



SUMMARY ACTION MINUTES

MERCED COUNTY BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, DECEMBER 18, 2001
Closed Session – 8:00 a.m.
Regular Meeting – 10:00 a.m.

MERCED COUNTY
ADMINISTRATION BUILDING
2222 "M" STREET
BOARD ROOM, THIRD FLOOR
MERCED, CALIFORNIA 95340
(209) 385-7366

DEMITRIOS O. TATUM
COUNTY ADMINISTRATIVE OFFICER

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
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

8:00 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: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (e) of Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION Title: (1) Planning and Community Development Director and (2) Public Defender

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 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 and Merced County Sheriff Employee Association (MCSEA), Unit 2

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

10:00 A. M.

PLEDGE OF ALLEGIANCE

INVOCATION—Rev. Armondo Vasquez, East Olive Branch Church-Merced

PRESENTATIONS:

Planada Municipal Advisory Council - Willie Buendia, Recognition of 20 years of service

Planada Clean Up Program Recognition - Recognition of Lynn Van Skike, Tom Gaffery and Janet Resch

Fire Awards - Recognition of Engineer Alfonso Zamora and Firefighter Jeff Dunwoody from Station 88-Winton Fire Station and Engineer Javier Fuentes from Station 96-Livingston Fire Station for bravery and heroism when responding to a fire at the Langley Home on September 25, 2001

Dos Palos High School Football Awards - Award to Dos Palos High School and Leonard Davis (#7), Kenney James (#8) and Cole Powers (#66)

Miss Merced County – Recognition of Erin Shaw

A reception in Room 310 will be held in honor of the presentations

PRESENTATION - 2002 LEGISLATIVE AGENDA - Don Peterson

RECEIVED REPORT FROM LEGISLATIVE REPRESENTATIVE DON PETERSON AND APPROVED LEGISLATIVE AGENDA 2002 AS RECOMMENDED 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: Barbara Fields

10:00 A. M.

**UC MERCED PROJECT - LIAISON REPORT
RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM**

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Human Services Agency-\$80,000 (H08); Sheriff-\$8,280 and Auditor-Revenue & Reimbursement-\$25,000

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items # 1 - 13)

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M.

PLANNING - PUBLIC HEARING – INTENDED DECISION

General Plan Amendment No. 00003 and Major Subdivision Application

No. 01007 - El Capitan Meadows/J. Rodrigues - To amend the designation of a 48.7-acre site from Franklin-Beachwood SUDP Residential Reserve to Franklin-Beachwood SUDP Medium-Density Residential and to subdivide it into 229 single-family residential lots (min. 6000 square feet) and a five-acre park on the north side of Lobo Avenue, 190 feet east of Beachwood Drive in the Merced area.

REVIEW BOARD ORDER – SEE PAGE 9, 10, 11, 12, 13 and 14

WENT ON RECORD OF INTENDED APPROVAL AYES: ALL

PLANNING – 2001 CYCLE IV - POSSIBLE ADOPTION

General Plan Amendment No. 00003 and Major Subdivision Application No. 01007

REVIEW BOARD ORDER – SEE PAGE 14

APPROVED 2001 CYCLE IV GENERAL PLAN AMENDMENT AND ADOPTED RESOLUTION NO. 2001-232 AYES: ALL

ADMINISTRATION - PROPOSED ORDINANCE - FIRST READING, SET SECOND READING AND POSSIBLE ADOPTION FOR JANUARY 8, 2002 AT 10:30 A.M.

An Ordinance pertaining to the County Administrative Office, County Administrator and the Duties, Responsibilities, Authority and Qualifications Thereof (Amends Ordinance Nos. 318, 348 and 867)

REVIEW BOARD ORDER – SEE PAGE 15

HELD FIRST READING AND SET SECOND READING AND POSSIBLE ADOPTION FOR JANUARY 8, 2002 AT 10:30 A.M. AYES: ALL

REPORTS/BOARD DIRECTION

- County Administrator
- County Counsel
- County Auditor
- Board of Supervisors Members

LUNCH BREAK

2:00 P. M.

UC MERCED DEVELOPMENT OFFICE

Consideration of the Draft University Community Plan

REVIEW BOARD ORDER – SEE PAGE 17 AND 18

CONSENT CALENDAR (Items # 1 - 13)

APPROVED AS RECOMMENDED AYES: ALL

Budget Transfers

1. Approve Budget Transfer for Ag. Commission-\$2,500; Health-\$470 and \$2,800; PITD-\$40,280; Spring Fair-\$7,650; PW/Castle-\$50,000 (032) and \$130,000 (030).

