



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, SEPTEMBER 19, 2006
Closed Session – 4:00 p.m.
Regular Meeting – 6:00 p.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

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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

4:00 P. 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 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 Government Code Section 54956.9(b): One Case

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Public Defender and Planning-Development Services Director

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 of Section 54956.9(a):

Reynoso/Stanfill v. County of Merced, Case No. 148654 (Consolidated with 148692) and Roque Castro v. County of Merced, Case No. 148766

THE BOARD RECESSED AT 4:00 P.M. WITH ALL MEMBERS PRESENT AND RECONVENED AT 6:00 P.M. WITH THE CHAIRMAN ADVISING THERE WAS NO REPORT

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

6:00 P. 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 (Testimony limited to five minutes per person)

REVIEW BOARD ORDER – SEE PAGE 11

6:00 P. M.

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Ag. Commissioner-\$17,030; District Attorney-\$10,000, \$18,000; Health-\$4,145; Human Services Agency-AAA-\$2,108; Public Works-\$2,900, \$40,200, \$1,825, \$38,833; and Sheriff-\$11,000

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 30)

APPROVED AS RECOMMENDED AYES: ALL

PLANNING - CONTINUED PUBLIC HEARING

Appeal to Revocation of Administrative Application No. 05-010 submitted by Gary and Terry Souza to Planning Commission decision to expand an existing horse boarding and training facility with a maximum of 80 horses (approved for 40 horses) and to construct a barn to house the additional 40 horses on property located on the north side of Dickinson Ferry Road, 2050 feet west of Gurr Road in the Merced area. Said Application submitted by Amanda and Andrew Harrington

REVIEW BOARD ORDER – SEE PAGES 11 thru 15

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 30)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution designating intersection of Franklin Road and Bellevue Road as an All-Way Stop Intersection and authorize installation of a Stop Sign on Franklin Road approaches to the intersection.

ADOPTED RESOLUTION NO. 2006-168

2. Adopt Resolution designating the intersection of Dana Avenue and Childs Avenue, as part of Monte Vista Phase II Subdivision, as a Stop Intersection and authorize installation of a Stop Sign on the Dana Avenue approach to the intersection in Planada.

ADOPTED RESOLUTION NO. 2006-169

3. Adopt Resolution designating the intersection of Bodega Avenue and Childs Avenue, as part of Monte Vista Phase I Subdivision as a Stop Intersection and authorize installation of a Stop Sign on the Bodega Avenue approach to the intersection in Planada.

ADOPTED RESOLUTION NO. 2006-170

4. Accept Final Map for Towe Subdivision and accept Grant Deed from Turlock Irrigation District for street improvements.

MODIFIED APPROVAL TO ACCEPT FINAL MAP FOR TOWE SUBDIVISION, MAJOR SUBDIVISION NO. 05003 IN HILMAR

5. Adopt Resolution honoring Frank Vierra Jr. for 19 years of service to Public Works.

6. Approve Budget Transfer in the amount of \$3,940 as recommended by Executive Office.
7. Authorize the Clerk of the Board to sign Parcel Map Statement abandoning 10 feet of road right-of-way along the north side of Dunn Road approximately 150 feet in length, lying East of Gardner Avenue near Merced in connection with Parcel Map for Tam Doan (Application No. 05063).

Ag. Commissioner

8. Approve and authorize Chairman to sign Renewal Contract No. 2004201 with California Dept. of Food and Agriculture for Insect Pest Detection Inspections.

ADOPTED RESOLUTION NO. 2006-171

Human Resources

9. Approve and authorize Chairman to sign Renewal Contract No. 2005200 with California State Personnel Board for Administrative Law Judge (ADJ) Adjudication Services.

Probation

10. Approve and authorize Chairman to sign Renewal Contract No. 2001196 with Dos Palos/Oro Loma Unified School District to station a Deputy Probation Officer at Dos Palos High School Campus.
11. Approve and authorize Chairman to sign Renewal Contract No. 2004151 with Delhi Unified School District for Deputy Probation Officer at Delhi High School Campus.
12. Approve and authorize Chairman to sign Renewal Contract No. 2004307 with Merced County Office of Education-Valley Community School for reimbursement for Deputy Probation Officer.

