merced County to rezone approximately a five foot wide strip of land, approximately 0.17 acres in area from A-2 (Exclusive Agricultural) to A-1 (General Agricultural) on property located on the east side of Cunningham Road, approximately 2,000 feet north of Hainline Avenue in Le Grand submitted by Planning.

Planning and Community Development Director Bill Nicholson provides a brief history of proposed project.

Assistant Planning and Community Development Director Keith Woodcock reviews the staff report and provides a power point presentation on the application.

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

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading of the proposed ordinance titled An Ordinance Changing the Boundaries of and the Classification of Property Uses within Zones established by Merced County Code Title 18 Titled Zoning; exempts Zone Change No. 05002 from CEQA, approves Zone Change Application No. 05002 submitted by Merced County to rezone approximately a five foot wide strip of land, approximately 0.17 acres in area from A-2 (Exclusive Agricultural) to A-1 (General Agricultural) on property located on the east side of Cunningham Road, approximately 2,000 feet north of Hainline Avenue in Le Grand and adopts Ordinance No. 1753.

Ayes: O'Banion, Pedrozo, Crookham, Nelson

Not Present: Kelsey

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

**2005-06-14 PLANNING – PUBLIC HEARING**

The time and date previously set for a Public Hearing to consider an Appeal of the Planning Commission Denial of Minor Subdivision Application No. 05001 submitted by Jose Vega to divide one 86.1 acre parcel into four parcels: Parcel 1=26.1 acres and Parcels 2 through 4=20.0 acres each on property located on the west side of Ingomar Grade, 2,800 feet north of Henry Miller Road in Volta.

Planning and Community Development Director Bill Nicholson reviews the staff report.

The Chairman asks if there is anyone present that wishes to speak.

Central California Permit Services Representative Mike Smith speaks on behalf of the property owner Jose Vega stating there was not enough discussion at the Planning Commission meeting, questions similar applications that have been approved and states the land is not productive and has poor soil.

The Chairman reads into the record a letter dated June 10, 2005 sent by Timothy Durham, Director of Operations for Ingomar Packing Company in opposition.

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor Crookham, duly carried, the Board denies the Appeal and upholds the determination of the Planning Commission denying the Minor Subdivision Application No. 05001 submitted by Jose Vega.

Ayes: O'Banion, Pedrozo, Crookham, Nelson

Not Present: Kelsey

**CONSENT ITEM NO. 36**

**2005-06-14 BOARD OF SUPERVISORS**

Rebecca Carter appears before the Board and requests the public hearing for consideration of an appeal filed by her be postponed from June 28, 2005 to July, 2005.

Upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board reschedules the public hearing date from June 28, 2005 to July 26, 2005 at 10:30 a.m. in order to accommodate the appellant's request relative to consideration of an Appeal to Planning Commission decision on Minor Subdivision Application No. 05010 submitted by Rebecca Carter.

Ayes: O'Banion, Pedrozo, Crookham, Nelson

Not Present: Kelsey

**CONSENT ITEM NO. 42**

**2005-06-14 BOARD OF SUPERVISORS**

Upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board authorizes Certificates of Recognition to the following individuals for their support of Merced County Immigrants for "Immigrant Recognition Day": Long Thao, M.D.; Paul Lo, Attorney at Law; Jonas Vangay, Ph.D.; Jupah Moua, Social Worker C.W.S.; Hmong Christian and Missionary Alliance Church; Mendie Vang, Art/Culture Coordinator-Merced Hmong New Year; Paul Ge Yang, President-Merced Lao Family Community, Inc.; Kang Yee Xiong, Chairman-Merced Lao Family Advisory Board; Chong Sue Xiong, Vice-President-Merced Lao Family Community, Inc.; Paul Thao, Staff Supervisor-Merced Lao Family Community, Inc.; Phil Flores, Refugee Coordinator-Merced County; Zang Dang Her, Community Leader; Chong Za Xiong, Community Leader; Cherpao Vang, Board Member-Merced Lao Family Community, Inc.; Commander Tom Martin, Merced Police Department; Dennis Haines, Operations Supervisor-Family Resource Council; Elizabeth Freitas, Advisor-Hmong Women Focus Group Program; Roger Moua, Learning Director Newcomer Academy and Healthy House Within A MATCH Coalition.