Public Works

2. Authorize Valve Burners Car Club of Merced to reserve and rent all facilities east of the Le Grand Canal at Lake Yosemite on September 15, 2002 for Annual Car Show subject to the following conditions: waive the restriction on use of amplified sound equipment, waive the Vehicle Park Fee for individuals attending, authorize the Car Club to charge an Admission Fee of \$3.00 per person and to operate concessions and require the Car Club to provide the County of Merced with a Certificate of Insurance for comprehensive general liability, naming the County of Merced as an individual insured, in the amount required by County Risk Management.

3. Approve and authorize Chairman to sign Contract with Merced Community College District to use the Bedesen Conference Room of the Old Courthouse Museum for an Oral History Class "LifeStories".

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001287

4. Approve and authorize Chairman to sign Contract with Ray and Jeanette Veldhuis for Right of Way acceptance and conveyance of a portion of property known as APN 042-140-005 that is necessary for construction of the relocated Oakdale Road Bridge over the Merced River.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001289 AND ADOPTED RESOLUTION NO. 2001-230

Health

5. Approve and authorize Chairman to sign Renewal Contract No. 2422 with State Dept. of Health Services for the Children's Dental Disease Prevention Program.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001293

Clerk - Elections

6. Certify Election Results for the Consolidated Municipal, School and Special District Election held on November 6, 2001.

District Attorney

7. Adopt Resolution authorizing the District Attorney to sign Contract No. 99115 with Office of Criminal Justice Planning and continue to provide Victim/Witness Assistance Program Services.

ADOPTED RESOLUTION NO. 2001-231

8. Approve and authorize District Attorney to sign Renewal Contract No. 2000249 with State Dept. of Child Support Services for Annual Automated Cooperation Agreement.

Business-Economic Opportunities

9. Approve and authorize Chairman to sign Amendment to Contract No. 99268 with Merced County Economic Development Corporation (MCEDCO) for Retention Coordination Services.
10. Approve and authorize Chairman to sign Renewal Contract No. 9937 with Tangent Computer, Inc. in connection with FOCUS Program.

Community Action Agency

11. Approve request to seek Grant Funding from State Dept. of Housing and Community Development in the amount of \$84,884 for Emergency Housing Assistance Program funding and authorize Executive Director to sign Contract Award.
12. Approve request to seek Grant Funding from State Dept. of Housing and Community Development in the amount of \$70,000 for Emergency Housing Assistant Program Funding and authorize Executive Director to sign Contract.

Mental Health

13. Approve and authorize Chairman to sign Renewal Contract No. 200131 with The Center for Applied Local Research for evaluation of the Drug Court Grant Program for FY 2001/2002.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

14. Contract with Alta Apiaries for approximately two acres in the north central portion of the abandoned Belcher Road Correctional Facility north site for the temporary storage and removal of bee hives and adopt Resolution to sign the Lease Agreement.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001290 AND ADOPTED RESOLUTION NO. 2001-233 AYES: ALL

15. PULLED.

16. Authorize solicitation of quotes for selective interior clean-up of the Old Library and Materials for window protection and approve the necessary budget transfer (#031). (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

PUBLIC WORKS-CASTLE

17. Ratify the Federal Grant Application filed with the Federal Aviation Administration (FAA) for the Airport Capital Improvement Program submitted by Public Works on November 18, 2001.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001295 AYES: ALL

18. Approve and authorize the Public Works Director to sign Contract subleasing space between Dobson Cellular One and Merced Net, Inc.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001295 **AYES: ALL**

HEALTH

19. Renewal Contract No. 200118 with State Dept. of Health Services for Emergency Medical Services Appropriation in the amount of \$161,716 and approve necessary budget transfer. (4/5 Vote Required)
APPROVED AS RECOMMENDED **AYES: ALL**

BUSINESS-ECONOMIC OPPORTUNITIES

20. Approve the 2000-2001 Foreign Trade Zone No. 226 Annual Report and authorize submission to the U.S. Foreign-Trade Zones Board.
APPROVED AS RECOMMENDED **AYES: ALL**