Fire

13. Approve and authorize Merced County Fire Chief to sign Renewal Contract No. 2006251 with Merced Community College District for Firefighting training.
14. Proclaim the Month of September, 2006 as Merced County "Disaster Preparedness Month".

Dept. of Administrative Services

15. Approve and authorize Chairman to sign Amendment to Contract No. 200219 with Nelson Auctions for Auctioneer Services for the disposition of surplus property.
16. Declare ten computers as Surplus Property and authorize the donation of the ten computers to A Woman's Place.

Mental Health

17. Approve and authorize Chairman to sign Renewal Contract No. 2003016 with BHC Sierra Vista Hospital for Inpatient Hospital Services for Non-Medi-Cal clients.
18. Approve and authorize Chairman to sign Renewal Contract No. 2004091 with Mariposa County Behavioral Health and Recovery for Inpatient Services at Marie Green Psychiatric Health Facility.
19. Approve and authorize Chairman to sign Renewal Contract No. 2004007 with Staff Care Incorporated for Licensed Psychiatrist Services.

20. Approve and authorize Chairman to sign Amendment to Contract No. 2006176 with Turning Point Community Services for Mental Health Services Act (MHSA) Housing Coordinator and CARE Program.
21. Approve and authorize Chairman to sign Renewal Contract No. 2006057 with State Dept. of Health and Human Services Agency for Dependency Drug Treatment Court Grant.

ADOPTED RESOLUTION NO. 2006-172

Executive Office

22. Approve Travel Request for Sheriff's Department as recommended by Executive Office.

District Attorney

23. Approve Budget Transfer in the amount of \$500 as recommended by Executive Office.

Health

24. Approve and authorize Chairman to sign Amendment to Contract No. 2003180 with First 5 Merced County for the First Steps Program for an extension for the period of July 1, 2006 through March 31, 2007.

Commerce, Aviation and Economic Development

25. Set public hearing for September 26, 2006 at 10:00 a.m. to consider the accomplishments under Community Development Block Grant No. 03-EDBG-918 Microenterprise Technical Assistance Program.

Board of Supervisors

26. Approve Minutes of July 11 and 18, 2006 as submitted.

Board Recognition

27. Authorize Certificates of Recognition to Hugh Bolland and Shirley Thomas for dedicated service to the Snelling Cemetery District.
28. Authorize Certificate of Recognition to Merced County Arts Council Inc. in recognition of the 10th Anniversary Celebration of the Merced Multicultural Arts Center.
29. Authorize Certificate of Recognition to Craig Mooneyham and Jeff Stopper as a New Member of the Atwater Chamber of Commerce and in Celebration of Ribbon Cutting Ceremony.
30. Proclaim October, 2006 as "Lupus Awareness Month" in the County of Merced.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

31. Contract with San Joaquin Valley Air Pollution Control District for \$24,120 in additional funding to help meet the required 10% match for Bicycle Transportation Account funds received to install Class II Bike Lanes on Bellevue Road between G Street and Lake Road.

AUTHORIZED CONTRACT NO. 2006247 AS RECOMMENDED AYES: ALL

32. Authorize circulation of Request for Proposal to qualified Environmental Assessment Services for the development of remediation options for petroleum contaminated soil and groundwater for the Gustine Yard Road Division with recommendations to be returned to the Board for award and approval.

APPROVED AS RECOMMENDED AYES: ALL

33. Contract with Merced County Regional Waste Management Authority Second Amended and Restated Joint Powers Agreement for Integrated Waste Management Services.

AUTHORIZED CONTRACT NO. 2006248 AS RECOMMENDED AYES: ALL

34. Adopt Resolution authorizing Public Works Director to sign Contract with U.S. Dept. of the Interior, Bureau of Reclamation for License to use Reclamation Right-of-Way covering the replacement of the bridge on Volta Road over the Delta-Mendota Canal.

AUTHORIZED CONTRACT NO. 2006246 AND ADOPTED RESOLUTION NO. 2006-173 AS RECOMMENDED AYES: ALL

35. Authorize issuance for Request of Proposal for a Five-Year Contract for providing paratransit buses to Merced County Transit with recommendation to come back to the Board for contract award.

