



SUMMARY ACTION MINUTES

MERCED COUNTY BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, DECEMBER 17, 2002

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

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

DEMITRIOS O. TATUM
COUNTY EXECUTIVE 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 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: Challenger Learning Center, Castle Airport

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: Three Case(s)

THE BOARD RECESSED INTO CLOSED SESSION AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND RECOGNITION

- ❖ Assemblyman Dennis Cardoza
Senator Dick Monteith
Congressman Gary Condit
- ❖ Outgoing Chairman for 2002
- ❖ Outgoing Chairman of the Airport Land Use Commission
- ❖ Mike Tanner, Ag. Commissioner
- ❖ Oath of Office - Dave Cardella, County Assessor

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: John Burgess and Rev. Solomon David from Merced Rescue Mission

UC MERCED PROJECT - LIAISON REPORT

RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Health - \$11,650 and UC Merced - \$22,038

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 35)

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

ADDED AGENDA ITEM:

REVIEW BOARD ORDER – SEE PAGES 14 AND 15

THE BOARD FINDS THE NEED TO CONSIDER THE FOLLOWING AND PLACES ON THE AGENDA FOR CONSIDERATION: (1) AG. COMMISSION CONTRACT RENEWAL, (2) RESOLUTION FORMING WILLOW CREST ESTATES STREET LIGHTING, (3) FINAL MAP FOR WILLOW CREST ESTATES AND (4) CASTLE AIRPORT BUILDING
AYES: ALL

ASSESSOR - PROPOSED ORDINANCES - SECOND READING AND POSSIBLE ADOPTION

An Ordinance Providing for Reassessment of Property Damaged or Destroyed by Misfortune or Calamity (Amends Ord. No. 1443 and County Code Chapter 5.16)

An Ordinance Providing for Notice of Escape Assessment of Property under Revenue and Taxation Code Section 531, 534 and 1605

REVIEW BOARD ORDER – SEE PAGE 15

PLANNING AND BUSINESS-ECONOMIC OPPORTUNITIES - PUBLIC HEARING

To consider the 2003 Community Development Block Grant (CDBG) Program, General and Native American Allocation and Economic Development Allocation

REVIEW BOARD ORDER – SEE PAGES 15 AND 16

PLANNING - PUBLIC HEARING - INTENDED APPROVAL

General Plan Amendment No. 99001, Zone Change Application No. 99001 and Master Plan, Pacific ComTech Park

To amend the County General Plan to expand the Castle Specific Urban Development Plan (SUDP) boundary to include a 372-acre site, to redesignate the property from Agriculture to Castle SUDP Aviation Industrial, to rezone the site from A-1 (General Agricultural) to PD-1 (Industrial Planned Development) and approve a related Master Plan for a future industrial park for a site located northeast of the Castle Airport and Aviation Development Center and southwest corner of Olive Avenue and Fox Road in the Winton area

REVIEW BOARD ORDER – SEE PAGES 16 AND 17

PLANNING - PUBLIC HEARING - INTENDED DECISION

General Plan Amendment Application No. 01005, Franklin-Beachwood Circulation Map Amendment

To amend the Circulation Map of the Franklin-Beachwood Community Specific Plan, contained within the General Plan Circulation Chapter

REVIEW BOARD ORDER – SEE PAGES 17 AND 18

PLANNING - 2002 CYCLE III ADOPTION

Adopt the 2002 Cycle III General Plan Amendment Resolution and related Zone Changes

General Plan Amendment No. 02004, Zone Change No. 02005 and Conditional Use Permit No. 02007

General Plan Amendment No. 01005

General Plan Amendment No. 99001 and Zone Change No. 99001 and Master Plan

REVIEW BOARD ORDER – SEE PAGE 18

11:00 A. M.

PLANNING – PRESENTATION

Presentation by Redevelopment Consultants on Financial Feasibility and considerations in establishing and administering Project Areas

REVIEW BOARD ORDER – SEE PAGE 19

REPORTS/BOARD DIRECTION

County Executive Officer

County Counsel

County Auditor

Board of Supervisors Members

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 35)

APPROVED AS RECOMMENDED AYES: ALL

Budget Transfers

1. Approve Budget Transfers submitted by Health-\$203,000, General Services-7,395 and Sheriff-\$500 as recommended by Executive Office.

Board of Supervisors Office

2. Set public hearing for January 14, 2003 at 10:30 a.m. to consider an Appeal to Zone Variance Application No. 02021 and Minor Subdivision Application No. 02037 submitted by Terrance and Beverly Hoffman.
3. Review and approve Minutes of August 13, 20, 27, 2002.