SHERIFF

21. Accept the Fiscal Year 2001 State Criminal Assistance Award and authorize processing of the Internet draw down and acceptance of funding into Trust Fund 2576 Sheriff Adult Correctional Facilities.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001296 **AYES: ALL**
22. Accept the Local Assistance for Rural and Small County Law Enforcement Award (AB 443) from the State of California; authorize utilization of current provider for ImageWork Station equipment known as Data Works Plus, LLC; authorize unanticipated Revenue be placed in Trust Fund 2610 and that excess funds be maintained in Trust to ensure accountability and solidify the need for future continued funding and approve the necessary budget transfers. (4/5 Vote Required)
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001297 **AYES: ALL**
23. Accept Grant Award of up to \$500,000 from Dept. of Justice, Federal COPS Program in support of the COPS Methamphetamine Discretionary Program and authorize signing of contract; authorize solicitation of proposals for the acquisition of equipment, accessories and installation and approve the necessary budget transfer. (4/5 Vote Required)
REVIEW BOARD ORDER – SEE PAGE 15
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001292 **AYES: ALL**

MENTAL HEALTH

24. Contract with The Center for Applied Local Research for evaluation of the Juvenile Drug Court Grant Program for FY 2001/2002 and approve the necessary budget transfer. (4/5 Vote Required)
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001298 **AYES: ALL**
25. Contract with State Dept. of Mental Health revising the Substance Abuse and Mental Health Services Administration (SAMHSA) Block Grant Funding for Dual Diagnosis Treatment.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 9601 **AYES: ALL**

AUDITOR

26. Contract with Franchise Tax Board for Court-Ordered Debt Collection Program and appoint Auditor-Controller as Contract Administrator.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001299 **AYES: ALL**

27. Contract with Exigent Computer Group, Inc. for software required for Recorder's Indexing, Imaging and Accounting System; authorize issuance of RFP for the image of the vital records; add Extra Help Typist Clerk III; adopt Resolution and approve the necessary budget transfer. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001300 AND ADOPTED RESOLUTION NO. 2001-234 AYES: ALL

ADMINISTRATION

28. Ratify establishing the Calif. Minimum Wage salary (\$6.75/hour) effective December 31, 2001, Pay Period 2, for all Extra Help Classifications which are currently salaried below this amount and adopt Resolution.

ADOPTED RESOLUTION NO. 2001-235 AYES: ALL

29. PULLED.

30. Contract with Shepherd's Crook Enterprises for Grant Writing Services.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001301 AYES: ALL

31. 2002 Health Care Plan Renewal for Employees and Retirees and Professional Benefits Renewal Contract No. 9024 for Dental Plan and COBRA Administration.

REVIEW BOARD ORDER – SEE PAGE 15 AND 16

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001305 – MOU WITH THE COALITION OF UNIONS AYES: ALL

PRIVATE INDUSTRY TRAINING DEPARTMENT

32. Ratify appointment of Micki Archuleta to the Workforce Investment Board Youth Council.

APPROVED AS RECOMMENDED AYES: ALL

33. Ratify appointment of Chuck Dean to the Workforce Investment Board Youth Council.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

34. Approve 2002 Board of Supervisors Meeting Calendar.

APPROVED AS RECOMMENDED AYES: ALL

35. Children and Families First Commission discussion with possible direction to Staff.

REVIEW BOARD ORDER – SEE PAGE 16

RECEIVED REPORT WITH FURTHER INFORMATION TO COME BACK TO THE BOARD

AYES: ALL

APPOINTMENTS

- 35a. Children and Families First Commission.

APPOINTED DORLIE GOODGER TO SERVE AS A MEMBER OF THE CHILDREN AND FAMILIES FIRST COMMISSION REPRESENTING DISTRICT FIVE UNTIL MARCH 23, 2004 AYES: ALL

UC MERCED PROJECT

- 35b. Contract with EIP Associates for preparation of the Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) and approve the necessary budget transfer. (4/5 Vote Required)

REVIEW BOARD ORDER – SEE PAGE 17

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

- 36. Public Works re: Notification of Contract Award to John Rohrer for Male Dormitory at Building No. 5 at Merced County Correctional Facility Bid Results.
AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2001255
- 37. Public Works re: Notification of Contract Award to Selsor Construction for Oakdale Road Bridge and demolition of structures and site clearing within the alignment of the new Road and Bridge Bid Results.
AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2001246
- 38. Business-Economic Opportunities re: Community Development Block Grant Workshop.
- 39. Planning re: Status of Recruitments in the Planning and Community Development Department with recommendations for Salary Adjustments to be brought back to the Board with Mid-Year personnel issues.
- 40. San Diego County Board of Supervisors re: Request for proclamation for November 24 - 30, 2002 as "God Bless America" Week.
- 41. U.S. Dept. of Commerce-Bureau of Census re: Census 2000 Block Map(s) for local jurisdiction. (Maps on file with Clerk)
- 42. Calif. State Library re: Cancellation of December 11, 2001 Meeting and notification that the State Library has received approval of both Title 5 and 24 regulations with only non-substantive clarifying changes without regulatory effect.
- 43. State Board of Equalization re: 2002 Calendar Year for the Valuation of Public Utilities and Railroads.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF AARON PASSOVOY, MILDRED GREENOUGH, WILLIE MAE OGLETREE ROBERTSON AND FRESNO COUNTY SUPERVISOR DERAN KOLIGIAN UNTIL JANUARY 8, 2002 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – DECEMBER 18, 2001

