



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, FEBRUARY 14, 2006  
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  
CHAIRMAN MICHAEL G. NELSON.....DISTRICT 3  
DEIDRE F. KELSEY....DISTRICT 4  
JERRY O'BANION.....DISTRICT 5  
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM  
COUNTY EXECUTIVE OFFICER

RUBEN E. CASTILLO  
COUNTY COUNSEL

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

**The Agenda is available online at [www.co.merced.ca.us](http://www.co.merced.ca.us)**

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE  
INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

**Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the Board Chambers**

The Agenda is divided into three sections:

**CONSENT CALENDAR** – These matters include routine financial and administrative actions and are approved by a single majority vote.

**SCHEDULED ITEMS** – These items are noticed hearings, work sessions and public hearings.

**REGULAR CALENDAR** – These items include significant policy and administration actions. Immediately after approval of the CONSENT CALENDAR, if the time of the hearing of SCHEDULED ITEMS has not arrived, the REGULAR CALENDAR will be considered.

SCHEDULED ITEMS

9:00 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, Director-Commerce, Aviation and Economic Development pursuant to Government Code Section 54956.8 as follows: Castle

**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 Government Code Section 54956.9(a): Merced County Law Enforcement Association v. County of Merced, Case No. 147233

**THE BOARD RECESSED AT 9:00 A.M. WITH ALL MEMBERS PRESENT AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF**

**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)**

**Paster John Motz is present for Invocation**

**PRESENTATIONS**

Recognition - California Poultry Federation "Pioneer Award" Recipients  
- Bob Thomas and Harry McLaughlin

Housing Authority of the County of Merced Report - Nicholas Benjamin,  
Executive Director

**REVIEW BOARD ORDER – SEE PAGE 11**

10:15 A. M.

**JOINT MEETING, WORKFORCE INVESTMENT BOARD**

Workforce Investment Board Accomplishments/End of Year Report

**REVIEW BOARD ORDER – SEE PAGE 11**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required)** Commerce, Aviation and Economic Development-\$33,000 and Mental Health-\$109,000

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 24)**

**APPROVED AS RECOMMENDED AYES: ALL**

10:30 A. M.

**SCHEDULED ITEMS:**

**PLANNING - RECOMMENDATION FROM PLANNING**

Relative to Appeal of Planning Commission denial of Minor Subdivision Application No. 05029 from Anthony Medeiros, Jr.

**REVIEW BOARD ORDER – SEE PAGE 12**

**COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT**

Consider Resolution adopting Written Findings regarding the proposed Castle Airport Aviation and Development Center Redevelopment Project

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

**COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING FOR FEBRUARY 28, 2006 AT 10:30 A.M.**

An Ordinance of the County of Merced Approving and Adopting the Redevelopment Plan for the Castle Airport Aviation and Development Center Redevelopment Project

**REVIEW BOARD ORDER – SEE PAGE 13**

**PUBLIC HEARINGS:**

**PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE – FIRST READING – SET SECOND READING FOR FEBRUARY 28, 2006 AT 10:30 A.M.**

An Ordinance granting Petrogulf Corporation a Franchise to install, operate and maintain gas pipelines in County Road Right of Ways

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

**PROBATION - PUBLIC HEARING - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING FOR FEBRUARY 28, 2006 AT 10:30 A.M.**

An Ordinance to provide for Education for Juveniles placed in the Juvenile Camps (Amends Ordinance No. 717 and Chapter 2.76 of the Merced County Code)

**REVIEW BOARD ORDER – SEE PAGE 14**

**COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING FOR FEBRUARY 28, 2006 AT 10:30 A.M.**

An Ordinance to provide for Appeal of the Business License Requirement, change department name and name of Business License Appeals Board (Amends Ordinance No. 1705 and Chapter 6.02 of the Merced County Code)

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

**REPORTS/BOARD DIRECTION**

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

**LUNCH BREAK**

1:30 P. M.

