



**MERCED COUNTY  
BOARD OF SUPERVISORS**

**SUMMARY ACTION MINUTES**

Regular Meeting

TUESDAY, MARCH 13, 2001

Closed Session – 8:30 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

CHAIR GLORIA CORTEZ KEENE.....DISTRICT 1  
KATHLEEN M. CROOKHAM.....DISTRICT 2  
JOE RIVERO.....DISTRICT 3  
DEIDRE F. KELSEY....DISTRICT 4  
JERRY O'BANION.....DISTRICT 5  
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM  
ACTING COUNTY ADMINISTRATIVE OFFICER

DENNIS MYERS  
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

8:30 A. M.

**CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: One Case

**CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATOR:** It is the intention of the Board to meet in Closed Session pursuant to Section 54957.8 concerning a Conference with County of Merced Staff negotiators concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6, and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers' Association, Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2 and Merced County Law Enforcement Sergeants, Unit P

8:30 A. M.

**CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:**

It is the intention of the Board to meet in Closed Session concerning existing litigation pursuant to Subdivision (a) of Section 54956.9:  
Name of Case:

- 1) Cathy Armstrong v Merced County Sheriff's Dept., etal, Merced Superior Court Case No. 143271;
- 2) Protect our Water, San Joaquin Raptor Rescue Center, the Merced River Valley Association v Merced County, Merced Superior Court Case No. 144855
- 3) Pacesetter Industries, Inc., Bankruptcy No. 01-10110-B-7

**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) Paul Fillebrown-Public Works Director pursuant to Section 54956.8 as follows:

Property/Reference: Facilities 1336, 4130 and 4131

Negotiating Parties: Gemini Flight Services

**THE BOARD RECONVENED AT 10:00 A.M. AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF**

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**Pastor Harold Wedderburn, Faith Mission Ministry-Merced**

**INTRODUCTION by Fire Chief Candace Gregory**

Action Item - Adopt Resolution identifying the appointment of Kevin Smith as Merced County Office of Emergency Services Deputy Director-Administration replacing the Interim Deputy Director appointment.

**REVIEW BOARD ORDER – SEE PAGE 10**

**ADOPTED RESOLUTION NO. 2001-46 AND APPOINTED KEVIN SMITH TO SERVE AS A MEMBER OF THE EMERGENCY MEDICAL CARE COMMITTEE REPLACING MIKE NATION AYES: ALL**

**PUBLIC OPPORTUNITY TO SPEAK ON ANY MATTER OF PUBLIC INTEREST WITHIN THE BOARD'S JURISDICTION INCLUDING ITEMS ON THE BOARD'S AGENDA, EXCEPT FOR THOSE ITEMS SPECIFICALLY SCHEDULED AS PUBLIC HEARINGS (See Board Clerk - Testimony limited to five minutes per person)**

**The following speak: Evelyn Hayes, President of Le Grand Community Services District**

**UC MERCED PROJECT - Liaison Report**

**RECEIVED REPORT FROM LIAISON REPRESENTATIVE KATHLEEN CROOKHAM**

10:00 A. M.

**BUDGET TRANSFER FROM REVENUES (4/5 Vote Required)**

Administration-\$58,278; Area Agency on Aging-\$4,483 and \$9,568 and Marshal-\$2,500

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 – 13)**

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF COMMUNITY ACTION AGENCY CONSENT AGENDA**

(Items # 14 - 15)

**APPROVED AS RECOMMENDED AYES: ALL**

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

**REVIEW BOARD ORDER – SEE PAGE 10**

**ADDED AGENDA ITEM:**

**THE BOARD FINDS THE NEED, SUBSEQUENT TO THE POSTING OF THE AGENDA, TO CONSIDER SETTING A PUBLIC HEARING ANNOUNCING AVAILABILITY OF CDBG FUNDS AYES: ALL**

**THE BOARD SETS A PUBLIC HEARING FOR MARCH 27, 2001 AT 10:30 A.M. TO CONSIDER AN APPLICATION FOR A GENERAL PLANNING AND TECHNICAL ASSISTANCE ALLOCATION GRANT FROM THE CDBG PROGRAM AYES: ALL**

10:30 A. M.