10:30 A. M. SCHEDULED ITEM

2001-12-18 PLANNING – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider General Plan Amendment No. 00003 and Major Subdivision Application No. 01007 submitted by El Capitan Meadows/J. Rodrigues to amend the designation of a 48.7-acre site from Franklin-Beachwood SUDP Residential Reserve to Franklin-Beachwood SUDP Medium-Density Residential, and to subdivide it into 229 single family residential lots (minimum 6,000 square feet) and a five-acre park on the north side of Lobo Avenue, 190 feet east of Beachwood Drive in the Merced area.

Planner Desmond Johnston reviews the Staff Report and advises the Planning Commission recommends approval of General Plan Amendment 00003 and Major Subdivision Application No. 01007 with 40 conditions of approval. He also advises Merced Irrigation District (MID) requests that the County require 6 conditions of approval and submits a letter dated November 14, 2001 outlining the conditions.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board approves the Mitigated Negative Declaration, makes Findings in support of the project as recommended, goes on record of its intended approval of General Plan Amendment No. 00003 and Major Subdivision Map No. 01007 (El Capitan Meadows) subject to the following conditions:

1. A final map shall be recorded within two (2) years of the Board of Supervisors approval date as required by the County Subdivision Code and the State Subdivision Map Act.
2. The subdivider shall satisfy Improvement Level I requirements as set forth in Chapter 16.08 of the Merced County Code which generally includes dedication of road rights-of-way, public utility easements, roadway construction and installation of matching pavement along the existing roadways, street lighting, storm drainage system and under grounding or relocating utilities and irrigation facilities. Lobo Avenue shall be partially reconstructed.
3. Provide a letter from Franklin County Water District accepting storm water drainage from this proposed development into their facilities.
4. All lot and street grading shall be completed prior to the issuance of any building permits. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
5. Provide centerline striping for those new roads that intersect the existing peripheral streets.
6. At the building permit stage, \$1,514.00 shall be paid per single family dwelling unit, for community wide circulation improvements.

7. The developer shall provide a signature block on the El Capitan Meadows improvement plans for the Merced Irrigation District (MID). The developer will need to satisfy MID regarding various improvements and easements for use and protection of MID facilities.
8. The subdivider shall dedicate a five-acre community parksite, and pay any recreational parkland space and improvement fees beyond the value of the parksite, consistent with the requirements of Merced County Ordinance No. 1090. Said fee is payable prior to or concurrent with the recording of the Final Map. In the event that progress toward development of an off-site community park in a more centralized location within the SUDP occurs to the satisfaction of the directors of the Planning and Public Works departments prior to recordation of the El Capitan Meadows Final Map, the parksite in this subdivision may be reduced to a neighborhood scale commensurate with the population formula in Ordinance No. 1090. The neighborhood park shall be located in the interior of the project and shall have at least two or three street frontages.
9. Any relocation, removal or under grounding of PG&E facilities shall be done at developer's expense.
10. Right to Farm Certificate shall be placed on the Final Map in compliance with Ordinance No. 1213.
11. The developer shall comply with all the standard conditions of approval listed in the Planning Commission Resolution No. 97-1, and development standards in Section 18.08.03 of the Zoning Code.
12. Prior to recording of the Final Map, a landscape plan for the street trees in conformance with the Landscaping Chapter of the County Zoning code shall be submitted to the Planning and Community Development Department for review and approval. Approved street trees shall be installed prior to occupancy of each house. The general location of the street trees shall be shown on the improvement plans.
13. The proposed lots within the Flood Zone AO must have an elevation certificate provided by an engineer or surveyor indicating the minimum floor elevations are above the flood level prior to issuance of a building permit.
14. Fire hydrant distribution and location shall be in accordance with the Fire Code, marking shall reflect that no vehicle parking or stopping is allowed within 15 feet of a hydrant, and a three-foot clear space shall be maintained around hydrants.
15.
 - a. In accordance with Zoning Code Performance Standards in Section 18.41.07C, a note shall be placed on subdivision construction plans stating as follows: The applicant shall ensure that construction hours shall be limited to the daytime hours between 7:00 a.m. and 6:00 p.m., and all construction equipment shall be properly muffled and maintained.
 - b. To mitigate noise on the site to 65 dB in accordance with the Merced County General Plan noise standards, noise barriers would need to be constructed. The noise barrier must be at least 13 feet high referenced from the elevation of the north property line to reduce rail noise to the Merced County 65 dB Ldn compatibility standard. In addition to the noise barrier along the north property line, noise barriers should be placed along the east and west sides of the subdivision to prevent flanking noise. The side barriers should be at least

