



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, AUGUST 19, 2003

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
CHAIR KATHLEEN M. CROOKHAM....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
DEIDRE F. KELSEY....DISTRICT 4
JERRY O'BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

RUBEN E. CASTILLO
COUNTY COUNSEL

*All supporting documentation is available for public review in the Office of the Clerk of the Board of Supervisors located in the County Administration Building, Third Floor, 2222 "M" Street, Merced, California, 95340
During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.
(209) 385-7366*

SCHEDULED ITEMS

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: Tickenoff v. County of Merced - Case #145667

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (b) of Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Human Services Agency Director
Title: County Librarian

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

ADDED AGENDA ITEM:

REVIEW BOARD ORDER – SEE PAGE 6

THE BOARD FINDS THE NEED TO CONSIDER A CLOSED SESSION-CONFERENCE WITH LEGAL COUNSEL AND PLACES THE MATTER ON THE AGENDA FOR CONSIDERATION AYES: ALL

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

9:00 A. M.

IN HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

ADJOURN AS A BOARD OF SUPERVISORS AND MEET AS AN IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

SEE SEPARATE AGENDA

10:00 A. M.

PLEDGE OF ALLEGIANCE

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

UC MERCED PROJECT - LIAISON REPORT

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 8)

APPROVED AS RECOMMENDED AYES: ALL

10:30 A. M.

PLANNING – PUBLIC HEARING

General Plan Amendment No. 02010, Zone Change No. 02010, Property Line Adjustment No. 02036 and Administrative Application No. 03048 - Maria Rubio

To revise the General Plan map designation of a 4.6 acre parcel by adjusting the parcel specific boundaries of the present Ballico Specific Urban Development Plan (C) Commercial and (A-R) Agricultural-Residential designations. Also proposed is to change the zoning from C-2 (General Commercial) and R-2 (Two-Family Residential) to C-2 (General Commercial) and A-R (Agricultural-Residential), adjust the property lines of the 7 existing parcels to produce four adjusted parcels: Parcel No. 1=1.69 acres, Parcel No. 2=1.00 acre, Parcel No. 3=1.00 acre and Parcel No. 4=1.00 acre. Approval is requested of an administrative permit application to allow proposed Parcel No. 1 to be developed as a gas station and convenience store on property located on the east side of Ballico Avenue and on the south side of Park Avenue in the

Ballico area

REVIEW BOARD ORDER – SEE PAGE 6, 7 AND 8

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 8)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Waive restriction on use of amplified sound equipment by Quebecor on August 23, 2003 at Henderson Park (Clubhouse).
2. Waive restriction on use of amplified sound equipment by the Vietnam Veterans of America, Chapter 691 on September 19, 2003 at Courthouse Park for the National POW/MIA Recognition Day.
3. Set September 23, 2003 at 10:30 a.m. for the public hearing to consider Mitigated Negative Declaration/Initial Study for a proposed County Office Building and Expansion of the existing County Court Facility located in the City of Los Banos.

Mental Health

4. Approve and authorize Chairman to sign Renewal Contract No. 9193 with Stanislaus County Behavioral Health for inpatient psychiatric services for children and adolescents.

Ag. Commissioner

5. Adopt Resolution and authorize Chairman to sign Renewal Contract No. 10271 with Calif. Dept. of Food and Ag. for 2003-2004 High Risk Pest Exclusion Inspection Program.

ADOPTED RESOLUTION NO. 2003-142

Board Recognition

6. Authorize Certificate of Recognition to Beth Smith for selection as Hilmar Chamber of Commerce Distinguished Citizen Award.
7. Authorize Certificate of Recognition to Bill and Olivia King in celebration of their 30th Wedding Anniversary.
8. Authorize Certificate to Cheryl's Restaurant in celebration of their Grand Opening.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

9. Contract with Dos Palos Lions Club for management, maintenance and operation of the O'Banion County Park and all facilities located with the said park.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003159 AYES: ALL

10. Authorize expenditure of \$200 of Special Board Project Funds-District No. 4 to fund "River of Words" Project to offset the cost of the teacher's workshop to be held at Henderson Park Clubhouse.
APPROVED AS RECOMMENDED AYES: ALL

PUBLIC WORKS-CASTLE

11. Accept Federal Airport Aviation Administration Airport Capital Improvement Program Grant Offer to provide funds to rehabilitate the runway and add a precision approach path indicator (P.A.P.I.) at Castle Airport.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003160 WITH CALIF. DEPT. OF TRANSPORTATION FOR FEDERAL AVIATION ADMINISTRATION GRANT TO REHABILITY THE RUNWAY AYES: ALL