Claims for Damages

4. Act on Claims for Damages submitted by Raquel Hermosillo, Donna Crowder, Eve Clinton and Darold T. Barnes.

County Clerk

5. Certify the Results of the General Election held on November 5, 2002.

Public Works

6. Approve and authorize Public Works Director to sign Change Order No. 5 and 6 to Contract No. 200279 with Granite Construction for road rehabilitation work on Pioneer Road, Hutchins Road, San Juan Road, Indiana Road and Eucalyptus Road.

Health

7. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 6929 with State Water Resources Control Board for the Underground Storage Tank Program for FY 2002-2003.

ADOPTED RESOLUTION NO. 2002-230

Business-Economic Opportunities

8. Approve and authorize Chairman to sign Renewal Contract No. 2002104 with Wallrich Landi Integrated Marketing Communications for the Central San Joaquin Valley Regional FTZ No. 226 and the FOCUS Program.
9. Approve and authorize Chairman to sign Renewal Contract No. 200123 with Mercury Associates, Inc. in connection with FOCUS contract.

Ag. Commissioner

10. Approve and authorize Chairman to sign Renewal Contract No. 2000172 with Mariposa County Sheriff's Office to handle and dispose of animals on their behalf.

Human Services Agency

11. Approve and authorize Chairman to sign Renewal Contract No. 2001166 with Derrel's Mini Storage for client property storage.

Dept. of Workforce Investment

12. Approve and authorize Chairman to sign Amendment to Contract No. 2002105 with Jobs for Calif. Graduates, Merced County Inc. (JCGMC) to provide employment and training services to 225 Workforce Investment Act eligible out of school youth, ages 17 - 21.
13. Approve and authorize Chairman to sign Amendment to Contract No. 200115 with Merced County Office of Education for Regional Occupation Program to provide workforce services for younger youth.

Mental Health

14. Approve and authorize Chairman to sign Amendment to Contract No. 10476 with Merle V. Charles for services as Patient Rights Advocate and authorize preparation for the Request for Proposal for Patients Right Advocate to return to the Board for final approval.

Planning

15. Set public hearing for January 14, 2003 to consider General and Native American Allocation Grant from the Community Development Block Grant Program to be utilized from housing rehabilitation and/or other eligible activities.

Community Action Agency

16. Approve and authorize CAB Chairman to sign Contract with Delhi Unified School District for Delhi Head Start Center Facility.
17. Approve and authorize CAB Chair to sign Contract with Atwater Elementary School District for Atwater (Bellevue) Head Start Center Facility.
18. Approve and authorize CAB Chair to sign Amendment to Contract with Madera County Community Action Agency, Inc. for an increase in the Low Income Home Energy Assistance Program (LIHEAP) Weatherization Assistance Services.
19. Approve and authorize CAA to seek Grant Funding from the State Dept. of Housing and Community Development in the amount of \$41,697 for Emergency Housing Assistance Program (EHAP), authorize Executive Director to sign Resolution and authorize CAB Chair to sign Contract if awarded.

20. Approve and authorize the submittal of CAA Basic Head Start Program Grant Refunding Application to the State Head Start Regional IX Office for FY 2003-2004.
21. Accept and place CAA Information, Staff and Committee Reports on file.

Board Recognition

22. Authorize Certificates of Recognition to Norman Bettencourt, Dennis Morais, Bill Smith, Tony Thornberg, Carmen Custer, Lucille Jones, Nora Olson and Barbara Whittaker for appreciation of their dedication and hard work as a Hilmar Community Law Enforcement Officer Member.
23. Proclaim the month of November, 2002 as National Home Care Month and National Hospice Month in Merced County.
24. Authorize Certificate of Recognition to University Surgical and Diagnostic Center in recognition of their Grand Opening and Ribbon Cutting on November 15, 2002.
25. Authorize Certificate of Recognition to the Salvation Army in recognition of the service provided to the communities in the County of Merced.
26. Authorize Resolution and Plaque to Saint Jude Thaddeus Catholic Church in celebration of their 65th Anniversary on October 3, 2002.
27. Authorize presentation of Plaque to Joseph (Joe) John Rivero for an outstanding job as an Atwater City Council Member, November 1998 - November 2002.
28. Authorize Certificate of Recognition to Fred Souza for his dedicated service to the City of Gustine as City Council Member, Mayor Protem and Mayor.
29. Authorize Certificate of Recognition to Roy Richards for award as 2002 Cattlemen of the Year by the Merced-Mariposa Cattlemen's Association.
30. Authorize presentation of Plaque to St. Patrick's Parish in recognition of formal dedication and blessing of the St. Patrick's Parish Center and in recognition of their 75th Anniversary.
31. Authorize presentation of plaque to Merced Irrigation District in celebration of Open House Dedication on December 5, 2002.
32. Authorize presentation of County of Merced Key Welcoming UC Merced in celebration of the Merced Downtown Christmas Parade - 2002.
33. Authorize Certificates of Recognition to Robin Blake-2002 President, Doug and Ella Hawkins-President's Award, Peggy Flanagan Priest-Jesse Fees Memorial Award, Bob Ayers-Lifetime Achievement Award, Bob Calvino-Bill Del Nero Lifetime Achievement Award, Rhonda Patterson-Affiliate of the Year Award and Marilyn Landolina-Realtor selected by the Merced County Association of Realtors for Year 2002.
34. Authorize Certificates of Recognition to Frank Gallichio, Joe Machado and Marille Boles in recognition of volunteer leadership services to the Merced County 4-H Youth Development Program.