10-feet high and extend for at least 100 feet. Such a barrier could be in the form of an earth-berm or a variety of sturdy materials, or a combination of both. (Note: The subdivision shall conform to the noise standards in effect at the time the final map is recorded.)

c. The noise barrier structure shall be landscaped or otherwise constructed in such a manner as to reduce the potential for the structure to be vandalized by graffiti.

d. Mechanical ventilation or air conditioning is to be installed so that windows and doors may remain closed.

e. All windows are to be mounted in low air infiltration rate frames (0.5 cfm/ft. or less per ANSI specifications).

f. Exterior doors, not including patio doors, are solid-core wood with perimeter weather-stripping and threshold seals.

g. All attic vents facing or perpendicular to the railway are baffled as shown in Appendix "B" of the Brown-Buntin Noise Study so that noise must take an indirect route when entering the attic space.

h. Second story rooms are not constructed on lots adjacent to the railroad, unless analysis of building plans confirms satisfactory noise levels in such rooms.

16. Placement of a note implementing Section 18.41.07c of Merced County Code on construction plans shall be monitored by the County Public Works Department. Field performance monitoring shall be conducted on a random basis by the County Planning Department. All noise mitigation measures will be shown on the Final Map of the subdivision. All construction plans will contain construction details with respect to the construction of the sound barrier and all housing unit construction plans will contain construction details with respect to residential construction mitigation. All subdivision plans and residential construction plans will be reviewed for conformance with the applicable mitigation measures by County staff prior to the issuance of any construction permits.
17. For the purpose of condition monitoring, a fee in the amount of \$250.00 shall be required. The fee shall be paid prior to recordation of the Final Map.
18. Abandon, with the recording of the Final Map, the northerly portion of Bryant Road: The 40 feet of road right of way along the west side of El Capitan Canal and now known as Bryant Road, and as described in deed from Crocker-Huffman Land and Water Company to Merced County recorded April 24, 1939, in Volume 609 of Official Records at Page 351, Merced County Records, is no longer necessary for public road purposes and shall be abandoned with the recordation of the Final Map for El Capitan Meadows, Major Subdivision No. 01007.
19. Abandon, with the recording of the Final Map, the southerly portion of Bryant Road and that portion of Lobo Avenue along the south side of proposed Lot 1: The 40 feet of road right of way along the west side of El Capitan Canal and now known as Bryant Road, and the 25 feet of road right of way along the south side of proposed Lot 1 and now known as Lobo Avenue, as all of Bryant Road and a portion of Lobo Avenue are described in deed from

Luigi and Isola Bianchi to Merced County recorded March 6, 1939, in Volume 603 of Official Records at Page 440, Merced County Records, is no longer necessary for public road purposes and shall be abandoned with the recordation of the Final Map for El Capitan Meadows, Major Subdivision No. 01007.