APPROVED AS RECOMMENDED AYES: ALL

36. Authorize Sole Source Replacement of Turbines and Leak Detectors for the Underground Storage Tanks and Fueling Dispensing System at Road Division Fueling Station in Merced and authorize Purchase Order to Franzen-Hill in the amount of \$10,405 to complete said services.

AUTHORIZED CONTRACT NO. 2006249 AS RECOMMENDED AYES: ALL

37. Award Contract for Automatic Irrigation System and Landscaping at Highway 59 Landfill to Sunset Landscape, Inc.

AUTHORIZED CONTRACT NO. 2006250 AS RECOMMENDED AYES: ALL

38. Approve plans and specifications for Conversion of Laundry Room into Women's Staff Restroom in Building No. 3 at John Latoracca Correctional Center and authorize solicitation of bids and issuance of purchase order to lowest responsible bidder if within previously approved budget with Contract Award to come back to the Board.

APPROVED AS RECOMMENDED AYES: ALL

39. Approve the Schematic Phase Design for the new Animal Control Facility - Phase II and authorize Public Works to work with Architect and proceed with Design Development Phase through Construction Documents Phase to return to the Board with the completed funding plan and a request to place the project out for public bid.

REVIEW BOARD ORDER – SEE PAGE 15

40. Approve Budget Transfer from Trust #02497 (Parkland Dedication Fees) from Merced Area fees in the amount of \$12,000 to install new leach lines and purchase picnic benches at Lake Yosemite Park and authorize solicitation of bids for leach lines and award to lowest responsible bidder upon approval of Counsel with recommendation to come back to the Board.

APPROVED AS RECOMMENDED AYES: ALL

LIBRARY

41. Authorize procurement of the Checkpoint Systems, Inc. for the Checkpoint Self Checkout, Public Computer Reservation and Print Management Systems for the Atwater, Los Banos and Merced Libraries and authorize issuance of Purchase Order for equipment and

software and approve the necessary budget transfer in the amount of \$104,638. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2006252 AS RECOMMENDED AYES: ALL

42. Authorize increase in Library's Change Fund from \$105 to \$225 in all Branch Libraries as follows: Atwater, Cressey, Dos Palos, George, Gustine, Hilmar, Le Grand, Livingston, Los Banos, Merced, Santa Nella, Snelling, South Dos Palos, Stevinson and Winton.

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

43. Contract with The Regents of University of California-Davis for Parent Child Interaction Therapy Training.

AUTHORIZED CONTRACT NO. 2006253 AS RECOMMENDED AYES: ALL

44. Authorize Mental Health to identify available space in the Los Banos (Westside) area for the Adult and Youth Services and Alcohol & Drug Services.

APPROVED AS RECOMMENDED AYES: ALL

45. Authorize Mental Health to identify available space in the Livingston (Northside) area for the Adult and Youth Services and Alcohol & Drug Services.

APPROVED AS RECOMMENDED AYES: ALL

46. Void Contract No. 200217 approved on August 1, 2006 and authorize New Contract with State Dept. of Mental Health for Managed Care Specialty Mental Health services for FY 2006/2007 for a maximum not to exceed \$2,376,093.11.

AUTHORIZED CONTRACT NO. 2006254 AS RECOMMENDED AYES: ALL

AG. COMMISSIONER

47. Resolution authorizing Contract with California Dept. of Food and Agriculture for Pest Exclusion Seed and Nursery Inspections.

AUTHORIZED CONTRACT NO. 2006255 AND ADOPTED RESOLUTION NO. 2006-174 AS RECOMMENDED AYES: ALL

48. Contract with HLP Inc. for Animal Control Operations Software and approve the necessary budget transfer in the amount of \$28,470. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2006256 AS RECOMMENDED AYES: ALL

49. Contract with The MILO Foundation for Emergency Housing and Veterinary Care for impounded animals.

AUTHORIZED CONTRACT NO. 2006257 AS RECOMMENDED AYES: ALL

HEALTH

50. Contract with Healthcare Clinical Laboratories for Courier Services.

AUTHORIZED CONTRACT NO. 2006258 AS RECOMMENDED AYES: ALL

51. Approve and authorize Chairman to sign Amendment to Contract (2001278) with California Forensic Medical Group (CFMG) for Correctional Health Services and approve the necessary budget transfer in the amount of \$249,669. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2006259 AS RECOMMENDED AYES: ALL

AUDITOR

52. Authorize consolidation of Cities of Atwater, Dos Palos, Gustine, Livingston, Los Banos and Los Banos Unified, Merced Union High and Turlock Unified School Districts with the General Election to be held on November 7, 2006.