Travel Requests

35. Approve Travel Requests submitted by Sheriff as recommended by Executive Office.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

36. Request for Exclusive use by I.Q. Motorsports for Lake Yosemite for period of September 4 through 8, 2003 and exclusive use of Lake Yosemite Park from September 5 - 7 to host the International Hot Boat Races Association Drag Boat Races instead of period in June, 2003; waive restriction on amplified sound equipment; authorize temporary No Parking Zones along the roadways entering Lake Yosemite and authorize Chairman to sign Contract.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002242 AYES: 1, 2, 3, 5
NOT PRESENT: 4**

37. Authorize expenditure of \$5,010.70 from 2002-2003 Creeks Budget Unit No. 26000 to reimburse Turlock Irrigation District for Mustang Creek Watershed Project pump and drain maintenance.

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

38. Resolution authorizing Contract with State of California Dept. of Transportation (CALTRANS) for Freeway Project on State Route 99 between the Cities of Atwater and Livingston.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002240 AND ADOPTED
RESOLUTION NO. 2002-232 AYES: 1, 2, 3, 5 NOT PRESENT: 4**

39. Authorize expenditure of \$500 from Special Board Project Funds-District Five for membership in the San Joaquin River Resource Management Coalition (RMC) and approve the necessary budget transfer. (#026)

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

40. Authorize expenditure of \$300 from Special Board Project Funds-District One for the Le Grand Area Chapter of the Future Farmers of America operated through the Le Grand High School and approve the necessary budget transfer (#023).

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

41. Authorize the Public Works Director to sign Contract with Merced Irrigation District for electric service at the New Transit Facility and the existing County Center III Complex.

**AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2002241
AYES: 1, 2, 3, 5 NOT PRESENT: 4**

42. Short Term Rental Contract for Building 871 (former Fitness Center) at Castle Airport Aviation and Development Center with Buhach Colony High School to use the premises for conducting boy's basketball team practices until January 14, 2003

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002248 AYES: 1, 2, 3,
5 NOT PRESENT: 4**

43. Contract with Nacht and Lewis Architects in the total amount of \$1,178,890 for predesign and full architectural design services for a New Courts Building; authorize Public Works to work with Architect and to proceed with the Schematic Design Phase and Cost Estimate to come back to the Board for approval prior to being authorized to proceed for a fee not to exceed \$238,884 for this phase of work; authorize preparation and circulation of Request for Proposal to seek proposals from Construction Management (CM) firms for limited construction management services and authorize negotiation of a contract to come back to the Board for final approval.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002249 AYES: 1, 2, 3, 5
NOT PRESENT: 4**

HEALTH

44. Authorize public release of the Request for Proposals for Ground Ambulance Services and the operation of the Public Safety Answering Point for medical emergencies no later than January 6, 2003; rescind the approval of the \$250.00 fee for copies of the RFP and authorize the refund of any fees submitted to date; approve a non-refundable RFP submission fee of \$7,500 from those firms submitting a proposal in response to the RFP and direct EMS Agency Staff to coordinate with General Services and Abaris Group to conduct the RFP process and return to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

45. Designation of Timothy Livermore, M.D., M.P.H. as the Merced County Health Officer and appoint Dr. Livermore to the Merced County Children and Families Commission and the Merced County Emergency Medical Care Committee all effective as of January 13, 2003.

APPROVED AS RECOMMENDED AYES: ALL

46. Contract with State Dept. of Health Services for implementation of SB 2132 - Emergency Medical Services (EMS) Appropriation FY 2002/2003 in the amount of \$161,716.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002243 AYES: ALL

PLANNING

47. Authorize release of Request for Proposal to qualified consultants to provide services for 2003 Community Development Block Grant (CDBG) for implementation and administration, should it be funded and return to the Board for final contract approval.