Ayes: O'Banion, Pedrozo, Crookham, Nelson

Not Present: Kelsey

**ACTION ITEM NO. 60**

**2005-06-14 TAX COLLECTOR**

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board approves distribution of Excess Proceeds from the Public Auction of Tax-Defaulted Property sold for failure to pay taxes on real property by the Auditor Controller payable to the claimants as follows:

020-034-001 to Heather Ann Beaton, \$135,618.25;  
020-065-009 to City of Gustine, \$467.50 and Corazon C. Lugtu, \$63,632.59;  
031-342-007 to Global Discoveries, \$82,980.24;  
040-034-006 to Fritz W. Sell and/or Ames, Lee, & Morrison, \$12,390.77;  
040-103-010 to Global Discoveries, \$7,504.82 and Barbara Ann Petris, \$7,504.82;  
055-190-013 to Global Discoveries, \$11,488.22 and Daniel A. Dunn, \$19,561.03;  
043-233-004 to Santa Clara County Tax Collector, \$7,779.37, Snelling Community Service District, \$263.06, Global Discoveries, \$14,968.06 and Janell Woolsey, \$14,968.06;  
061-250-064 to Global Discoveries, \$28,502.44;  
059-251-005 to Mission Federal Credit Union, \$19,936.25 and Robert Ayres, \$37,812.24;  
061-250-062 to National Asset Recovery, \$26,204.61 and Sheldon Sloan, \$235,841.51;  
073-280-003 to San Luis Canal Co., \$2,427.01, National Asset Recovery, \$14,980.50, Sue A. Maxwell, \$59,921.99;  
085-220-007 to Josefina Pardo, \$5,526.86; 085-220-008 to Josefina Pardo, \$27,995.82;  
156-033-021 to City of Atwater, \$466.00, Bruce Sasaki, \$16,998.51, Darrell Sasaki, \$16,998.51, Jack W. Christy, \$16,998.51, and Daniel K. Christy in the amount of \$16,998.52;  
063-030-001 to Trust Fund #02160 Property Taxes, \$18,027.34;  
020-092-014 to Trust Fund #02160 Property Taxes, \$223.36;  
034-062-005 to Trust Fund #02160 Property Taxes, \$2,220.03;  
034-062-007 to Trust Fund #02160 Property Taxes, \$2,618.05;  
040-025-009 to Trust Fund #02160 Property Taxes, \$15,098.14;  
057-050-064 to Trust Fund #02160 Property Taxes, \$152,426.87;  
057-400-027 to Trust Fund #02160 Property Taxes, \$18,104.83;  
146-131-011 to Trust Fund #02160 Property Taxes, \$1,681.95;  
146-141-010 to Trust Fund #02160 Property Taxes, \$22,032.03.

Ayes: O'Banion, Pedrozo, Crookham, Nelson

Not Present: Kelsey

## **ACTION ITEM NO. 62**

### **2005-06-14 PLANNING**

The Clerk announces the Proposed Guidance Package to prepare a Community Specific Plan and Environmental Impact Report (EIR) for an expanded Fox Hills SUDP is before the Board for Consideration as submitted by Planning.

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

Supervisor Nelson questions fire protection and public safety issues for the project.

Following discussion, Mr. Nicholson states the Fire Department has reviewed the fire services and stated additional services are not necessary.

EMC Planning Group representative Ron Sessions states an additional Fire Station is being considered in the project.

Following discussion and upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board reviews and approves the Guidance Package to allow Fox Hills

Management Group to produce a Community Specific Plan and EIR for a potential Expanded Fox Hills SUDP.

Ayes: O'Banion, Pedrozo, Crookham, Nelson

Not Present: Kelsey