**TOUR - JOHN LATORRACA CORRECTIONAL FACILITY**

2584 West Sandy Mush Road, El Nido, CA 95317

CONSENT CALENDAR (Items #1 - 24)

**APPROVED AS RECOMMENDED WITH CONSENT NO. 16 AMENDMENT AYES: ALL**

Public Works

1. Approve and authorize Chairman to sign Amendment to Contract No. 2003016 with Atwater Electric for Traffic Signal Maintenance Services.
2. Approve and authorize Chairman to sign Amendment to Contract No. 2001160 with Shamrock S. Pollination Services, Inc. for approximately three acres in the southeasterly portion of the Sunset Drive borrow pit for the temporary storage and removal of bee hives.

Mental Health

3. Adopt Resolution authorizing the County Mental Health Director (Alcohol and Drug Program Administrator) to sign Renewal Contract No. 200170 with State Dept. of Alcohol and Drug Programs for the Comprehensive Drug Court Implementation Grant funding for Project Year Six Funds.

**ADOPTED RESOLUTION NO. 2006-14**

4. Approve and authorize Chairman to sign Amendment to Contract No. 2006018 with Healthy House Within a Match Coalition for Interpreter services as needed for clinical services in outlying clinics.
5. Approve Budget Transfer in the amount of \$18,592 as recommended by Executive Office.

Fire

6. Approve Fire Department's Participation in the Fire Fighter's Burn Institute "Fill the Boot for Burns" Fundraiser.

Planning

7. Set public hearing for February 28, 2006 at 10:30 a.m. to receive public input on the completion of a Community Development Block Grant (CDBG) Housing Rehabilitation Project for the unincorporated area of Dos Palos and South Dos Palos funded with a California Dept. of Housing and Community Development Block Grant.

Health

8. Approve the Child Health and Disability Prevention (CHDP) Program, the Health Care Program for Children in Foster Care (HCPCFC), and the California Children's Services (CCS) Program, Plan and Budgets for FY 05-06.

Sheriff

9. Set public hearing for February 28, 2006 at 10:30 a.m. to consider Proposed Ordinance Setting the Bail Schedule of Parking Penalties for Parking Citations in Merced County.
10. Set public hearing for February 28, 2006 at 10:30 a.m. to consider 2006 Edward Bryne Memorial Justice Assistance Grant Application from the U.S. Dept. of Justice.

Auditor

11. Approve and authorize Chairman to sign Amendment to Contract No. 2004251 with Macias, Gini, and Company, LLP for County Federal Single Audit Services.

Commerce, Aviation and Economic Development

12. Set public hearing for February 28, 2006 at 10:30 a.m. to discuss and receive comments on the 2006 Community Development Block Grant (CDBG) Program, General and Native American Allocation and Economic Development Allocation.

Human Services Agency

13. Approve Budget Transfers-\$13,000 and \$30,455 as recommended by Executive Office.

Executive Office

14. Act on Claim for Damages submitted by Francisco M. Banderas (2005-125) as recommended by Executive Office.
15. Approve Travel Requests submitted by District Attorney, Sheriff, Dept. of Workforce Investment and Executive Office as recommended by Executive Office.
16. Recognize April 23-29, 2006 as Volunteer Week in Merced County in order to coincide with National Volunteer Week and endorse the National Theme: "Inspire By Example"; set May 2, 2006 as Volunteer Recognition and Service Program Awards; direct Staff to coordinate applications, nominations and Screening Committee and set March 24, 2006 as the deadline to receive applications/nominations.

**REVIEW BOARD ORDER – SEE PAGE 15**

Board of Supervisors

17. Approve Minutes of October 25, 2005, November 1, 8 and 22, 2005 as submitted.

Board Recognition

18. Authorize Certificate of Recognition to San Joaquin Valley Air Pollution Control District in celebration of the Northern Region Office Open House in Modesto.
19. Authorize Certificates of Recognition to Student of the Quarter at Peggy Heller School- Jessica Whitfield and Mitchell Senior School-Alyssa Peek.
20. Authorize Certificate of Recognition to Bob and Evie Ayers in celebration of their 60th Wedding Anniversary.
21. Authorize Certificate of Recognition to Danny Neville in recognition of dedicated service to the Santa Nella County Water District.
22. Authorize Certificate of Recognition to California Home Care and Hospice in recognition of Ribbon Cutting and Open House at new location.
23. Authorize Certificate of Recognition to Cheryl Davidson for her dedicated service to the 35th District Agricultural Association.
24. Authorize Certificate of Recognition to Smiley's Auto Sales in celebration of Ribbon Cutting for Atwater location.