APPROVED AS RECOMMENDED AYES: ALL

48. Authorize Chairman to sign the submitted Williamson Act Contracts with 28 property owners.

REVIEW BOARD ORDER – SEE PAGES 18 AND 19

APPROVED AS RECOMMENDED AYES: ALL

49. Contract with CRW Associates for Automated Permit Tracking System and related Customer Service Support.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002244 AYES: ALL

50. Contract with Jaxon Enterprises (Jaxon Ent. - applicant) for payment of costs related to preparing an EIR and processing of the Jaxon Mine Expansion application and Contract with Resource Design Technology (RDT - consultant) for professional environmental review and permit processing services in connection with the Jaxon Mine Expansion Application and approve the necessary budget transfer. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002245 WITH RESOURCE DESIGN TECHNOLOGY AND CONTRACT NO. 2002246 WITH JAXON ENTERPRISES AYES: ALL

HUMAN SERVICES AGENCY

51. Contract with The Public Health Institute/Calif. Center for Research on Women and Families to improve service delivery to at-risk families grant award and approve the necessary budget transfer-\$7,200. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

52. Authorize \$18,500 to Community Action Agency for funding of the Homeless Shelter operation in Merced, \$9,250 from Human Services Agency and \$9,250 from Mental Health; approve the necessary budget transfer and authorize notification to Community Action Agency that funding will not be available in future years.

APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

53. Contract with Business-Economic Opportunities to provide business retention services through Business Outreach Program.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002247 AYES: ALL

MENTAL HEALTH

54. Contract No. 10324 with Unity Care Group, Inc. for specialty mental health services for children.

APPROVED AS RECOMMENDED AYES: ALL

55. Contract with Chamberlain's Children's Services for specialty mental health services for children and approve the necessary budget transfer-\$10,000.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002250 AYES: ALL

CHILD SUPPORT SERVICES

56. Authorize release of Request for Proposal for Genetic Testing Services and authorize preparation and solicitation to return to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

57. Authorize release of Fast Open Contracts Utilization Services (FOCUS) Program Request for Joint Venture Proposal (RFJVP) for homeland security technology solutions and authorize selection and completion of contract negotiation to come back to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

LIBRARY

58. Authorize the Merced, Atwater, Dos Palos, Gustine, Livingston, Los Banos, South Merced-George and Winton Libraries to close at 5:00 p.m. on December 24 and December 31, 2002.

APPROVED AS RECOMMENDED AYES: ALL

AUDITOR

59. Disbursements of Superior Court Fine collected by the Franchise Tax Board pursuant to Section of the Revenue and Taxation Code and transferred to the Controller pursuant to Section 19282 of the R and T Code, the disbursements shall be made in the following order of priority: 1-Restitution ordered to, or on behalf of, the victim pursuant to subdivision(f) of Section 1202.4; 2-The state surcharge ordered pursuant to 1465.7; 3-Any fines, penalty assessments, and restitution fines ordered pursuant to subdivision(b) of section 1202.4. Payment of each of these items shall be made on a proportional basis to the total amount levied for all of these items and 4-Any other reimbursement costs.

APPROVED AS RECOMMENDED AYES: ALL

60. Authorize the Auditor-Controller to adjust the departmental Fixed Asset Inventory to make it agree with the actual fixed assets.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

61. Authorize a Trial Period Alternate Work Schedule (AWS) (4-10 Hour Shift per week), authorize Chairman to sign Contract with Merced County Sheriff-Operations Association Unit P and Merced County Sheriff-Operations Association Unit 10 for one shift change beginning January 13, 2003 for assigned Sheriff Sergeants and Deputy Sheriff staff.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002251 WITH MERCED COUNTY SHERIFF-OPERATIONS, ASSOCIATION UNIT 10 AND CONTRACT NO. 2002252 WITH MERCED COUNTY SHERIFF-OPERATIONS, ASSOCIATION UNIT P
AYES: ALL

UC MERCED

62. Authorize Staff to negotiate a Contract with the new owner of the currently occupied space at 3351 M Street, Suite 240 for a month-to-month lease and authorize staff to explore alternative space, if necessary.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

63. Contract with Katherine Hart and Barbara O'Neill for Contract Public Defender services in connection with the Indigent Defense Program.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002253 WITH KATHERINE HART AND CONTRACT NO. 2002254 WITH BARBARA O'NEILL **AYES: ALL**

64. Resolution urging the State to recognize its administrative oversight and fiscal responsibilities to the mandated In-Home Supportive Services and to take immediate steps to adequately fund the program without further eroding either County Realignment Revenue or the County General Fund.