**PUBLIC WORKS – PUBLIC HEARING – PROPOSED ORDINANCE, POSSIBLE ADOPTION**

**An Ordinance for the Purpose of Establishing Special Flood Hazard Areas** (Repeals Ordinance No. 1248 and Amends Chapter 18.34 of County Code) To consider amendments to the Flood Damage Prevention requirements in compliance with the National Flood Insurance Program

**REVIEW BOARD ORDER – SEE PAGE 10 AND 11**

**APPROVED AND ADOPTED ORDINANCE NO. 1654 AYES: ALL**

**PLANNING – CONTINUED PUBLIC HEARING**

**Appeal to Conditional Use Permit Application No. 00018**

Appeal filed by SunUp Land and Cattle Company

Application filed by Cliff Collins

Said application to legalize a poultry raising operation for two hundred chickens, including 70 roosters, on property located on the south side of Merced Falls Road, 4.5 miles east of Hwy. 59 in the Snelling area

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

**UPHELD THE APPEAL FILED BY SUNUP LAND AND CATTLE COMPANY AND DENIED THE APPLICATION AYES: ALL**

**UC MERCED DEVELOPMENT – PUBLIC HEARING**

**General Plan Text Amendment No. 00003**

The County General Plan contains goals, objectives and policies for the establishment of new Specific Urban Development Plans (SUDPs) in general. The General Plan also contains a specific goal pertaining to the University Community SUDP. This text amendment would modify existing general plan

language affecting the land use, circulation, housing and open space/conservation chapters

**REVIEW BOARD ORDER – SEE PAGE 11 AND 12**

**APPROVED AS RECOMMENDED AYES: ALL**

**REPORTS/BOARD DIRECTION**

County Administrator  
County Counsel  
County Auditor  
Board of Supervisors Members

**LUNCH BREAK**

**CONSENT CALENDAR (Items #1 – 13)**

**APPROVED AS RECOMMENDED AYES: ALL**

Budget Transfers

1. Approve Budget Transfers from Health-\$2,000, \$120,600 and \$20,550 and Public Works-\$21,750 and \$510,000.

Public Works

2. Adopt Resolution of Intent to consider changing the names of several county roadways in the Delhi area and set a public hearing for March 27, 2001 at 10:30 a.m. to consider Road Name Change No. 2001-01.

**ADOPTED RESOLUTION NO. 2001-47**

3. Set public hearing for April 10, 2001 at 10:30 a.m. to consider proposed amendment to ordinance to allow the Director of Public Works to approve a permit for special events in Merced County owned or leased facilities and approve the use of amplified music in outdoor areas.

Mental Health

~~4. PULLED~~

Private Industry Training Department

5. Approve and authorize Chairman to sign Contract No. 200146 with Arbor, Inc. to provide Employment and Training Services to Workforce Investment Act (WIA) eligible youth ages 19-21 for the period of November 30, 2000 to June 30, 2002.

Human Services Agency

6. Approve and authorize Chairman to sign Amendment to Contract No. 9356 with Merced County Office of Education to provide Promoting Safe and Stable Families' Services with an increase in funding from \$193,704 to \$492,391.

Sheriff

7. Approve and authorize Chairman to sign Renewal Contract No. 9397 with Spring Fair for internal security supervision and general patrol services at the Los Banos Spring Fair for the period of April 28, 2001 through May 6, 2001.