20. Abandon, with the recording of the Final Map, the public utility easement along the south side of Santa Fe Road on the west side of the subdivision: The 10 foot Public Utility Easement along the Santa Fe Road frontage of Parcels 1 and 2 as shown on Parcel Map for M.A. & A.L. Maxwell recorded in Book 70 of Parcel Maps at Pages 13 and 14, Merced County Records, is no longer necessary for public utility purposes and shall be abandoned with the recordation of the Final Map for El Capitan Meadows, Major Subdivision No. 01007.
21. Pursuant to the terms of a Deferment of Construction Agreement recorded in Volume 2924 of Official Records at page 442, include Parcel 1 as shown on the Parcel Map for M.A. & A.L. Maxwell recorded in Book 70 of Parcel Maps at Pages 13 and 14, Merced County Records, also known as Assessor' Parcel Number 057-380-052, in all Improvement Level 1 requirements, including dedication of rights of way and easements.
22. As an offsite improvement, design and construct improvements along the Santa Fe Road frontage of Assessor's Parcel Number 057-380-013, as described in deed recorded in Volume 2532 of Official Records at Pages 876 and 877, Merced County Records. Acquire necessary road right of way, public utility and irrigation district easements necessary to construct improvements. Provide an easement to Big Sandy Drive (Avenue) for the aforementioned parcel through Parcel 1 as shown on the Parcel Map for M.A. & A.L. Maxwell recorded in Book 70 of Parcel Maps at Pages 13 and 14, Merced County Records. Construct an all-weather access road from Big Sandy Drive (Avenue) within the easement.
23. As an offsite improvement for Fir Avenue, acquire for road purposes Lot 23 as shown on the map of Airport Home Sites recorded in Volume 10 of Official Plats at Page 50, Merced County Records. Acquisition of right of way and construction of offsite improvements shall be at the developer's expense.
24. As an offsite improvement for Fir Avenue, acquire from Lots 22 and 24 of Airport Home Sites recorded in Volume 10 of Official Plats at Page 50, Merced County Records, adequate easements to provide 52 feet of road right of way and provide wheelchair ramps at the intersection with Beachwood Drive. Acquisition of right of way and construction of offsite improvements shall be at the developer's expense.
25. Dedicate 5 feet of right of way along the Lobo Avenue frontage of the subdivision.
26. Dedicate sufficient right of way along the Santa Fe Road frontage of the subdivision to provide an ultimate right of way width of 56 feet. Dedicate a minimum 7-foot wide public utility easement, if such easement is necessary, along the ultimate Santa Fe Road right of way line. Joint use of dedications or easements shall not be allowed. At the developer's option, sidewalk may be eliminated along Santa Fe Road. The noise barrier wall may be placed within the Santa Fe Road right of way.
27. Prior to recording the final map, the owner shall provide all documentation to the Department of Public Works to form a park maintenance zone of benefit in County Service Area No. 1 for the proposed neighborhood park.

28. Pursuant to Section 17.04.00.B of the Merced County Code, streets which run north- south shall be designated as Avenues, and streets which run east-west shall be designated as Street or Drive, on the Final Map.
29. Drake Avenue shall be aligned with the proposed Drake Avenue northerly extension through Hollywood Park, Major Subdivision No. 01001.
30. The developer shall participate in the County's improvement of Lobo Avenue from Beachwood Drive to the western boundary of the subdivision. The amount of \$11,600 for materials only shall be paid to the Department of Public Works prior to recordation of the Final Map.
31. Noise mitigation measures shall not be shown on the Final Map.
32. Through encroachment permit, temporary access from Santa Fe Road may be allowed to model homes. Residential construction within identified noise contours exceeding 65 dBA CNEL shall comply with all noise mitigation measures including construction of a noise barrier.
33. Satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, which generally includes dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, street lighting, storm drainage system and underground or relocate utilities and irrigation facilities. Lobo Avenue shall be partially reconstructed.
34. Release and relinquish all abutters' right of access to and from the entire Santa Fe Road frontage of Lots 201 through 209, 211, 212 and 229.
35. Provide a letter from the Franklin County Water District, or Merced Irrigation District as appropriate, accepting storm drainage water from this proposed development into their facilities.
36. All lot and street grading shall be completed prior to the issuance of any building permits. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
37. Provide centerline striping for those new roads, which intersect the existing peripheral streets.
38. The developer shall enter into a development agreement with the County of Merced pursuant to Article 2.5 of Chapter 4 of Division 1 of the State of California Government Code prior to final map recordation agreeing to pay \$1,514.00 per single-family dwelling unit at the building permit state.
39. The developer shall construct speed humps on roads adjacent to the park as part of the subdivision improvements.
40. Developer/Applicant is advised that he/she may be obligated to comply with Federal Regulations for storm water runoff issued by the U.S. EPA on November 16, 1990 (40 Code of Federal Regulations Parts 122, 123 and 124). For information and direction, contact the

State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 657-1146.