ADOPTED RESOLUTION NO. 2002-233 AS RECOMMENDED **AYES: ALL**

65. Adopt Resolution and authorize signing of a formal comment letter in opposition to designation of land in eastern and central Merced County as Vernal Pool Critical Habitat and direct said action be forwarded to the U.S. Fish and Wildlife Service.

ADOPTED RESOLUTION NO. 2002-234 AS RECOMMENDED **AYES: ALL**

66. Approve 2003 Blue Cross premiums effective Pay Period 1 (January 3, 2003 Pay Day) for all eligible employees and effective January, 2003 for Under 65 Retirees; approve 2003 Secure Horizons (Medicare HMO) Renewal Rates for Eligible Out of Area >65's retirees; approve 2003 Dental Care rates for employees and dependents; approve a \$1,000 per year cap for Retiree and Retiree Dependent Dental Care for 2003 and authorize Retirees to purchase dental care for dependents at the 2002 employee dependent rate; Renew Contract No. 8357 with Vision Service Plan; approve Health Care MOU with the Coalition of Unions; approve Contracts with Mutual of Omaha Group Term Life Insurance Policies; authorize Auditor-Controller to implement premium changes for employees in Pay Period 1 and for Retirees on January 1, 2003 (Retirement Check received February 1, 2003); approve Renewal Contract No. 9024 with Professional Benefit Services for administration of the County's Dental Plan and COBRA for 2003.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002255 WITH COALITION OF UNIONS, CONTRACT NO. 2002256 WITH MUTUAL OF OMAHA GLUG P800,

CONTRACT NO. 2002257 WITH MUTUAL OF OMAHA GVTL 073R4; CONTRACT NO. 2002258 WITH SECURE HORIZONS AYES: ALL

67. Adopt class specification of Building Inspector I at Range 61.9 and approve changing the title of Building Inspector to Building Inspector II and adopt modified class specifications; adopt modified minimum qualifications for Building Plan Check Technician, Supervising Building Inspector and Deputy Building Official classifications and adopt Resolution to reflect an increase in combined inspector certification differential (5% to 10%) and the addition of the Building Inspector I/II classifications.

ADOPTED RESOLUTION NO. 2002-235 AS RECOMMENDED AYES: ALL

COUNSEL

68. Contract for legal services for foreclosure proceedings of delinquent assessment taxes.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002259 WITH SHERMAN AND FELLER, A LAW CORPORATION AYES: ALL

BOARD APPOINTMENTS

69. East Merced Resource Conservation District.

REAPPOINTED TIM JOHNSON UNTIL JANUARY 28, 2007 AND APPOINTED CYNTHIA LASHBROOK UNTIL JANUARY 28, 2007 TO SERVE AS MEMBERS OF THE EAST MERCED RESOURCE CONSERVATION DISTRICT AYES: ALL

70. Workforce Investment Board.

APPOINTED LEE ANDERSON, REPRESENTING THE MERCED COUNTY OFFICE OF EDUCATION, UNTIL JUNE 30, 2003 TO SERVE AS A MEMBER OF THE WORKFORCE INVESTMENT BOARD AYES: ALL

71. Merced County Mosquito Abatement District.

REAPPOINTED TED F. FRONCZAK, NORTHERN RURAL REPRESENTATIVE, UNTIL DECEMBER 31, 2004 TO SERVE AS A MEMBER OF THE MERCED COUNTY MOSQUITO ABATEMENT DISTRICT AYES: ALL

72. Ad Hoc Committee on Juvenile Offender Resource Options.

APPOINTED GORDON SPENCER, REPRESENTING DISTRICT ATTORNEY'S OFFICE, TO SERVE AS A MEMBER OF THE AD HOC COMMITTEE ON JUVENILE OFFENDER RESOURCE OPTIONS TO SERVE AT THE PLEASURE OF THE BOARD AYES: ALL

73. San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee.

REAPPOINTED LINDA FALASCO AND TERRY PRIEST TO SERVE AS MEMBERS OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT CITIZENS ADVISORY COMMITTEE UNTIL JANUARY 31, 2006 AYES: ALL

74. Delhi Municipal Advisory Council.

APPOINTED ARMANDO MOTA TO SERVE AS A MEMBER OF THE DELHI MUNICIPAL ADVISORY COUNCIL UNTIL JANUARY 3, 2007 AYES: ALL

COMMUNITY ACTION AGENCY

75. Authorize CAB Chair to sign the Ten Year Lease Contract with the Merced County Office of Education for the CAA Head Start Center Facility at Le Grand Elementary School Campus.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE

AYES: ALL

76. Business-Economic Opportunities re: Notification that AT&T Broadband price increases will be effective January 1, 2003.
77. Business-Economic Opportunities re: Notification that Comcast Corporation merger with AT&T Broadband was completed on November 18, 2002.
78. Public Works re: Bid Award to Quality Well Drillers for the Juvenile Justice Correctional Complex Potable Water Well Project.

AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2002227

79. Public Works re: Notification of termination of Contract No. 2002174 with Merco Credit Union for office space at Castle Airport.
80. Public Works re: Notice of termination of Contract No. 200265 with Community College Foundation for use as a Smog Check Referee Station at Castle Airport.
81. Public Works re: Notification of Grant Award to Castro Electric for Emergency Generator and Site Improvements at Building No. 1015 for Castle Airport Fiber Optics Equipment (EDA Grant Project).

AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2002228

82. Kern County Supervisor Barbara Patrick re: Request for Board to consider designation of member to serve as a member of the Executive Committee of the San Joaquin Valley Regional Association of California Counties (SJVRACC).
83. Calif. Earthquake Authority re: Annual Report dated 2001. (On file with Clerk)
84. Calif. State Assoc. of Counties re: 2002 Challenge Awards. (On file with Clerk)
85. State Water Resources Control Board re: Applications 1651 and 2778 - Order approving Petition for Temporary Transfer of Water from Oroville-Wyandotte Irrigation District to the Environmental Water Account.
86. University of California re: Copy of the University of California's 2001-02 Annual Financial Report. (On file with Clerk)
87. CALFED Bay-Delta Program re: Notice that University of California-Davis has submitted a revised application seeking funds for its proposal BIOLOGICAL, ASSESSMENT OF GREEN STURGEON IN THE SACRAMENTO-SAN JOAQUIN WATERSHED - Public Comment Period.
88. U.S. Dept. of the Interior re: Extension of Comment Period and the Notice of Availability of the Draft Economic Analysis for Proposed Designation of Critical Habitat for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants in California and Southern Oregon.
89. U.S. Fish and Wildlife Service re: Draft Economic Analysis released on proposed Critical Habitat for Vernal Pool Species.
90. State Fish and Game Commission re: Special Meeting Notice of December 20, 2002.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF EDYNA SISCHO-NOWNEJAD UNTIL TUESDAY, JANUARY 14, 2003 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – DECEMBER 17, 2002

10:00 A.M. ADDED AGENDA ITEM
2002-12-17 AGRICULTURAL COMMISSIONER

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board finds the need arose, subsequent to the posting of the agenda, to consider a Contract with the California Department of Food and Agriculture and places the matter on the Agenda for Board consideration.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board approves and authorizes the Chairman to sign Renewal Contract No. 2000138 with the California Department of Food and Agriculture for Glassy-winged Sharpshooter Control Program, approves the necessary Budget Transfer-\$11,246 and adopts Resolution No. 2002-236.

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

10:00 A.M. ADDED AGENDA ITEM
2002-12-17 PUBLIC WORKS

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board finds the need arose, subsequent to the posting of the agenda, to consider forming the Willow Crest Estates Street Lighting, Storm Drainage and Landscape Maintenance District and places the matter on the Agenda for Board consideration.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board forms the Willow Crest Estates Street Lighting, Storm Drainage and Landscape Maintenance Zone of Benefit No. 263 in County Service Area Number One and adopts Resolution No. 2002-237.

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

10:00 A.M. ADDED AGENDA ITEM
2002-12-17 PUBLIC WORKS

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board finds the need arose, subsequent to the posting of the agenda, to consider the final map for the Willow Crest Estates and places the matter on the Agenda for Board consideration.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board accepts the Final Map for Willow Crest Estates located in the Atwater area.

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

10:00 A.M. ADDED AGENDA ITEM

2002-12-17 PUBLIC WORKS

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board finds the need arose, subsequent to the posting of the agenda, to consider a lease option payment for a building at Castle and places the matter on the Agenda for Board consideration.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board approves the Lease Option Payment on Building 175 to current lease holder Challenger Learning Center Foundation in the amount of \$10,416.67 at Castle Airport and approves the necessary budget transfer. (4/5 Vote Required)

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

10:30 A.M. SCHEDULED ITEM

2002-12-17 ASSESSOR – Proposed Ordinance

The time and date previously set for the Second Reading and Possible Adoption of the following Proposed Ordinances: An Ordinance Providing for Reassessment of Property Damaged or Destroyed by Misfortune or Calamity (Amends Ordinance No. 1443 and County Code Chapter 5.16), and an Ordinance Providing for Notice of Escape Assessment of Providing for Notice of Escape Assessment of Property under Revenue and Taxation Code Section 531, 534 and 1605 as submitted by the Assessor.