Clerk-Registrar of Voters

8. Certify Election Results for the Special Election held on March 6, 2001 in the City of Gustine.

Board Recognition

9. Proclaim March 11 – 17, 2001 as “Portuguese Immigrant Week” in Merced County.
10. Authorize Certificate of Recognition to Guy Maxwell in recognition of dedicated service to the Building Industry Association of Central California.
11. Authorize Certificates of Recognition to the City of Merced Business Awards for 2001 Year: Outstanding Large Business-County Bank; Outstanding Mid-Size Business-Donjean Cleaning and Restoration Specialists, Outstanding Small Business-Commercial Construction.
12. Proclaim March 2, 2001 as “Arbor Day” in Merced County.
13. Adopt Resolution and adjourn meeting in memory of Wilmer “Bill” Carl Woxberg, Henry Crivelli and Millie Gilardi.

COMMUNITY ACTION AGENCY CONSENT CALENDAR (Items #14 - 15)

**APPROVED AS RECOMMENDED AYES: ALL**

14. Adopt Resolution authorizing One-Day Closure of November 13, 2000 due to an imminent health and safety hazard at the Merced Child Development Center.  
**ADOPTED RESOLUTION NO. 2001-48**
15. Accept and place CAA Information, Staff and Committee Reports on file.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

16. Approve Contract Documents for Recarpeting of the ACSC Lease Space located at the Agricultural Center in the amount of \$34,000, authorize competitive bids advertisement and authorize Public Works Director to award and sign contract with report back to the Board.  
**APPROVED AS RECOMMENDED AYES: ALL**
17. Authorization to implement Highway 59 Landfill Expansion Wetlands Mitigation, including creation of a perpetual conservation easement and relocation of vernal pools; authorize recording of *Declaration of Perpetual Conservation Easement* and authorize Public Works Director and Auditor-Controller to sign *Declaration of Trust*; authorize *Merced County Highway 59 Landfill Expansion Conservation Easement Compliance Monitoring Agreement*; authorize circulation of Request for Proposal in order to identify qualified consultants interested in providing specialized services, including: the design, relocation and construction, management and monitoring of vernal pools; and authorize Public Works to negotiate and execute contract within the established budget with a report back to the Board and approve the necessary budget transfer. (#039)  
**APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200154**  
**AYES: ALL**

18. Contract with Schmidt Geomatic Mapping, Inc. for Aerial Photogrammetric Services for Merced County Landfill sites.  
**APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200144 AYES: ALL**
19. Authorize Public Works to proceed with coordination of data collection in the Cities of Dos Palos and Gustine creating an all inclusive pavement management system and approve the budget transfer from Special Board Project Funds – District No. 5.  
**APPROVED AS RECOMMENDED AYES: ALL**

PUBLIC WORKS-CASTLE

20. Addendum to Castle Airport Sublease Contract between Merced County and Cecil Banks, Jr.  
**APPROVED RECOMMENDED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200142 AYES: ALL**
21. Castle Airport Sublease Contract between Merced County and Kenneth Peake for Building 1564.  
**APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200143 AYES: ALL**
22. Castle Airport Sublease Contract between Merced County and Castle Analytical Labs, Inc. for Buildings 908 and 909.  
**APPROVED RECOMMENDATION AND AUTHORIZES CHAIRMAN TO SIGN CONTRACT NO. 200145 AYES: ALL**
23. Castle Reuse Policy – Approve “Guiding Principles” as the policy to be used in the Redevelopment of Castle.  
**REVIEW BOARD ORDER – SEE PAGE 13**  
**MODIFIED APPROVAL TO INCLUDE REVIEW OF FEASIBILITY OF CREATING AN RDA**  
**AYES: ALL**

AG. COMMISSIONER

24. Contract with Calif. Dept. of Food and Agriculture for Computer Programming and Development of a Statewide Electronic Inspection package.  
**APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200155 AYES: ALL**
25. Contract Amendment No. 7513 with Calif. Dept. of Food and Agriculture for Insect Pest Detection/Prevention and necessary budget transfer.  
**APPROVED AS RECOMMENDED AYES: ALL**

HUMAN SERVICES AGENCY

26. Authorize the designation of Philip A. Flores, Deputy Director-Employment Services Division as Merced County Veteran’s Service Officer effective April 1, 2001.  
**APPROVED AS RECOMMENDED AYES: ALL**

PRIVATE INDUSTRY TRAINING DEPARTMENT

27. Approve and authorize Chairman to sign Contract with Dr. James S. Hoyt and Dr. Ariel Troncoso for Welfare-to-Work Tattoo Removal Program.

**APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200147 WITH DR. ARIEL TRONCOSO AND CONTRACT NO. 200148 WITH DR. JAMES S. HOYT AYES: ALL**

FIRE

28. Support AB 70 (Wright) establishing the Thermal Imaging Equipment Purchasing Program in the Office of Emergency Services to acquire firefighting thermal imaging equipment on behalf of local and state agencies that provide fire suppression services and forward Board Action to appropriate legislative representatives.

**APPROVED AS RECOMMENDED AYES: ALL**

MENTAL HEALTH

29. Authorization to submit Application to the Office of Justice Programs for Fiscal Year 2001 Drug Court Grant Program, authorize Acting CAO to sign a Letter designating Mental Health Department as the County's designated representative and Troy Dean Fox as the Department's authorized representative and contact person and return to the Board for final acceptance.

**APPROVED AS RECOMMENDED AYES: ALL**

ADMINISTRATION

30. Award and authorize Contract to Research Advisory Services, Inc. for Redistricting Services, authorize Contract with MCAG for Supplementary Redistricting Services and authorize Contract with Nielsen, Merksamer, Parrinello, Mueller & Naylor LLP for Legal Counsel services.

**REVIEW BOARD ORDER – SEE PAGE 14**

**MODIFIED APPROVAL REQUESTING INFORMATION ON LEGAL SERVICES CONTRACT AYES: ALL**

31. Ratify an Agreement to extend the existing MOU between Merced County and Unit P- Merced County Law Enforcement Sergeants which will contract through June 30, 2004 and adopt Resolutions.

**REVIEW BOARD ORDER – SEE PAGE 14**

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200156 AND ADOPTED RESOLUTION NO. 2001-50 AYES: 1, 2, 4, 5 NOT PRESENT: 3**

32. Approve adjustment to wage of the Spring Fair Groundskeeper from Range 41.7 to Range 47.4 and Spring Fair Program Assistant from Range 48.0 to Range 49.8 and approve changing the Extra Help Spring Fair Technician to Extra Help Spring Fair Technical Assistant classification at \$9.67 and adopt Resolutions.

**APPROVED AND ADOPTED RESOLUTION NO. 2001-49 AYES: ALL**

UC MERCED PROJECT

33. Contract Amendment No. 200068 with David R. Lema and Associates for increased contract amount based on current and upcoming projects including duties such as acting as a strategic advisor on UC Merced project issues and identifying private sector support and resources for the UC Merced build-out with an emphasis on technology/engineering enterprises. (HELD OVER)

**APPROVED RECOMMENDATION AYES: ALL**

34. Contract with Miller and Associates for Planning Assistance on the UC Merced Project.

**APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200151 AYES: ALL**

BUSINESS-ECONOMIC OPPORTUNITIES

35. Approve Request for Joint Venture Proposal (RFJVP) No. 5658 Award of Category A.1 –5 to Natoma Technologies, Inc. finding that based on evidence in the record, that the provision of special services described in proposed contracts will not adversely impact the provision of similar services by private sector companies or individuals within the County and authorize the Chairman to sign FOCUS Contract Award Announcement Letter and authorize General Services to utilize such services/products as defined under this FOCUS contract without the necessity for any further bid process.

**APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200152 AYES: ALL**

APPOINTMENTS

36. Board of Supervisors re: Committees/Commissions and Board Recommendations.

**NO ACTION TAKEN**

BOARD INFORMATION AND POSSIBLE ACTION

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

37. Public Works re: Recording and release of Notices of Non-Compliance Violations within Merced County.
38. Planning re: Planning Department Organizational/Permitting Audit RFP Update.
39. Sheriff-Coroner Tom Sawyer re: Notice of retirement as Sheriff-Coroner of Merced County to be effective May 4, 2001.
40. Union Pacific Railroad Company re: Proposed Abandonment of the Los Banos Branch, a distance of 1.10 miles.
41. Tuolumne County & Cities Area Planning Council re: Letter inquiring if Merced County is interested in meeting with Caltrans to exchange information accumulated thus far and define a process to allow formal State consideration of adoption of J59 as a State Highway.



42. U.S. Dept. of Commerce re: Release of results from Census 2000 to occur in the next few months – references and availability of documentation.
43. Calif. Gas Gathering, Inc. re: Franchise Ordinance No. 1650 – Update on California Gas Gathering, Inc. installation of pipeline.
44. Calif. Regional Water Quality Control Board re: Public solicitation of water quality information – data and information regarding water quality conditions in surface waters in this Region.
45. State Dept. of Water Resources re: Critical Water Shortage Contingency Plan – Governor’s Advisory Drought Planning Panel, dated December 29, 2000. (On file with Clerk)
46. Calif. Workforce Investment Board re: Notice of Public Meeting to be held on March 6 in Sacramento.
47. Dept. of Youth Authority re: Notice of Proposal to amend Regulations.
48. State Dept. of Alcohol and Drug Programs re: Notice of release of county’s funds to the county treasurer in accordance with Substance Abuse and Crime Prevention Act of 2000.
49. Central Valley Regional Water Quality Control Board re: Notice of Meeting and Agenda for March 15, 2001. (On file with Clerk)
50. State Board of Equalization re: Revision of Local Roll Rules – Property Tax Rules 252, 253, 254, 256, 261, 262 and 304 – Notice to participate and comment.

**THE BOARD ADOPTED RESOLUTIONS AND ADJOURNED THE MEETING IN MEMORY OF WILMER “BILL” CARL WOXBERG, HENRY CRIVELLI AND MILLIE GILARDI UNTIL MARCH 20, 2001 AT 10:00 A.M.**

## BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 13, 2001

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

#### **2001-03-13 FIRE – Office of Emergency Services**

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board designates and appoints Kevin Smith as the Merced County Deputy Director of Emergency Services – Administration replacing the Interim Deputy Director and adopts Resolution No. 2001-46.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board appoints Kevin Smith to serve as a member of the Emergency Medical Care Committee replacing Tom Wells until June 30, 2002.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

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

#### **2001-03-13 ADMINISTRATION / PLANNING**

Upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board finds a need, subsequent to the posting of the agenda, to take action relative to CDBG Funds and places the item on the agenda for consideration.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

Upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried the Board sets a public hearing for March 27, 2001 to receive public input and comments concerning an Application for a \$35,000 General Planning and Technical Assistance Allocation Grant from the Community Development Block Grant (CDBG) Program.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

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

#### **2001-03-13 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider An Ordinance for the Purpose of Establishing Special Flood Hazard Areas (Repeals Ordinance No. 1248 and Amends Chapter 18.34 of County Code) to authorize amendments to the Flood Damage Prevention requirements in compliance with the National Flood Insurance Program submitted by Public Works.

Public Works Director Paul Fillebrown states the proposed Ordinance would allow us to participate in Flood Insurance Programs.

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

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Rivero, duly carried, the Board waives further reading and adopts Ordinance No. 1654.  
Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

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

**2001-03-13 UC MERCED – PUBLIC HEARING**

The time and date previously set for a public hearing to consider General Plan Text Amendment 00003 submitted by Merced County revising goals, objectives and policies of the Merced County General Plan to meet the following objectives: to reflect the currently anticipated planning and permitting process, rather than the process that was foreseen in 1996 and to provide goals, objectives and policies regarding environmental issues that should be incorporated into the new University Community, including the assessment and potential selection of alternative sites, while acknowledging other new SUDP's. Said text amendment would modify existing general plan language affecting the land use, circulation, housing and open space/conservation chapters.