12. Authorize competitive bids for Central Valley Infrastructure Grant Program (CVIGP) Grant for Castle Airport and direct Public Works return to the Board with a recommendation on award to the lowest responsive bidder as long as within the amount approved in budget.
APPROVED AS RECOMMENDED AYES: ALL

13. Accept Federal Aviation Administration Military Airport Program Grant Offer for the following four projects at Castle: Relocate Runway 13/31 High-Intensity Runway Lighting-\$1,260,000; Improve Utility System-\$765,000; Rehabilitate Access Roads-\$300,000 and Rehabilitate Hangar (Alert Hangar Bldg. 1560 and Bldg. 1319)-\$675,000.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003161 WITH CALIF. DEPT. OF TRANSPORTATION FOR FEDERAL AVIATION ADMINISTRATION GRANT FOR FOUR PROJECTS AT CASTLE AYES: ALL

HEALTH

14. Review and approve Contract with Riggs Ambulance Service for Ground Ambulance Services.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003162 AYES: ALL

BOARD OF SUPERVISORS

15. SB 711 (Kuehl) Oak Woodlands Conversion Legislation.
PULLED FROM THE AGENDA – NO ACTION TAKEN

EXECUTIVE OFFICE

16. Contract with C. Logan McKechnie for Indigent Defense Services.
PULLED FROM THE AGENDA – NO ACTION TAKEN
17. Authorize vacation accrual extension for Sheriff Dispatch personnel (Sheriff Dispatcher and Supervising Sheriff Dispatcher) beginning Pay Period 17, 2003 and extending through Pay Period 26, 2003.
APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

18. SB 707 – Prohibit the certification of an EIR or approval of any negative declaration for any confined animal facility opening or expanding within three miles of a town or school site

unless the public agency takes specific actions and unless cities and schools within three miles of the project pass a resolution that the facility will not adversely affect the city or school.

ADOPTED RESOLUTION NO. 2003-143 AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

19. State Dept. of Transportation re: Letter in response to meeting on the issues of importance in Merced County.
20. U.S. Dept. of the Interior-Fish and Wildlife Service re: Final designation of Critical Habitat for four Vernal Pool Crustaceans and Eleven Vernal Pool Plants in Calif. and Southern Oregon.
21. State Dept. of Water Resources re: Report entitled San Joaquin Valley Drainage Monitoring Program 1999, which presents statistical data on the quality and quantity of agricultural drainage water in the Valley. (On file with Clerk)
22. State Air Resources Board re: Notice of Public Availability of Modified Text and Supporting Documents and Information - Public Hearing to consider adoption of the 2003 Amendments to the California Zero Emission Vehicle Regulations. (On file with Clerk)
23. American Planning Association re: Series of conferences tailored to the training needs of different groups.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF ELSIE HERNANDEZ AND SAM BENIDETTINO UNTIL TUESDAY, AUGUST 26, 2003 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – AUGUST 19, 2003

8:30 A. M. ADDED AGENDA ITEM

2003-08-19 CLOSED SESSION

County Counsel Ruben Castillo states a matter has arisen that requires Board consideration relative to an additional Closed Session to meet with Counsel concerning existing litigation.

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board finds the need to consider possible action and places the item on the agenda for consideration as follows: 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, Balestrery vs. County of Merced, Case # STK 162936.

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

Not Present: Kelsey

The Board recesses at 8:30 a.m. to consider all Closed Session matters and reconvenes at 8:30 a.m. with all members present and the Chairman advises Staff was given direction.

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

10:30 A.M. SCHEDULED ITEM

2003-08-19 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider General Plan Amendment No. 02010 and Zone Change No. 02010, Property Line Adjustment No. 02036 and Administrative Application No. 03048 filed by Maria Rubio. Said application is to revise the General Plan map designation of a 4.6 acre parcel by adjusting the parcel specific boundaries of the present Ballico Specific Urban Development Plan (C) Commercial and (A-R) Agricultural-Residential designations. Also proposed is to change the zoning from C-2 (General Commercial) and R-2 (Two-Family Residential) to C-2 (General Commercial) and A-R (Agricultural-Residential), adjust the property lines of the 7 existing parcels to produce four adjusted parcels: Parcel No. 1=1.69 acres, Parcel No. 2=1.00 acre, Parcel No. 3=1.00 acre and Parcel No. 4=1.00 acre. Approval is requested of an administrative permit application to allow proposed Parcel No. 1 to be developed as a gas station and convenience store on property located on the east side of Ballico Avenue and on the south side of Park Avenue in the Ballico area.

Planner III James Holland reviews the staff report and the Planning Commission recommendations.