APPROVED AS RECOMMENDED AYES: ALL

53. Approve Teeter Loan advance to Merced County Mosquito Abatement District in the amount of \$318,000 to be repaid by deductions from their December and April property taxes collections due to its unforeseen shortage and the public necessity to fight West Nile Virus.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

54. Authorize Sole Source Purchase of Five-Camera "Direct Link" 007 Series Crisis Response Throw Phone System from Law Enforcement Products and Services.

APPROVED AS RECOMMENDED AYES: ALL

55. Authorize acceptance of California State Sheriff's Association California Multi-Jurisdictional Methamphetamine Enforcement Team (CALMMET) Funding and add one Sheriff Sergeant-Limited Term Position; two Deputy Sheriff/Coroner I/II-Limited Term Positions for Budget Unit 22100 and approve the necessary budget transfer in the amount of \$313,014. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2006260 AND ADOPTED RESOLUTION NO. 2006-175 AS RECOMMENDED AYES: ALL

56. Authorize the Chairman to sign the Federal Annual Certification Report for FY 2005/2006 for submission to the U.S. Dept. of Justice and U.S. Dept. of Treasury as required.

APPROVED AS RECOMMENDED AYES: ALL

57. Authorize the Sole Source purchase of equipment and installation of aircraft electronics for the Sheriff Department Aircraft from NavCom Avionics, Inc.

APPROVED AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

58. Contract with Leonore Rose dba Castle Lanes for Sublease of Building 789 (approximately 13,771 square feet also known as the Bowling Alley) at Castle Airport Aviation and Development Center.

AUTHORIZED CONTRACT NO. 2006261 AS RECOMMENDED AYES: ALL

59. Contract with Robin Forrester dba Forrester Graphics for Sublease of Building 1340 (approximately 234 square feet) at Castle Airport Aviation and Development Center.

AUTHORIZED CONTRACT NO. 2006262 AS RECOMMENDED AYES: ALL

60. Contract with Joe Castro dba Castro Electric for Sublease of Building No. 1324 at Castle Airport Aviation and Development Center.

AUTHORIZED CONTRACT NO. 2006263 AS RECOMMENDED AYES: ALL

LAW LIBRARY

61. Accept Law Library Annual Report for July 1, 2005 to June 30, 2006 as recommended by the Law Library Board of Trustees.

APPROVED AS RECOMMENDED AYES: ALL

COUNSEL

62. Direct Staff as to desired changes to Spring Fair Ordinance No. 1457, Ordinance Code Section 2.96.040, if any. (Continued discussion from August 29, 2006)

REVIEW BOARD ORDER – SEE PAGE 15

DEPT. OF WORKFORCE INVESTMENT

63. Authorization to prepare, execute and submit documents necessary to revise/update the Five-Year Plan and other Workforce Investment Act related documents including subgrant and cash requests related to the Workforce Investment Act of 1998 (WIA).

ADOPTED RESOLUTION NO. 2006-176 AS RECOMMENDED AYES: ALL

64. Contract with Merced County Office of Education for the design, management and hosting of the Merced County P-16 Council's website.

AUTHORIZED CONTRACT NO. 2006264 AS RECOMMENDED AYES: ALL

PLANNING

65. Consider Resolution authorizing the U.S. Fish and Wildlife Service to expand the Grasslands Wildlife Management Easement Boundary Area by 45,850 acres and the Fiscal Impact to amend Resolution No. 79-84 and 86-213 to include a total of 131,350 acres.

REVIEW BOARD ORDER – SEE PAGE 16

66. Addendum to Contract No. 2006072 with Mintier and Associates for the support and public outreach efforts for the preparation of the General Plan Update and Related EIR.