UC Development Office Planning Director Robert Smith submits and reviews the Staff Report advising the Planning Commission is recommending approval of General Plan Text Amendment No. 00003. Mr. Smith reviews the two corrections that should be made to the Staff Report:

1. On Page 20 of the Initial Study Negative Declaration Checklist, the following correction "The San Joaquin Valley has been designated in serious nonattainment for PM10 and severe nonattainment for ozone at the State and Federal levels".
2. The Staff Report failed to identify that a comment was received from VernalPools.org. The comment from this group was included in the Staff Report; however, VernalPools.org was not listed within the Staff Report as a commentor.

Supervisor Kelsey questions and discusses the policies noted on Page 8 to be added under Objective 1.B., No. 12 and 13.

UC Merced Planning Director Smith reviews the area plan description.

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

Lydia Miller, President of San Joaquin Raptor Rescue Center, submits and reviews a letter dated March 13, 2001 respectfully demanding the County not take any further action on the pending General Plan Text Amendments until all concerns are addressed and reviews the concerns.

Mary Jo Van Dyke, representing the Governor's Office of Planning and Development, states the Governor's Office is looking for a commitment by the County to complete this process.

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board approves the Negative Declaration based on Findings and as recommended by the Planning Commission, and goes on record of its intended decision to approve the General Plan

Text Amendment No. 00003 based on Findings understanding the two corrections will be noted in the Staff Report as reviewed by the UC Merced Planning Director  
Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

**10:30 A.M. SCHEDULED ITEM**  
**2000-03-13 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider An Appeal to Conditional Use Permit Application No. 00018 filed by SunUp Land and Cattle Company. Said application submitted by Cliff Collins is to legalize a poultry raising operation for two hundred chickens, including 70 roosters, on property located on the south side of Merced Falls Road located 4.5 miles east of Highway 59 in the Snelling area.

The Board recesses at 11:00 a.m. and reconvenes at 11:10 a.m.

Planner Desmond Johnson reviews the Planning Staff Report and advises the Planning Commission recommends approval.

The Board discusses the third dwelling on site and the types of birds on site.

The Chairman asks if there is anyone present who wishes to speak in favor or opposition.

Harry McLaughlin, Partner in SunUp Land and Cattle, speaks in opposition to the application based on his 45 years of experience in the industry. He provides background on the turkey industry stating the majority of their business is by contract to Foster Farms and their certifications with the State of California and the California Poultry Federation. He speaks in concern to the possible disease risks and the affect it would have on their operation and employment.

Richard McMillin, Poultry Veterinarian for 25 years and appears on behalf of Sun-Up Land and Cattle Company and representing the California Poultry Association, reviews the risks imposed by having a close association with outdoor and indoor operations. He reviews photos of location and one mile surrounding subject property. He states a backyard operation increases the risk of disease due to multi-ages, unconfined high traffic and limited testing. He further reviews the decreased risks with commercial operations/confinement.

Bill Mattos, President of the California Poultry Federation, expresses concern with the backyard operation posing a threat by exposure to foreign diseases to one of the largest turkey operations in the area. He reviews the certifications Sun-Up Land and Cattle Company have gone through and displays the dressings required for a bio-security operation.

Mike Smith, Central California Permit Services representing the Applicant Mr. Collins, states in the past he has been able to count on Merced County rules and regulations and criteria that are currently in place. Based on this, he provides an overview of the windshed aerial photo showing that SunUp Land is out of the windshed area. He also states this project has been stamped for approval by the local Environmental Health Officer as required and is in the A-2 Zone. He states there are other turkey operations located within two miles of other operations. Mr. Smith requests

the Board uphold the Planning Commission decision and approve Conditional Use Permit Application No. 00018 due to the standing criteria.