## REGULAR CALENDAR

### BOARD ACTION

#### PUBLIC WORKS

25. Contract No. 200064 with Penguin La Natural to operate a Mobile Ice Cream Concession at Hagaman Park. (4/5 Vote Required pursuant to Government Code Section 25536)  
**APPROVED AS RECOMMENDED      AYES: ALL**
26. Contract No. 2006019 with Merced County Community Action Board for management of the Planada Library Building for the Women, Infants and Children Program. (4/5 Vote Required pursuant to Government Code Section 25536)  
**APPROVED AS RECOMMENDED      AYES: ALL**
27. Approve conceptual design and total project budget of \$7.8 million for new Animal Control Facility, Phase II and approve amendment to Contract No. 2002224 with George Miers and Associates for full design, construction documents through bidding and contract administration for a fee not-to-exceed \$561,232; authorize Public Works to proceed with CEQA review and full architectural design except bidding and direct development of a financial plan to be returned to the Board for approval and approve the necessary budget transfer-\$536,179. (4/5 Vote Required)  
**APPROVED AS RECOMMENDED      AYES: ALL**
28. Approve Change Order to Contract No. 2005285 with Graham Prewett, Inc. in the amount of \$8,970 to install solid sheathing at the Snelling Community Building for a revised contract price of \$33,970 in connection with the Re-roof of the Planada Senior Citizens Building and Snelling Community Building Project.  
**APPROVED AS RECOMMENDED      AYES: ALL**

#### PLANNING

29. Approve Housing Rehabilitation Program Participation Guidelines Modifications.  
**REVIEW BOARD ORDER – SEE PAGE 15**
30. Adopt Resolution No. 2006-16 approving Modifications and additions to the Homebuyer Program Guidelines for the HOME Program.  
**APPROVED AS RECOMMENDED      AYES: ALL**
31. General Plan Amendment Policy and Procedures during the General Plan Update Process.  
**REVIEW BOARD ORDER – SEE PAGE 16 AND 17**

#### HUMAN SERVICES AGENCY

32. Authorize Sole Source Purchase of 240 chairs from Bertolini, Inc. for Human Services Agency to match existing furniture.  
**APPROVED AS RECOMMENDED      AYES: ALL**
33. Contract No. 2006020 with University of California, Davis for Leadership Development Training for 12 training days.  
**APPROVED AS RECOMMENDED      AYES: ALL**
34. Authorize Overhire of one Office Assistant I/II, Position No. 352, for a Limited Term Appointment, for a period of no more than six months.  
**APPROVED AS RECOMMENDED      AYES: ALL**

35. Accept the allocation increase for the Statewide Outcome Improvement Project (OIP) funding for Out-of-State Travel and the necessary budget transfer-\$545,000. (4/5 Vote Required)

**APPROVED AS RECOMMENDED      AYES: ALL**

**PROBATION**

36. Contract No. 2006021 with Corrections Standards Authority for Juvenile Probation and Camp Funding Program and adopt Resolution No. 2006-17.

**APPROVED AS RECOMMENDED      AYES: ALL**

**SHERIFF**

37. Authorize Sheriff, through the Internet process, to apply for the California Office of Homeland Security, Commercial Equipment Direct Assistance Program (CEDAP).

**APPROVED AS RECOMMENDED      AYES: ALL**

38. Contract No. 2006022 with Biometrics4all, Inc. for 3 Palm Print Criminal Live Scan units for use of two at Corrections Department and one at Juvenile Hall.