APPROVED AS RECOMMENDED AYES: ALL

67. Contract with Jones and Stokes Associates for preparation of an Environmental Assessment, Finding of No Significant Impact and Negative Declaration for the CDBG Awarded Project to build a new passenger terminal at Castle Airport and approve the necessary budget transfer in the amount of \$68,090. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2006265 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

68. Authorize expenditure from Special Board Project Funds-District Five to the Sheriff Department for security at the Dos Palos Lions Club Community Fair in the amount of \$2,500.

APPROVED AS RECOMMENDED AYES: ALL

69. Authorize expenditure from Special Board Project Funds-District Five in the amount of \$18,966 to the Merced County Office of Education to assist with the purchase of three heating/cooling units to be placed at the Dos Palos Head Start Facility (8540 Christian Avenue, Dos Palos) and approve the necessary budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

70. Authorize expenditure of Special Board Project Funds-District One and District Four in the amount of \$1,250 each to support Agricultural Education through California Women for Agriculture and approve the necessary budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

71. Authorize 2005/2006 Grand Jury Letter of Response to the Presiding Judge of the Superior Court.

REVIEW BOARD ORDER – SEE PAGE 16

72. Accept Retirement of Troy Fox, Mental Health Director, effective September 30, 2007 and add one Mental Health Director Designee, Range 84.6.

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

BOARD APPOINTMENTS

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

73. Fire re: National Fire Prevention Week Participation.
74. Dept. of Workforce Investment re: 2006/2007 Workforce Investment Act Subgrant Agreement R760322, Modification 1, with State Employment Development Department.
75. State Water Resources Control Board re: Notice of Public Hearing on Stay Request for Water Discharge Requirements Order R5-2006-0078 for the Port of Stockton's West Complex Docks 14 and 15 Dredging Project issued by the Central Valley Regional Water Quality Control Board.
76. State Water Resources Control Board re: Notice of Opportunity for Public Comment on proposed Amendment to the Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) to establish a water quality attainment strategy and total maximum daily load for Diazinon and pesticide-related toxicity in Bay Area Urban creeks.
77. Bartkiewicz, Kronick & Shanahan, A Professional Corporation re: Temporary Water Transfers during 2007 from Yuba County Water Agency to the Department of Water Resources. (On file with Clerk)
78. State Water Resources Control Board re: Notice of Public Hearing for Applications 30325, 30326, 31043 and 31047 of Tejon Ranchcorp to appropriate water from Tejon and El Paso Creeks in Kern County on November 2, 2006. (On file with Clerk)
79. State Water Board Meeting on September 21, 2006 at 10:00 a.m., Sacramento, CA.
80. State Water Resources Control Board re: Lahontan Water Board prosecution team releases settlement proposal in Lake Tahoe Sewage Spill Case.
81. State Water Resources Control Board re: Notice of Public Opportunity for public comment on a proposed amendment to the Water Quality Control Plan for the Central Coast Region to establish a Watsonville Slough total maximum daily load (TMDL) for pathogens, establish a Watsonville Slough Watershed Livestock Waste Discharge prohibition and to remove the shellfish harvesting beneficial use from Watsonville Slough and Tributaries.
82. Central Valley Regional Water Quality Control Board re: September 21 and 22, 2006 Meeting.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF DUANE WELLER, EARL HAMILTON AND JOHN LUNDBERG UNTIL TUESDAY, SEPTEMBER 26, 2006 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – SEPTEMBER 19, 2006

6:00 P.M. SCHEDULED ITEM **2006-09-19 PUBLIC OPPORTUNITY**

James Newhoff, member of Transportation Involves Everyone, commends the Board for its membership and attendance at the San Joaquin Valley Rail Committee meetings.

Grant Wilson states concerns with Proposition 215, lack of implementation and objection to the County joining the Medicinal Marijuana lawsuit without public input.

ATAP International, Inc. CEO Larry Greer speaks concerning an international import/export business in Merced County in the area of Castle and submits various documents for Board review.

Judith Dussett speaks in opposition to the Riverside Motorsports Park project and submits San Francisco Chronicle article titled "Racetrack neighbor in a heated fight" relative to complaints on the Altamont Motorsports Park project.

Annette Alsop speaks in opposition to the Riverside Motorsports Park project.

Sam Palmer speaks in support of the Riverside Motorsports Park project and the Walmart Distribution Center project.