County Counsel Dennis Myers states the Conditional Use Permit is discretionary and an applicant would not automatically get it as a matter of right. He further states the criteria discussed is only a guideline and does not guarantee the granting of a Conditional Use Permit.

Leon Martinez, Planning Code Enforcement Division, states a complaint was made regarding a rooster operation at Mr. Collins facility and after several meetings, it was determined that the operation needed to be legalized.

Supervisor Kelsey states the Board received a recommendation from the Technical Advisory in January, 1991 to provide for a three mile separation between poultry operations. Supervisor Kelsey states SunUp is a very large employer in the Snelling community and the largest turkey operation in the State of California.

Following a lengthy discussion, Supervisor Kelsey moves, seconded by Supervisor Rivero, the Board reverses the action of the Planning Commission and denies the Application thereby upholds the appeal submitted by SunUp Land and Cattle Company.

Acting Planning Director Bill Nicholson requests clarification on whether the intent of the Board was to include the amendment to Merced County Zoning Code which allowed consideration of confined animal facilities under Section 18.47.04 by discretionary permit under Section 18.02 and allows consideration of additional dwellings under Section 18.02.

The Board agrees to amend the motion to include referring additional dwellings under Section 18.02 back to the Planning Commission.

The Chairman calls for a Vote of Motion. Motion carries.  
Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

### **BOARD ACTION ITEM NO. 23**

#### **2001-03-13 BUSINESS-ECONOMIC OPPORTUNITIES / PUBLIC WORKS**

Supervisor O'Banion moves, seconded by Supervisor Rivero, the Board approve the "Guiding Principles" as the policy to be used in the Redevelopment of Castle.

Supervisor Rivero requests additional language in the Guiding Principles to include "consideration of a Redevelopment Agency (RDA)".

Following a lengthy discussion, the Chairman calls for a Vote on the Motion as modified:  
Approve the "Guiding Principles" as the policy to be used in the Redevelopment of Castle including Staff reviewing the feasibility of creating an RDA.

Motion carries.  
Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

**ACTION ITEM NO. 30**

**2001-03-13 ADMINISTRATION**

Supervisor Kelsey moves, seconded by Supervisor Rivero, the Board takes the following actions for redistricting services:

1. Approve Request for Proposal contract award to Research Advisory Services, Inc. for Redistricting Services.
2. Authorize the Chairman to sign Contract No. 2000149 with Research Advisory Services, Inc. for the period of March 13, 2001 through November 30, 2001 not to exceed \$52,450.
3. Authorize the Chairman to sign Contract No. 2000150 with Merced County Association of Governments for Supplementary Redistricting services for the period of March 13, 2001 through November 30, 2001 not to exceed \$5,000.
4. Authorize the Chairman to sign Contract with Mielsen, Merksamer, Parrinello, Mueller & Naylor, LLP for Legal Counsel for the period of March 13, 2001 through November 30, 2001 not to exceed \$10,000.
5. Authorize CAO to sign subsequent amendments to contract within the contract budget subject to staff review.

Supervisor O'Banion states his concern with the contracted duties and the Legal Counsel role to be performed throughout this project. Following a lengthy discussion, he requests the contract for Legal Counsel be removed from consideration and come back to the Board at a later date.

Following further discussion, Supervisor Kelsey accepts the amendment, seconded by Supervisor Rivero, to remove the Contract for Legal Counsel services from the Agenda deleting Recommendation No. 4 from the Motion to be returned to the Board with an outline of duties, obligations and contract amount.

Acting County Administrative Officer Dee Tatum states County Counsel and Administration will provide an outline of the scope of duties with the contract amount to be returned to the Board.

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

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

**ACTION ITEM NO. 31**

**2001-03-13 ADMINISTRATION**

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 200156 with Merced County Law Enforcement Sergeants-Unit P extending the existing MOU through June 30, 2004 and adopts Resolution No. 2001-50.

Ayes: Cortez Keene, Crookham, Kelsey, O'Banion

Not Present: Rivero