**APPROVED AS RECOMMENDED      AYES: ALL**

39. Authorize 60-day notice of termination for Citation processing to City of Merced; authorize Contract No. 2006023 with City of Inglewood for parking citation processing without going through Request for Proposal process; and approve Administrative Hearing Appeals Processing for Contested Citations as indicated by Merced County Sheriff Department Procedure.

**APPROVED AS RECOMMENDED      AYES: ALL**

40. Authorize issuance of a quote for the complete construction of the Merced County Peace Officer Memorial granite monument to include engraving and installation and for Administrative Services to award to lowest bidder with a report back to the Board.

**APPROVED AS RECOMMENDED      AYES: ALL**

**FIRE**

41. Authorize submission of Grant Application for the 2006 Volunteer Fire Assistance (VFA) funding with the California Dept. of Forestry and Fire Protection, authorize the Fire Chief to sign said application and direct the Fire Chief to return to the Board with results and authorization prior to accepting Award.

**APPROVED AS RECOMMENDED      AYES: ALL**

**MENTAL HEALTH**

42. Authorize negotiations with Turning Point Community Programs, Inc. and initiate a Sole Source Contract to be returned to the Board for final approval and authorize request to apply for the Governor's Homeless Initiative.

**APPROVED AS RECOMMENDED      AYES: ALL**

**COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT**

43. Contract No. 2006024 with Al Peterson for Business Assistance Counseling.

**APPROVED AS RECOMMENDED      AYES: ALL**

**PUBLIC DEFENDER**

44. Contract No. 2006025 with Gator Investigations for investigation services.

**APPROVED AS RECOMMENDED      AYES: ALL**

#### AUDITOR

45. Resolution No. 2006-18 to authorize Contract with Secretary of State for allocation of Help America Vote Act (HAVA) funds in the amount of \$1,056,294.37.

**AUTHORIZED CONTRACT NO. 2006026 AS RECOMMENDED      AYES: ALL**

46. Resolution No. 2006-19 setting a Special Election for the purpose of imposing a one-half percent sales tax for Regional Transportation Improvements and to consolidate this election with the State Primary Election on June 6, 2006.

**APPROVED AS RECOMMENDED      AYES: ALL**

#### HUMAN RESOURCES

47. Authorize the Sheriff Department to provide BASIC POST Academy Training for six Extra Help/Volunteer Reserve Deputy II's and approve the necessary budget transfer-\$62,801. (4/5 Vote Required)

**APPROVED AS RECOMMENDED      AYES: ALL**

48. Adopt Resolution No. 2006-20 (Special Duty/Bilingual Pay) and Resolution No. 2006-21 (Additional Positions) in connection with the action as part of the Mental Health Services Act in Mental Health as follows: authorize the following positions in Budget Unit 41507 (MHSA) - add three Mental Health Clinician I/II, one Dual Diagnosis Specialist, one Staff Services Analyst I/II, one Quality Assurance Specialist, one Automation Systems Analyst I/II, one Account Tech, one Typist Clerk III and four Variable Shift Consumer Assistant Workers; fund unfunded positions approved at Final Budget into 41507 (MHSA) – one Staff Psychiatrist, one Alcohol & Drug Intern/Counselor, one Mental Health Clinician I/II, one Mental Health Worker I/II, one Psychiatric Nurse Practitioner, one Mental Health Records Tech I/II and one Typist Clerk III and into 41502 (Realignment) – one Psychiatric Nurse Practitioner and one Staff Services Analyst I/II; delete unfunded positions of one Account Clerk II, one Mental Health Worker, four Psychiatric Staff Nurse and one Telephone Systems Operator and change positions that are 100% Realignment Funded as follows: VS Psychiatric Ward Clerk to FT, VS Psychiatric Staff Nurse I/II to FT, FT Mental Health Clinician I/II to VS, Typist Clerk III to Secretary I/II and reclassify the incumbent.