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 exempts General Plan Amendment No. 02010, Zone Change No. 02010, Property Line Adjustment No. 02036 and Administration Application No. 03048 from CEQA; makes an intended

decision of approval of General Plan Amendment No. 02010, Zone Change No. 02010, Property Line Adjustment No. 02036 and Administrative Application No. 03048 subject to the following Conditions understanding Condition No. 6 was modified by the Planning Commission as listed and that Condition No. 13 be added to address the Right to Farm issues:

1. The applicants shall comply with all applicable regulations administered by the County. These regulations shall include, but not be limited to standards administered by the County Fire, Health, Planning and Public Works Departments.
2. The applicant shall comply with the Merced County Zoning Code Development Standards required for Automobile Service Stations and convenience stores (§18.47.19) including, but not limited to, the following:
 - i. All service and repair work shall be conducted entirely within an enclosed structure, except for dispensing of petroleum products, water and air from pump islands, and vacuuming stations.
 - ii. Pump islands shall be located a minimum of 20 feet from a street property line, however, a canopy or roof structure over a pump island may encroach up to 10 feet within this distance. Additionally, the cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands.
 - iii. No vehicle may be parked on the premises for the purpose of offering same for sale.
 - iv. No used or discarded automotive parts or equipment, or disabled, junked or wrecked vehicles may be located in any open area outside the main structure.Every service station shall have a trash receptacle on the premises. The trash receptacle shall be provided per Section 18.44 of the Merced County Zoning Code.
3. Prior to the submittal of any building permit application, the applicant shall submit a landscaping plan to the Planning and Community Development Department that provides for full implementation of the landscaping standards of the Merced County Zoning Code applicable to this site.
4. Any on-site signs proposed for the automobile service station and convenience store shall comply with the standards of Section 18.42 of the Merced County Zoning Code.
5. Prior to the submittal of any building permit application, the applicant shall submit a parking and lighting design that complies with all applicable standards of Section 18.40 of the Merced County Zoning Code.
6. The applicant shall make Level 1 improvements to the project site and abutting roadways consistent with the provisions of Section 16.08.040.A of the Merced County Code. Those improvements required along the (southern) property boundary with Santa Fe Drive may be deferred until such time as Santa Fe Drive is realigned by Merced County. The applicant shall therefore enter into a Deferment of Construction Agreement with the Merced County Department of Public Works for the future construction of these improvements.
7. The applicant shall submit a 'Can and Will Serve' letter from the Ballico Community Services District at the time of building permit submittal, for each separate parcel that is part of this application.

8. Prior to the issuance of a building permit for any parcel that is part of this application, the applicant shall submit to the Division of Environmental Health a full scale plot plan that shows all proposed sewage disposal system locations (including a 100% sewage disposal system replacement area) for review and approval. The applicant shall also submit at least one (1) soils report and percolation test (performed in a proposed sewage disposal system location) to the Division of Environmental Health for the purpose of determining sewage disposal system size and specifications.
9. Prior to the issuance of a building permit for the proposed automobile service station and convenience store, the applicant shall provide the Division of Environmental Health with an estimate of daily water usage for the proposed facility.
10. Upon applying for a building permit to construct a retail food facility (convenience store), the applicant shall submit a complete set of plans and specifications to the Division of Environmental Health for review and approval.
11. Upon applying for a building permit to install underground fuel storage tanks, the applicant shall submit a complete set of plans and specifications to the Division of Environmental Health for review and approval.
12. As required by the Merced County Subdivision Code, and the State Subdivision Map Act, the following shall be provided to the Planning and Community Development Department before Property Line Adjustment No. 02036 can be finalized by the recording of a Certificate of Compliance by the County:
 - a. The following documents prepared and “wet stamped” by a licensed land surveyor, or a registered civil engineer authorized to perform land surveying: 1) a Final Property Line Adjustment Map, as per Section 17.16.060 of the Subdivision Code; and 2) complete legal descriptions of all newly adjusted parcels;
 - b. A letter from the County Tax Department stating that taxes on all property involved have been paid;
 - c. If more than one property owner is involved, written notice from a title company stating that all necessary deeds are ready for recording and requesting that the County record the Certificate of Compliance.
13. The County Right-to-Farm Ordinance be applied at the building permit stage for future building of residential.

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



A G E N D A

MERCED COUNTY IN-HOME SUPPORTIVE SERVICES (IHSS) PUBLIC AUTHORITY

Regular Meeting
TUESDAY, AUGUST 19, 2003
9:00 A. M.

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

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

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

RUBEN E. CASTILLO
COUNTY COUNSEL

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

The Agenda is available online at www.co.merced.ca.us

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

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

9:00 A. M.

IN-HOME SUPPORTIVE SERVICES (IHSS) PUBLIC AUTHORITY

CLOSED SESSION: It is the intention of the IHSS Public Authority to meet in Closed Session pursuant to Subdivision (f) of Section 54957.6 concerning Conference with County of Merced Staff Negotiators(s) and United Domestic Workers (UDW)

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