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 waives further reading and adopts Ordinance No. 1688 - An Ordinance Providing for Reassessment of Property Damaged or Destroyed by Misfortune or Calamity (Amends Ordinance No. 1443 and County Chapter 5.16) and adopts Ordinance No. 1689 - An Ordinance Providing for Notice of Escape Assessment of Property under Revenue and Taxation Code Section 531, 534 and 1605.

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

10:30 A.M. SCHEDULED ITEM

2002-12-17 PLANNING/BUSINESS-ECONOMIC OPPORTUNITIES – Public Hearing

The time and date previously set for the public hearing to consider the 2003 Community Development Block Grant (CDBG) Program, General and Native American Allocation and Economic Development Allocation submitted by Planning and Business-Economic Opportunities Departments.

Planning and Community Development Director Bill Nicholson reviews the Staff Report stating a sign-in sheet is provided. Mr. Nicholson states Planning and Business-Economic Opportunities anticipate applying for the maximum grant amount of \$800,000 under the General and Economic Development components as well as the maximum grant amount of \$70,000 from the General and Economic Development Planning and Technical Assistant components.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board authorizes Planning and Business-Economic Opportunities Departments to develop applications to submit to the California Dept. of Housing and Community Development (HCD) for funding.

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

10:30 A.M. SCHEDULED ITEM

2002-12-17 PLANNING – Public Hearing

The time and date previously set for a public hearing to consider General Plan Amendment No. 99001, Zone Change Application No. 99001 and Master Plan, Pacific ComTech Park submitted by Pacific ComTech Park-MAG Limited Partnership. Said Application is to amend the County General Plan to expand the Castle Specific Urban Development Plan (SUDP) boundary to include a 372-acre site, to redesignate the property from Agriculture to Castle SUDP Aviation Industrial, to rezone the site from A-1 (General Agricultural) to PD-1 (Industrial Planned Development) and approve a related Master Plan for a future industrial park for a site located northeast of the Castle Airport and Aviation Development Center and southwest corner of Olive Avenue and Fox Road in the Winton area.

Planner Des Johnston submits and reviews the Staff Report and recommendations.

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

Jerry Callister, representative for the Morimoto Family, provides a brief history of the project, stating this proposed project will benefit the economy, the area and enhance job opportunities.

Planning Consultant Tim Miller states this application supports agricultural and industrial planned development and requests approval.

Dan McNamara speaks in support of Mr. Callister's proposal and requests assurance this will be used in an agricultural/industrial zone.

Lydia Miller, on behalf of the San Joaquin Raptor Rescue Center and Steve Burke, re-submits into record a letter submitted in November 2002 to the Planning Commission stating the Negative Declaration is not adequate and requests an Environmental Impact Report be done.

Bryant Owens states this property has many vernal pools.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board approves the Mitigated Negative Declaration prepared for General Plan Amendment No. 99001, Zone Change No. 99001, and Master Plan; and based on Findings in the Staff Report approves General Plan Amendment No. 99001, Zone Change No. 99001 and Master Plan subject to the following Conditions:

1. A Level 1 Site Assessment for hazardous waste and substances shall be conducted with submittal of 2nd phase entitlement applications.

2. To mitigate the loss of productive agricultural cropland, the applicant will implement one of the following subject to County approval:
 - a. Establish an agricultural conservation easement on the remaining portion of the ranch (or other similar valued agricultural property), at a one to one ratio, to offset this loss of farmland;
 - b. Participate in a countywide mitigation program;
 - c. Or, pay a mitigation fee to Merced County for the loss of agricultural cropland. Said fee to be determined through the development agreement process. This condition shall be incorporated into the Master Plan. (MM)

3. To mitigate the impacts of new project traffic on roadways in Merced County, including the state highway system, the applicant will, as required by Merced County:
 - a. Provide necessary intersection movements, road widening and structural section improvements as deemed necessary from traffic and geotechnical analysis report on roadway sections;
 - b. Pay proportionate share of cost of regional transportation improvements;
 - c. A traffic study will be prepared prior to the approval of either a site development plan or tentative map to determine the intersection, road widening and structural section improvements necessary to support project development as well as pro-rata cost share of regional transportation improvements. The traffic study will include thresholds to determine the timing of the required improvements. Developer will execute a Roadway Impact Agreement to implement the findings of the traffic study. This condition shall be incorporated into the Master Plan. (MM)

4. Approval of the Master Plan shall be for two years. Extensions of time up to three additional years in one year increments may be granted by the Planning Director if requested in writing before the expiration date and if conditions in the area have not substantially changed and the Master Plan is still consistent with the County General Plan and County Ordinances, and payment of appropriate fees. (Zoning Code Section 18.33.04.A.3.)