**APPROVED AS RECOMMENDED      AYES: ALL**

49. Authorize recommended actions to the positions that are 100% subvented or offset by Revenue in the following Departments (FY 05-06 Mid-Year Personnel Issues): Revenue and Reimbursement-BU 11100, Spring Fair-BU 18100, Child Support-BU 20100, District Attorney-BU 20409, Sheriff Corrections-BU 23000, Recorder-BU 28000, Public Works/Roads-BU 30000, First 5-BU 40600, Human Services Agency-BU 50050, BU 50055, and 50058, Workforce Investment-BU 55000, Sheriff-BU 22100, Planning-BU 28500 and modify recommended class specifications with no county cost – Assessment Clerk I/II, Children and Families Program Specialist, Deputy Sheriff I/II, Deputy Sheriff/Coroner I/II, Employment & Training Specialist I/II, Executive Director Children & Families Commission, Public Health Lab Director, Supervising Employment & Training Specialist, Treasurer/Tax Collector; authorize Auditor's Adjustment of 10% Temporary Promotion for Position 10 in BU 20400 for two pay periods and adopt Resolution No. 2006-22.

**APPROVED AS RECOMMENDED      AYES: ALL**

50. Ag. Commissioner/Animal Control Personnel Action - Establish and add one Veterinarian position, BU 28700 and adopt Resolution No. 2006-23.



**APPROVED AS RECOMMENDED      AYES: ALL**

**EXECUTIVE OFFICE**

51. Authorize transfer of funds from Contingency to Capital Improvements Project Budget (17000/87028) to start the removal of the contaminated soil from the Los Banos Spring Fair site and approve the necessary budget transfer-\$70,000. (4/5 Vote Required)

**APPROVED AS RECOMMENDED      AYES: ALL**

**BOARD OF SUPERVISORS**

52. Resolution No. 2006-24 supporting AB 1853, related to Railroad-Highway Crossings, authorize Letter of Support and distribution to appropriate legislators and interested parties.

**APPROVED AS RECOMMENDED      AYES: ALL**

**BOARD APPOINTMENTS**

53. Merced County Employees Retirement Board – Reappoint Ralph Busby to serve as a member until January 1, 2009.

**APPROVED AS RECOMMENDED      AYES: ALL**

54. Winton Cemetery District – Reappoint Dave Honey to serve as a member until February 18, 2010.

**APPROVED AS RECOMMENDED      AYES: ALL**

55. Ballico Recreation Committee – Reappoint Harold De Palma and Margaret Miguel to serve as members until November 11, 2007.

**APPROVED AS RECOMMENDED      AYES: ALL**

56. Merced County Local Child Care and Development Planning Council – Appoint Pearlene Reese to serve as a member until June 1, 2008 as the Board of Supervisors Public Agency representative.

**APPROVED AS RECOMMENDED      AYES: ALL**

57. Current Listing of Vacant Positions and Current Expired Term Positions, February, 2006.

**BOARD INFORMATION & POSSIBLE ACTION**

**ACCEPTED AND PLACED ON FILE      AYES: ALL**

58. San Joaquin River Group re: 2005 Annual Technical Report on Implementing and Monitoring of the San Joaquin River Agreement and the Vernalis Adaptive Management Program.
59. CSAC re: Annual Report - 2005, California Counties. (On file with Clerk)
60. Senator Denham re: Letter to Union Pacific Railroad-California requesting need for the UPRR to perform maintenance on the highly utilized railroad grade crossing on Shaffer Road in Atwater.
61. State Wildlife Conservation Board re: November 17, 2005 Minutes. (On file with Clerk)
62. State Water Resources Control Board re: Central Valley Regional Water Quality Control Board Executive Officer named.
63. State Water Resources Control Board re: California Supreme Court upholds Water Board efforts to prevent degradation of Water Quality by Logging.