And Merced Irrigation District (MID) conditions as follows:

1. A signature block on the improvement plans for this property when it develops.
2. The property owner will be required to replace the existing open Henderson Lateral with a pipeline meeting MID Standards upon development of the property.
3. If storm drainage from this property is to be conveyed through the Franklin County storm drainage project facilities into the MID's El Capitan Canal or from the property directly into any MID facility, the property owner must enter into a subdivision drainage agreement with the Merced Irrigation District Drainage Improvement District No. 1, paying all applicable fees including an annual maintenance fee of \$12.30 per residential lot. The annual maintenance fee will be assessed and collected on the Merced County Tax Rolls.
4. That the property owner must obtain a "non-exclusive Driveway License Agreement" for all crossings over or under any of the Henderson Lateral, including bridges and pipelines. If the crossing is a roadway being dedicated to the County of Merced then a Joint Use Agreement would be required.
5. Enter into a Construction Agreement for all work associated with MID facilities.
6. The property owner must construct a block wall meeting MID standards along the outside toe of the west bank of the El Capitan Canal for the entire length of the proposed subdivision. The developer must provide for adequate drainage on the canal side of the block wall acceptable to MID. Setback of the block wall should provide adequate room for MID maintenance to the canal bank. The redesign of the development to include the abandonment of Bryant Road (not part of original application) is the reason for this updated letter.

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

10:30 A.M. SCHEDULED ITEM

2001-12-18 PLANNING – 2001 CYCLE IV – POSSIBLE ADOPTION

The time and date previously set for consideration of adoption of Cycle IV General Plan Amendment:

General Plan Amendment No. 00003 and Major Subdivision Application No. 01007.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board adopts the 2001 Cycle IV General Plan Amendment and approves General Plan Amendment No. 00003 and Major Subdivision Application No. 01007 (El Capitan Meadows) and adopts Resolution No. 2001-232.

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

10:30 A. M. SCHEDULED ITEM
2001-12-18 ADMINISTRATION – PROPOSED ORDINANCE - FIRST READING – SET
SECOND READING AND POSSIBLE ADOPTION

The time and date previously set to consider Proposed Ordinance to Develop an Executive Staff and modify Ordinance No. 867 pertaining to the County Administrator and the duties, responsibilities, authority and qualifications submitted by Administration.

County Administrative Officer Demitrios Tatum reviews the Staff Report and recommends the Board modify Ordinance No. 867 to Develop an Executive Staff that will be primarily responsible for providing input to the County Administrative Officer and the Board regarding matters of general policy and will be responsible for focusing on assessing, providing recommendations, and development of assigned subject areas.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Rivero, duly carried, the Board waives further reading of the Proposed Ordinance and sets second reading and possible adoption for January 8, 2002 at 10:30 a.m.

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

ACTION ITEM NO. 23
2001-12-18 SHERIFF

Upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board accepts the Grant Award of up to \$500,000 from the Dept. of Justice, Federal COPS Program in support of the COPS Methamphetamine Discretionary Program and authorizes the Chairman to sign Contract No. 2001292; authorizes the former County Administrative Officer Gregory B. Wellman and the former Sheriff Tom Sawyer to sign the COPS Methamphetamine Grant Award due to the date of the award (5/1/2001) with the understanding that the department will proceed immediately with change documents to update the County Administrative Officer and Sheriff information with the Department of Justice Federal COPS office; authorizes the General Services Director to solicit proposals for the acquisition of equipment, accessories and installation and to sign contracts with the concurrence of Counsel and approve the necessary budget transfers.

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

ACTION ITEM NO. 31
2001-12-18 ADMINISTRATION

Upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board takes the following actions:

1. Approves the consolidation of Employees and Retirees and their respective dependents into a single group for the purpose of calculating premium rates starting January, 2002.
2. Approve the implementation of a 3% Separation Service Credit Scaled Rate Structure for Under 65 Retirees effective January, 2002, to be further reviewed for adjustments prior to January, 2003. (This action replaces the rate structure previously approved in 1996 to be implemented prospectively in 2006) And, approve the definition of service credit to include service years accrued in another retirement system, which is recognized under the provisions of the 1937 Retirement Act for reciprocity.
3. Approve 2002 Blue Cross premiums effective the first pay period for 2002 (payday is January 4, 2002) for all Eligible Employees and effective January, 2002 for Under 65 Retirees.
4. Approve 2002 Secure Horizons (Medicare HMO) renewal rates for Eligible Out of Area Over 65 Retirees.
5. Increase the Maximum Employer Amount for Over 65 Retirees covered by Blue Cross or Secure Horizons from \$199.50 to \$214.50.
6. Approve the Health Care MOU with the Coalition of Unions and authorize the Assistant County Administrator to sign Contract No. 2001305.
7. Authorize the Auditor-Controller to implement premium changes for Employees on January 4, 2002 and for Retirees on January 1, 2002 (Retirement Check received February 1, 2002).
8. Approve the Annual Agreement with Professional Benefit Services for Dental Claim and COBRA Administration and authorize the Chairman to sign Contract No. 9024.
9. Direct Risk Management to review the issue of Retiree access to purchase dependent dental coverage and return to the Board with more information by March, 2002.

