



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, MAY 18, 2004

Closed Session – 9:00 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

GLORIA CORTEZ KEENE.....DISTRICT 1  
KATHLEEN M. CROOKHAM.....DISTRICT 2  
MICHAEL G. NELSON.....DISTRICT 3  
CHAIR 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

9:00 A. M.

**CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATOR:**

It is the intention of the Board to meet in Closed Session concerning a Conference pursuant to Section 54956.8 as follows:

Real Property Negotiator(s) Paul Fillebrown-Public Works Director  
Property: Development Services Facility

Real Property Negotiator(s) John Fowler-Business-Economic Opportunities Director

Property: Castle Airport Aviation and Development Center

9:00 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 - 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: Stephanie Carranza et al. v. County of Merced, et al, Merced Case No. 146183

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Subdivision (f) of Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers Association, Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P and Deputy Sheriff Association, Unit 10

**THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEMS**

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

**ADDED AGENDA ITEM:**

**REVIEW BOARD ORDER – SEE PAGE 10**

**THE BOARD FINDS THE NEED TO CONSIDER POSSIBLE ACTION ON (1) FOR SB 999 AND (2) CONTRACT AT CASTLE AIRPORT AND PLACES THE ITEMS ON THE AGENDA FOR CONSIDERATION**  
**AYES: ALL**

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

**PRESENTATION - [Just Health Care Ballot Initiative](#)**

**REVIEW BOARD ORDER – SEE PAGES 10 and 11**

**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)**

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

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) [Communications-\\$0, Public Works-\\$7,000 \(#065\) and \\$23,000 \(#062\) and Sheriff-\\$21,000](#)**

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1-17)**  
**APPROVED AS RECOMMENDED AYES: ALL**

10:30 A. M.

**PLANNING - PUBLIC HEARING**

Zone Change Application No. 03018 and Minor Subdivision Application No. 04002 - Proposal submitted by Donald Martin to change the existing zoning on one acre from R-3 (Multi-Family Residential) to R-1-5000 (Single-Family Residential) and subdivide the property into 5 parcels; Parcel 1-5 = 9,494 s.f. each on property located on the east side of Fern Street, and 650 feet north of Ashby Road in the Franklin-Beachwood area

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

**PLANNING - PUBLIC HEARING**

Zone Change Application No. 03012 and Major Subdivision Application No. 03011 - Proposal submitted by Self Help Enterprises (Joe and Mary Terra-Boa) to rezone and subdivide a 3.2 acre parcel from R-1 to R-1-5000 and create 18 lots of approximately 5,000 square feet each on property located on the east side of Hinton Avenue and approximately 400 feet north of Harmony Ranch Drive in the Delhi area

**REVIEW BOARD ORDER – SEE PAGES 13, 14, 15 AND 16**

**SHERIFF - PUBLIC HEARING - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING AND POSSIBLE ADOPTION FOR JUNE 8, 2004 AT 6:00 P.M.**

To consider proposed ordinance relating to Security Alarm Systems (Amends Title 10 Merced County Code and adds Chapter 10.80 thereof)

**REVIEW BOARD ORDER – SEE PAGES 16 AND 17**

**SHERIFF - PUBLIC HEARING - PROPOSED ORDINANCE - POSSIBLE ADOPTION**

To consider Establishment of New Fee Schedule for Services Performed for the Public by the Sheriff Department (Amends Ordinance No. 1663)

**REVIEW BOARD ORDER – SEE PAGE 17**

**SHERIFF**

**PUBLIC HEARING IS NOT REQUIRED, SEE BOARD ACTION ITEM #35**

Establishment of Fee Schedule for the Merced County Automated Fingerprinting Identification Fund by the Sheriff Department, Amendment of Resolution No. 88-340

**REPORTS/BOARD DIRECTION**

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

**LUNCH BREAK**

CONSENT CALENDAR (Items #1-17)

**APPROVED AS RECOMMENDED AYES: ALL**

Public Works

1. [Adopt Resolution setting June 22, 2004 at 10:30 a.m.](#) to consider Resolution of Necessity regarding Intent to Condemn Property for Construction of Avenue Two Bridge Over Canal Creek Project from Roger & Thelma Fragulia.

**ADOPTED RESOLUTION NO. 2004-87**

2. [Authorize assignment of Contract No. 200318 from](#) MV Transportation, Inc. to MV Public Transportation, Inc. (reassignment of subsidiary MV Public Transportation, Inc.).