64. State Water Board re: Board Meeting February 15, 2006 Agenda.
65. California State Board of Equalization re: A Report on Budgets, Workloads, and Assessment Appeals Activities in California Assessor's Offices, 2004-05 dated January 2006. (On file with Clerk)
66. California Environmental Protection Agency re: Lahontan Regional Water Quality Control Board Water News dated January 25, 2006.
67. U.S. Dept of Commerce re: American Community Survey, A Handbook for State and Local Officials dated issued August 2005.
68. USDA Rural Development re: Funding Fair - Infrastructure Financing Brochure. (On file with Clerk)
69. Union Pacific Railroad re: Efforts to help clean up California's air through the introduction of air quality projects, Fast Facts sheet provided. (On file with Clerk)
70. California Oaks Foundation re: Sierra Foothill Oak Woodlands: The Future is Now. (On file with Clerk)
71. United States Dept. of the Interior re: Invitation to attend Workshop to discuss the social and economic aspects of the public lands with representatives of county governments, agencies, and local non-governmental organizations.
72. Madera County Board of Supervisors re: Review of pending legislation on California Insurance Rates.

**ADOPTED RESOLUTIONS IN MEMORY OF BETHANY BURROUGHS, DAVID SCHILLING, MARIO GRANADO, ELMER "SAM" HUFF, VELMA STEPHENS, FRANK NEVES AND RANDALL FAWCETT AND RECESSED UNTIL 1:30 P.M. FOR JOHN LATORRACA CORRECTIONAL FACILITY AND ADJOURNED UNTIL FEBRUARY 28, 2006 AT 10:00 A.M.**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – FEBRUARY 14, 2006**

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

#### **2006-02-14 PRESENTATIONS**

The Board presents Plaques recognizing Bob Thomas and Harry McLaughlin as recipients of the highest award bestowed by the California Poultry Federation known as the "Pioneer Award".

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

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

#### **2006-02-14 PRESENTATION - HOUSING AUTHORITY OF THE COUNTY OF MERCED**

Executive Director of the Housing Authority of the County of Merced Nick Benjamin appears and provides the Board with a report on the current operations and projects of the Housing Authority advising he would like to present updated Reports every 2 years. Mr. Benjamin states the Housing Authority was established and operations by the Health and Safety Code Act in 1942 and has no official connection to the County of Merced entity. The Housing Authority is a community partner with the Board and the Board appoints members of the Housing Authority Board.

The Board discusses migrant camp housing, population served by the Housing Authority, and membership and residency requirements to serve as a member on the Housing Authority Board.

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

### **10:15 A.M. SCHEDULED ITEM**

#### **2006-02-14 JOINT MEETING - WORKFORCE INVESTMENT BOARD**

Workforce Investment Board Chairman Nellie McGarry and Department of Workforce Investment Director Andrea Baker appear and present a power point presentation reviewing the Workforce Investment Board Accomplishments and End of the Year Report, Workforce Investment Programs and Future Direction of the Workforce Investment Board. Chairman McGarry acknowledges the members of the Workforce Investment Board present.

The Board discusses affordable housing and thanks the members of the Workforce Investment Board for their dedication and work in these efforts.

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

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

**2006-02-14 PLANNING – RECOMMENDATION FROM PLANNING**

The Clerk announces the recommendation from Planning for the Appeal of Planning Commission denial of Minor Subdivision Application No. 05029 from Anthony Medeiros, Jr. considered at the January 10, 2006 Board Meeting is before the Board for consideration.

Assistant Planning Director Bill Nicholson reviews the background on the appeal.

Planner Gene Barrera reviews the staff report, power point presentation and recommendation.

Supervisor Pedrozo states he has met with Mr. Medeiros and was assured the Subdivision Project was for family issues only.

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

The Chairman closes the Public Hearing.

Supervisor Pedrozo moves, seconded by Supervisor Crookham, the Board uphold the appeal and approve Minor Subdivision Application No. 05029 overturning the determination of the Planning Commission subject to the following conditions understanding Condition No. 5 is modified:

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. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the subject property is in the vicinity of active farming operations and residents may be subject to inconveniences of discomforts resulting from the pursuit of agricultural operation.
3. The project shall comply with the standard conditions of approval as adopted in Planning Commission Resolution No. 97-1.
4. The applicant shall comply with all County, State and Federal regulations.
5. The Project Proponent shall be required to obtain an irrigation easement rather than specific irrigation improvements.