5. If the Master Plan time limit expires before the uses under the implementing Development Plan and/or Tentative Subdivision Map are initiated, the Planning Commission may initiate a zone change to consider rezoning the property to its original zoning or other appropriate zone. This approval of the Master Plan shall be recorded to advise any prospective property owners of this entitlement limitation. (Zoning Code Section 18.33.04.A.4.)

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

Abstains: Rivero

10:30 A.M. SCHEDULED ITEM
2002-12-17 PLANNING – Public Hearing

The time and date previously set for a public hearing to consider General Plan Amendment Application No. 01005, Franklin-Beachwood Circulation Map Amendment submitted by Merced County to amend the Franklin-Beachwood Circulation Map and adopt the Franklin-Beachwood Bridge and Major Thoroughfare area of Benefit Formation Report; the project area includes the community of Franklin-Beachwood.

Planning Consultant Bob Borchard submits and reviews the Staff Report with Planner Des Johnston.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board approves the Negative Declaration prepared for General Plan Amendment No. 01005 and General Plan Amendment Application No. 01005.

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

10:30 A.M. SCHEDULED ITEM
2002-12-17 PLANNING – Cycle III Adoption

The time and date previously set to consider the 2002 Cycle III General Plan Amendments for Board approval as submitted by Planning.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor O'Banion, duly carried, the Board approves 2002 Cycle III General Plan Amendment and related zone changes as follows:

Adopts Resolution No. 2002-231 for General Plan Amendment No. 02004 (Calvary Temple), General Plan Amendment No. 01005 (Franklin-Beachwood Circulation Plan) and General Plan Amendment No. 99001 (Pacific ComTech Park); waives further reading and adopts Ordinance No. 1690 for Zone Change Application No. 02005 and Ordinance No. 1691 for Zone Change Application No. 02003.

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

Not Present: Kelsey

ACTION ITEM NO. 48
2002-12-17 PLANNING

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board approves and authorizes the Chairman to sign Williamson Act Contracts with the following property owners:

- WA2002-0001 with Peter and Rochelle Koch;
- WA2002-0002 with Marvin and Betty Wooten;
- WA2002-0003 with Delbert H. Reed Trust;
- WA2002-0004 with Jack Boesch;
- WA2002-0005 with Jon-Mark and Tara Horta;
- WA2002-0006 with Robert Voris;
- WA2002-0007 with Ezequiel and Maria Corriea;
- WA2002-0008 with Joe and Mary Gomes Trustees (The Gomes Living Trust);
- WA2002-0009 with Santokh Singh and Amirt Clere Takhar;
- WA2002-0010 with Paramjit Singh;
- WA2002-0011 with Jack and Robert Boesch;
- WA2002-0013 with Donald Rose Trustee;
- WA2002-0014 with Luman Family Trust-Kenneth & Cheryl;

WA2002-0015 with Michael and Holly Pellicano;
WA2002-0016 with Gilardi Farms;
WA2002-0017 with William and Rosalie Gilardi;
WA2002-0018 with Michael and Wendy Vander Duessen;
WA2002-0019 with Groefsema Family Trust;
WA2002-0020 with Raymond and Hazel Revocable Trust;
WA2002-0021 with Jeffrey Dolan;
WA2002-0022 with Nickel Family LLC;
WA2002-0023 with Anthony and Diane Neves Living Trust;
WA2002-0024 with Anthony and Diane Neves Living Trust;
WA2002-0026 with Emmanuel and May Silva;
WA2002-0027 with David and Katherine Zollinger;
WA2002-0028 with Robert and Kim Rogina;
WA2002-0029 with Harold and Tommie Pearson Family Trust; and,
WA2002-0030 with Gary and Denise Roussett Hamaguchi.

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

11:00 A.M. SCHEDULED ITEM
2002-12-17 PLANNING - Presentation

The time and date previously set to receive a presentation by Redevelopment Consultants on Financial Feasibility and considerations in establishing and administering Project Areas.

Planning and Community Development Director Bill Nicholson reviews the Staff Report and introduces Gayle Coons, Consultant with McDonough, Holland & Allen. Ms. Coons reviews the feasibility study investigation and states the preliminary redevelopment areas are Delhi, Hilmar, Snelling, Castle Air Force Base, Winton, Planada, Le Grand, Franklin, Dos Palos Y, South Dos Palos (Midway), Santa Nella, Merced East and Merced West.

The Board receives the Consultants' presentation and directs Administration and Planning staff to come back in January with the final report and specific recommendations for whether or not to proceed with forming one or more redevelopment project areas.

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