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

6:00 P.M. SCHEDULED ITEM **2006-09-19 PLANNING – PUBLIC HEARING**

The time and date previously set for a Continued Public Hearing to consider an Appeal to Revocation of Administrative Application No. 05-010 submitted by Gary and Terry Souza to Planning Commission decision to expand an existing horse boarding and training facility with a maximum of 80 horses (approved for 40 horses) and to construct a barn to house the additional 40 horses on property located on the north side of Dickinson Ferry Road, 2050 feet west of Gurr Road in the Merced Area. Said Application submitted by Amanda and Andrew Harrington.

Development Services Director Robert Lewis states the parties have met and discussed the issues and therefore a revised list of Conditions of Approval for the Application reflect an agreement between the property owners (the Harrington's), the appellants (the Souzas) and County Planning and Environmental Health staff. Based on the confirmation of the agreement, the Board should deny the appeal and add the supplemental conditions of approval to Administrative Application No. AA05-010.

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

Attorney Richard Harriman, representing the Appellants, advises the agreement reached is if the Harrington's agree to install the driveway approach and finish fencing the western-most

twenty-acre pasture area by November 16, 2006, the Souza's would drop their appeal. However, if the Harrington's did not complete these improvements, the Administrative Application would be deemed revoked by the Board without further hearing. Therefore, Appellants Gary and Terry Souza agree to withdraw their appeal if the Board approves the supplemental conditions.

Amanda and Andrew Harrington appear and Ms. Harrington speaks stating an expansion area is being incorporated into existing pasture area and fencing may change which means there may be more than 40 horses in one particular area at any time and suggests a language change in Supplemental Condition 1B.

Mr. Harriman states the fencing does not matter but the Harrington's must meet the requirements of Comprehensive Nutrient Management Plan (CMNP).

Environmental Health Director Jeff Palsgaard states there cannot be any Application on the property between April and October and no direct disposal from corrals.

Following discussion, the Board recesses at 7:35 p.m. and reconvenes at 8:45 p.m. with all members present.

Deputy County Counsel Walter Wall advises the structure of the agreement was worked out between the parties and has a November 16, 2006 compliance date. If the conditions are not met by November 16th, the Harrington's permit will be revoked.

County Counsel Ruben Castillo states Counsel is trying to preserve the Board's jurisdiction over the revocation process stating this is the Board's jurisdiction. The parties are working on a private agreement so that the parties would not object or protest the revocation by the Board.

Mr. Harriman states County Counsel has protected the County's interest in this matter because the County is not a party to the agreement.

All parties to the agreement are present and indicate verbal agreement to the conditions.

Following further discussion, Supervisor O'Banion moves, seconded by Supervisor Pedrozo, duly carried, the Board deny the Appeal of Administrative Application No. AA05-010 with the stipulations agreed to by the parties and contingent upon receiving a signed Letter of Agreement from the parties by September 29, 2006 containing the following Supplemental Conditions with the reference of 40 horses in Supplemental Condition 1B deleted and modified:

Supplemental Conditions

1. Administrative Permit No. 05010 shall be subject to revocation proceedings by the Board of Supervisors if the following conditions are not satisfied or performed and approved by the Merced County Planning Department and/or Environmental Health Department on or before November 16, 2006:
 - A. The driveway approach on the north side of Dickenson Ferry Road shall be constructed and completed according to Merced County standards for a rural agricultural driveway entrance on a County road.
 - B. The western-most twenty-acre pasture shall be cross-fenced to accommodate horses, either in corrals or other confinement structures, so that the spreading of animal waste will be distributed on the project site, pursuant to the Comprehensive Nutrient Management Plan (CMNP) prepared by the Merced County Environmental

Health Department in compliance with the Merced County Confined Animal Facility Ordinance and applicable standards promulgated by the Central Valley Regional Water Quality Control Board.