Ayes: Nelson, Pedrozo, Crookham, O'Banion

Noes: Kelsey

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

**2006-02-14 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT**

The Clerk announces the Resolution to consider adopting Written Findings regarding the proposed Castle Airport Aviation and Development Center Redevelopment Project submitted by Commerce, Aviation and Economic Development is before the Board for consideration.

Commerce, Aviation and Economic Development Director John Fowler reviews the staff report.

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

The Chairman closes the Public Hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board adopts Written Findings in response to the written objection received regarding the Redevelopment Plan for the Castle Airport Aviation and Development Center Redevelopment Project and adopts Resolution No. 2006-15.

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

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

**2006-02-14 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT – PUBLIC HEARING**

The time and date previously set for a public hearing and First Reading of a Proposed Ordinance approving and adopting the Redevelopment Plan for Castle Airport Aviation and Development Center Redevelopment Project submitted by Commerce, Aviation and Economic Development Department.

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board waives further reading of the proposed ordinance entitled "An Ordinance approving and adopting the redevelopment plan for the Castle Airport Aviation and Development Center Redevelopment Project".

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

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

The Chairman closes the Public Hearing.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board sets second reading and possible adoption for the proposed ordinance for February 28, 2006 at 10:30 a.m.

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

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

**2006-02-14 PUBLIC WORKS – PUBLIC HEARING – PROPOSED ORDINANCE**

The time and date previously set for a public hearing and First Reading of a Proposed Ordinance Granting Petrogulf Corporation a Franchise to Install, Operate, and Maintain Gas Pipelines in County Highways submitted by Public Works.

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading of the proposed ordinance entitled "Granting Petrogulf Corporation a Franchise to Install, Operate, and Maintain Gas Pipelines in County Highways".

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

Public Works Director Paul Fillebrown reviews the staff report.

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

The Chairman closes the Public Hearing.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board sets second reading and possible adoption for the proposed ordinance for February 28, 2006 at 10:30 a.m.

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

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

**2006-02-14 PROBATION – PUBLIC HEARING – PROPOSED ORDINANCE**

The time and date previously set for a public hearing and First Reading of a Proposed Ordinance to Provide for Education for Juveniles Placed in the Juvenile Camps (Amends Ordinance No. 717 and Chapter 2.76 of the Merced County Code) submitted by Probation Department.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Crookham, duly carried, the Board waives further reading of the proposed ordinance entitled "Provide for Education for Juveniles Placed in the Juvenile Camps" (Amends Ordinance No. 717 and Chapter 2.76 of the Merced County Code).

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

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

Upon motion of Supervisor Crookham, seconded by Supervisor O'Banion duly carried, the Board sets second reading and possible adoption for the proposed ordinance for February 28, 2006 at 10:30 a.m.

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

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

**2006-02-14 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT – PUBLIC HEARING - PROPOSED ORDINANCE**

The time and date previously set for a public hearing and First Reading of Proposed Ordinance to Provide for the Appeal of the Business License, Change Department Name and Name of Business License Appeals Board (Amends Ordinance No. 1705 and Chapter 6.02 of the Merced County Code) submitted by Commerce, Aviation and Economic Development.

Upon motion of Supervisor Crookham, seconded by Supervisor Kelsey, duly carried, the Board waives further reading of the proposed ordinance entitled "Provide for the Appeal of the Business License, Change Department Name and Name of Business License Appeals Board" (Amends Ordinance No. 1705 and Chapter 6.02 of the Merced County Code).

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

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

The Board discusses notifications and requirements to individuals that have Business Licenses that are scheduled to expire.

Upon motion of Supervisor Crookham, seconded by Supervisor O'Banion, duly carried, the Board sets second reading and possible adoption for the proposed ordinance for February 28, 2006 at 10:30 a.m.

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

### **CONSENT ITEM NO. 16**

#### **2006-02-14 EXECUTIVE OFFICE/BOARD OF SUPERVISORS**

The Clerk announces the Recognition on April 23-29, 2006 as Volunteer Week is before the Board for consideration.