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

ACTION ITEM NO. 35

2001-12-18 HEALTH – CHILDREN AND FAMILIES FIRST COMMISSION

Supervisor Cortez Keene advises at the December 17, 2001 meeting held by the Merced County Children and Families First Commission discussion was held and several decisions were made: 1) was to move the offices to a larger space, and 2) to move the oversight of the Program Manager Director to report to the CAO and further action will be coming back to the Board for changing the ordinance to accommodate this decision.

Following a lengthy discussion and upon motion of Supervisor Rivero, seconded by Supervisor O'Banion, duly carried, the Board requests the Director of Public Health and the County Administrator bring the matter back to the Board with a thorough review of alternatives, options and benefits of the proposed changed and, if appropriate, to include action to set the first reading for January 8, 2002 at 10:30 a.m. to consider an amendment to Ordinance No. 1620 – Merced County Children and Families First Commission.

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

ACTION ITEM NO. 35B
2001-12-18 UC MERCED OFFICE

Supervisor Kelsey advises her problem with the proposed contract with EIP Associates for preparation of the NCCP/HCP is that this one is tremendously vast from county line to county line and she will decline support at this time.

UC Merced Planning Director Robert Smith reviews the Staff Report and advising in recognition of the critical nature of the public involvement component of the contract, the vendor recommended additional efforts to involve as much of the public as possible.

Supervisor Rivero moves, seconded by Supervisor O'Banion, the Board approve and authorize the Chairman to sign Contract No. 2001302 with EIP Associates for preparation of the Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) and approve the necessary budget transfer (4/5 Vote Required).

Supervisor Kelsey votes "no". Motion carries.
Ayes: Cortez Keene, Crookham, Rivero, O'Banion
Noes: Kelsey

2:00 P.M. SCHEDULED ITEM
2001-12-18 UC MERCED DEVELOPMENT OFFICE

UC Merced Planning Director Robert Smith states at the December 11, 2001 meeting the Board provided staff initial policy direction on the following issues: Development Phasing, Agricultural Resource Mitigation, Water Related Infrastructure and School Facilities. A written response to these issues was prepared and distributed to the Board.

He further states this is not a public hearing and the action being requested is to reach an intended decision on the Draft University Community Plan and the final draft will then be referred to the Planning Commission for its formal recommendation.

Chairman Cortez Keene submits for the record a letter received from the Hunt Farms representative Sharon Dicker dated December 16, 2001.

Mr. Smith states there are three landowner interests before you today and there are representatives from the Hunt Family, Virginia Smith Trust and University of California.

Paul Reimer, Civil Engineer and consultant working with the Hunt Family for infrastructure of this proposal and implementation leading to the construction of resources so that everything moves ahead to provide the necessary support for the University. He submits and reviews a map entitled, UC Merced Community Plan, Conceptual Backbone Infrastructure Layout, December 2001.

Brian Boxer, Regional Vice President of EIP Associates, responds to Board questions.

Sharon Dicker of Hunt Farms appears before the Board and states if this is the plan decided to go forth with, they are prepared to make the land available and states the plan has been presented to both the Virginia Smith Trust Board and the University.

Following a lengthy discussion, Mr. Smith recommends acknowledgement and receipt of the plan as we move forward on the implementation of the plan. He states these are all good ideas presented but it would be premature and likely outside of the scope of the EIR to consider adoption and would be inappropriate action at this time. All this information provided today would be considered in the future planning decisions.

Lindsey Desrochers, Vice Chancellor for Administration-UC Merced, appears to speak not just as a representative of the University but also as a partner with Virginia Smith Trust. She states phasing of the development of the community is extremely important and would like to assure that the development and growth meets certain standards and efficient use of energy, infrastructure development and density of services to the campus. It is important that the development begin as an adjacent development to the university community and especially important in relationship to the town center if the town center is to integrate to this community and minimize traffic issues. She further states the revised language for the development phasing has been reviewed and it is felt this needs additional work and would like to be able to work on the criteria idea with Staff to further minimize impacts to the community and costs. She comments on the ag. mitigation stating it is the intent of the University to preserve the larger share of the Virginia Smith Trust land. In addition, the University is committed to quality schools and the University population will support schools. She states there is dialogue on the creation of a charter school on the university. She further comments on the water options and requirements and states it seems premature to be working on a specific type of options right now.

Following a lengthy discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Rivero, duly carried, the Board make an intended decision on the Draft University Community Plan and refer the matter to Staff to prepare a Final Draft University Community Plan for consideration by the County Planning Commission.

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