2. Condition No. 5 requiring on-site water storage for fire protection, including, without limitation, the construction of the 5000-gallon water storage tank required for this project, based upon NFPA Standard 1142, shall be completed, operable, and approved in writing by the County Fire Department, prior to the issuance of a Certificate of Occupancy Permit for the proposed new barn to the north of the residence of the Applicants. Applicants and the County Planning department shall provide written notice to Appellants and their attorney of the application for a building permit for the new barn structure within ten (10) days of filing by Applicants.
3. Applicants shall complete the construction of a concrete pad for the storage container for animal waste, which shall have a minimal capacity of 20 cubic yards, and which shall be covered by a tarp or metal cover during the winter disposal period from November 1 through April 1, and the storage container shall be disposed of when full and at least once per month. Disposal receipts shall be maintained by Applicants as public records and shall be made available upon request to the Merced County Environmental Health Department and/or any member of the public.

and subject to the following original conditions as modified by the supplemental conditions:

1. Administrative Permit No. 05010 is granted for this project, which shall be located, developed and operated in a manner as described on the approved plot plan and submitted application, consistent with the specific conditions provided in this approval. No more than 80 horses shall be boarded on this project site. Minor modifications may be approved by the Planning Director.
2. The applicant shall comply with applicable regulations administered by the County. These regulations include, but are not limited to standards administered by the County Fire, Environmental Health and Public Works Departments.
3. The property owners shall dedicate to the County of Merced an additional 10-foot width of right-of-way along the entire frontage of Dickenson Ferry Road. The legal description(s) and exhibit(s) needed for the grant deed easement shall be prepared by a licensed land surveyor or by a civil engineer authorized to perform land surveying. Approved grant deed with accompanying legal description(s) and exhibit(s) shall be submitted for recordation within two months from the issuance date of this permit.
4. The property owners shall obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required permit fees, and reconstruct the existing driveway approach at the main entrance to the facility. The new approach shall be a rural "agricultural" type driveway approach conforming to the Merced County Public Works Improvement Standards and Specifications. The minimum width of the approach shall be 18 feet while the maximum width shall be 35 feet. This work shall be accomplished prior to the issuance of the Certificate of Occupancy by the Department of Public Works/Building and Safety Division (Building Permit Office) for any new buildings.
5. On-site water storage for fire protection shall be provided. 5,000 gallons shall be required for this project, based upon NFPA Standard 1142. Water supply connections, hydrants or risers shall be located not more than 250 feet from any point of a significant building,

measured from the outside (NFPA 24 & 1141). Water storage tanks shall be clearly marked "water" or "H2O", with any Fire Department connection marked "Fire Department" and shall be accessible at all times. Water storage shall have a water level indicator visible from the nearest outlet, filled automatically, and shall be adequately vented for drafting. Tanks shall have a 4 ½ male outlet with National Standard Threads, be clearly marked "Fire Dept." and shall be accessible at all times. Water supply connections on gravity systems shall also be marked "Draft". Hydrant, risers and tanks shall be a minimum of 25 feet from all significant buildings. Water supply connections shall be parallel to grade and 18" – 30" above grade measured from the center of the connection. Please submit a plot plan showing the storage location and fire department access, for review and approval.

6. The horse boarding facility shall be maintained at all times in a manner that does not create any public nuisances or flies and/or odors.
7. For the purpose of condition monitoring, an inspection fee in the amount of \$384.00 shall be required. This fee shall be paid within 14 days of the approval date. Should additional inspections be required, inspection time shall be billed to the applicant at the established hourly rate at the time of the inspection.
8. The applicant shall implement the following condition until the California Regional Water Quality Control Board (CRWQCB) determines that implementation of this condition is no longer necessary.
 - a. Measure and record electrical conductivity (EC) at the location where runoff from the property is discharged to the area drain (MID canal) and at the upgradient location where it enters the property once a week when storm water or irrigation water is being discharged from the property.
 - b. Record the measures on CRWQCB forms and submit the results to the Merced County Division of Environmental Health and the CRWQCB Central Valley Region on an annual basis.
 - c. If the results of the testing indicate there is any water quality problems, the applicant shall work with Regional Water Quality Control Board and Environmental Health on solutions such as installing a water return system which pumps water back to the north side of the property, or other identified measures. If the county determines the applicant is not performing the required testing in conformance with these conditions, monitoring shall be conducted by a qualified professional agreeable to the County. The County will also conduct random tests to ensure reliability of the samples.
9. All manure from the horse stalls shall be collected and stored in an enclosed container and removed from the property on a regular basis from November 1 through April 1 in compliance with requirements of the Merced County Code Chapter 18.48 (Animal Confinement Ordinance). A receipt from the hauling company shall be obtained from the applicant showing how much manure has been collected and removed. Manure may be spread on the pasture on the property agronomic rates from April 2 through October 31.
10. The hours of operation shall be from 7:00 a.m. to 9:00 p.m.
11. The applicants shall keep any material from being thrown or drained onto the Souza's property. This condition shall not be applicable from material being blown by wind or drained by rain onto the Souza's property.