Supervisor O'Banion states May 2, 2006 is a conflict with the Merced County Spring Fair and requests the Award date and the deadline date to receive applications/nominations be changed.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Crookham, duly carried, the Board recognizes April 23-29, 2006 as "Volunteer Week" in order to coincide with National Volunteer Week and endorses the theme "Inspire by Example"; sets May 9, 2006 as the date for awarding Volunteer Recognition and Service Program Certificate Awards; directs staff to coordinate applications, nominations and Screening Committee review and sets March 30, 2006 as the deadline to receive applications/nominations.

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

### **ACTION ITEM NO. 29**

#### **2006-02-14 PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**

The Clerk announces the modifications to the Housing Rehabilitation Program Participation Guidelines submitted by Planning and Community Development is before the Board for consideration.

Assistant Planning and Community Development Director Bill Nicholson reviews the proposed changes to Section 7/A-1 to the Housing Rehabilitation Program Participation Guidelines Modifications as outlined in the Staff Report.

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board approves the Housing Rehabilitation Program Participation Guidelines Modifications with changes to Section 7/A-1.

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

**ACTION ITEM NO. 31**

**2006-02-14 PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**

The Clerk announces the General Plan Amendment Policy and Procedures during the General Plan Update Process submitted by Planning is before the Board for consideration.

Planning and Community Development Director Robert Lewis presents a power point presentation highlighting the following: Spatial Analysis of Merced County, FEMA Flood Zones, Percentages of Uses in the County, State Farmlands Map, Williamson Act, Wetlands and Vernal Pools, Percentage of Total County Land – Constraints.

Planning Director Lewis and Assistant Planning Director Bill Nicholson present and review the Staff Report and state four options have been identified that the Board may wish to consider during the General Plan update period.

Supervisor Kelsey states Guideline Packages are needed in communities and collaboration with developers might be something to consider.

The Chairman asks if there is anyone from the public wishing to speak.

Atwater City Councilman Ed Abercrombie states unincorporated areas are growing too fast and incorporated cities such as Atwater are not growing but are being impacted by the growth.

Jean Okuye appears on behalf of the Central Valley Food and Farmland Coalition and submits a letter dated February 13, 2006 requesting the Board consider a moratorium on General Plan Amendments.

Des Johnston asks for the Guidance package to be reviewed.

Community Alliance with Family Farmers representative Cindy Lashbrook speaks against leapfrog development in the County and submits a letter dated February 14, 2006 on behalf of the Northern San Joaquin Valley Chapter of Community Alliance with Family Farmers.

Bryant Owens submits documentation dated February 14, 2006 on behalf of the San Joaquin Raptor/Wildlife Rescue Center, Protect Our Water and Planada Association and Planada Community Development Corporation.

Farm Bureau Executive Director Diana Westmoreland-Pedrozo speaks in support of updating the General Plan.

Farmer Glen Anderson voices concerns on the rapid growth and its effects on agriculture and the environment.

Planada resident Mary Fury voices concerns on the rapid growth and its impact on agriculture and roads and suggest the Board take a bus ride around the county to review all the new developments.

Central Valley Safe Environment Network representative Bill Hatch submits documentation regarding a Coalition Statement on Merced County planning process and would like a moratorium on development until a new General Plan is proposed.



Supervisor Kelsey states both her and Supervisor Pedrozo attended the General Plan Steering Committee meeting and heard concerns regarding rapid growth and the need for smart growth and she does not support the General Plan options presented.

Supervisor Crookham states she was not involved nor has reviewed any of the General Plan Steering Committee discussion and states she would like to have further discussion at a later date.

Following discussion, Supervisor O'Banion states he feels it would be unjust to have a moratorium in the County when new business is coming in and agrees to further discussion with the necessary entities and parties at a later date.

The Board discusses the status of the General Plan Steering Committee and workshop meetings rather than the committee meetings.

Following further discussion, Supervisor Kelsey moves, seconded by Supervisor Pedrozo, the Board continue the General Plan Amendment Policy and Procedures during the General Plan Update Process discussion to April 11, 2006 Board Meeting.

Supervisor O'Banion votes "no". Motion carries.

Ayes: Nelson, Pedrozo, Crookham, Kelsey

Noes: O'Banion