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

ACTION ITEM NO. 39

2006-09-19 PUBLIC WORKS

The Clerk announces the new Animal Control Facility Phase II Design Development is before the Board for consideration.

Public Works Director Paul Fillebrown reviews the powerpoint presentation stating the correct amount of square feet is 22,725 not 23,725 as indicated in the report.

The following speak in support: Darryl Wood, Harland Drake, Ann Harris and Alberta Villano.

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board approves the Schematic Phase Design for the new Animal Control Facility–Phase II, authorizes Public Works to direct the architect to proceed with Design Development Phase through the Construction Documents Phase to return to the Board with the completed funding plan and a request to place the project out for bid.

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

ACTION ITEM NO. 62

2006-09-19 COUNTY COUNSEL

The Clerk announces Spring Fair Ordinance No. 1457 is before the Board for consideration.

County Counsel Ruben Castillo advises this matter was continued from August 29, 2006 Board Meeting to allow further information that define the process for Board appointments to the Spring Fair Board/May Day Fair Board. Mr. Castillo submits and briefly reviews Chapter 2.96 of the Ordinance Code stating Counsel will need direction regarding any changes the Board wishes to make to the existing ordinance.

Following discussion, Supervisor O'Banion moves, seconded by Supervisor Crookham, the Board make no changes to the current Spring Fair Ordinance.

Supervisor Kelsey states for clarification that all Spring Fair Board Members are voted upon by the entire Board of Supervisors.

Mr. Castillo confirms the entire Board makes the appointments to the Spring Fair Board.

The Chairman calls for a vote on the Motion.

Supervisor Kelsey votes "no". Motion carries.

Ayes: Nelson, Pedrozo, Crookham, O'Banion

Noes: Kelsey

ACTION ITEM NO. 65

2006-09-19 PLANNING

The Clerk announces the Resolution to expand the Grasslands Wildlife Management Easement Boundary Area is before the Board for consideration.

Kim Forrest, U.S. Fish and Wildlife Service and Manager of the San Luis Wildlife Refuge Complex, reviews the powerpoint presentation and distributes packets for the Board's review. Ms. Forrest clarifies that there will be no financial impact on the County since the conservation easements are voluntary.

Bob Erickson speaks in support of the expansion.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board authorizes the U.S. Fish and Wildlife Service to expand the Grasslands Wildlife Management Easement Boundary Area by 46,850 acres, and the Fiscal Impact to amend Resolutions 79-84 and 86-2113 to include a total of 131,350 acres, understanding any fee title interest of land within the proposed expansion area be returned to the Board for approval and adopts Resolution No. 2006-177.

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

ACTION ITEM NO. 71

2006-09-19 EXECUTIVE OFFICE

The Clerk announces the 2005/2006 Grand Jury Letter of Response is before the Board for consideration.

Supervisor Kelsey recuses herself and leaves the chambers.

Bryant Owens states concern with the sale of a parcel of property in Planada by the County Executive Officer, reads a letter into the record dated September 19, 2006 and submits documents.

David Corser asks the Board to not approve the Letter stating he also has concerns with the Planada sale of property and submitted a complaint to the Grand Jury and while he feels the Grand Jury did a thorough job he still is not personally satisfied.

Supervisor O'Banion states the Board did not accept or approve any letter from the County Executive Officer because he responded as an individual to the Grand Jury.

Following discussion, Supervisor Crookham moves, seconded by Supervisor O'Banion, duly carried, the Board authorize the Chairman to sign the 2005/2006 Grand Jury Letter of Response to the Presiding Judge of the Superior Court.

Ayes: Nelson, Pedrozo, Crookham, O'Banion

Not Present: Kelsey