Board of Supervisors

3. [Set public hearing for June 22, 2004 at 10:30 a.m.](#) to consider Appeal to Minor Subdivision Application No. 03069 submitted by Pete Bandoni.
4. [Set public hearing for June 22, 2004 at 10:30 a.m.](#) to consider Appeal to Zone Variance Application No. 04001 submitted by BJB Delhi Enterprise, Inc.

Mental Health

5. [Approve and authorize Chairman to sign Renewal](#) Contract No. 2004065 with Delhi United Drug for Pharmacy Services.
6. [Approve and authorize Chairman to sign Renewal](#) Contract No. 2004058 with Rite Aid Corporation for Pharmacy Services.
7. [Approve and authorize Chairman to sign Renewal](#) Contract No. 2004059 with Los Banos Drug for Pharmacy Services to mental health consumers.
8. [Approve and authorize Chairman to sign Renewal](#) Contract No. 200217 with State Dept. of Mental Health for State Managed Care Contract.

Health

9. [Approve and authorize Chairman to sign Renewal](#) Contract No. 2004115 with State Dept. of Health Services for Targeted Case Management Services.

Human Services Agency

10. [Approve and authorize Chairman to sign Renewal](#) Contract No. 2004116 with Merced County Office of Education for Vocational Training Services and authorize the Human Services Agency Director to sign subsequent amendments to the contract for change to work statement upon review of the Auditor and Counsel.
11. [Approve and authorize Chairman to sign Renewal](#) Contract No. 2004117 with Mental Health for Mental Health Services to CalWORKs participants and authorize the Human Services Agency and Mental Health Directors to sign amendments to the contract for change to work statement, procedures, policies, or reporting format and to change line items within the contract budget.
12. [Approve and authorize Chairman to sign Renewal](#) Contract No. 2004118 with Mental Health for Alcohol and Drug Services to CalWORKs participants and authorize the Human Services Agency and Mental Health Directors to sign amendments to the contract for change to work

statement, procedures, policies, or reporting format and to change line items within the interdepartmental agreement budget.

13. [Approve and authorize Chairman to sign Renewal](#) Contract No. 2000229 with Central Valley Opportunity Center for Specialized Spanish Speaking Services and authorize the Human Services Agency Director to sign subsequent amendments to the contract for change to work statement, procedures, policies or reporting format and to change line items within the contract budget.
14. [Authorize Human Services Agency Director to sign Letter](#) to State Dept. of Social Services for Food Stamp Waiver for Able-Bodied Adults without Dependents.

**REVIEW BOARD ORDER – SEE PAGES 17 AND 18**

Dept. of Workforce Investment

15. [Approve and authorize Chairman to sign Renewal](#) Contracts for the Workforce Investment Act Services as follows: No. 2002119-Registered Nurse Training with Merced College, No. 2002236-Plato Lab Services with Merced College; No. 2003264-Licensed Vocational Nurse Training Services with Merced College and No. 2003132-Plato Lab Services with Merced Adult School.

Business-Economic Opportunities

16. [Approve and authorize Chairman to sign Renewal](#) Contract No. 2004122 with Jose and Beth Lyn Ybarra for Castle Airport Sublease Contract for approximately 1591 square feet of land located on a parking ramp at Castle Airport Aviation and Development Center.

Treasurer

17. [Acceptance of the Quarterly Investment Report ending](#) March 31, 2004.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

18. [Authorize replacement of Exterior Doors and Access Control](#) System for Superior Courts, approve the Project Budget of \$49,707; approve Plans and Specifications and authorize competitive bid process, direct Public Works to return to the Board with results and approve the necessary budget transfer. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

19. [Reject the non-responsive bid of Bob Holl Sheet Metal, Inc.](#) and approve the revised estimated Project Budget of \$456,851 for the Upgrade to the HVAC at the Los Banos County Building-Human Services Agency and award the construction contract to Modern Air Mechanical in the amount of \$392,365 and approve the necessary budget transfer (H-25). (4/5 Vote Required)

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004125 AYES: ALL**

20. [Approve the revised estimated Project Budget of \\$80,000 for the conversion](#) of Room 607 into Male Dormitory Building No. 6 at the Correctional Facility, approve Plans and Specifications and authorize competitive bid process with Public Works to return to the

Board with results and approve the necessary budget transfer (#061) modifying previous action approved on March 30, 2004. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

21. [Authorize Sole Source Purchase of two 72" x 60" long](#) High Density Polyethylene Pipe (HDPE) from KWH Pipe, Ltd. for Clausen Road Bridge over the North Fork of Deadman Creek.

**APPROVED AS RECOMMENDED AYES: ALL**

22. [Amendment to Contract with Teichert Construction](#) for Planada Transportation Enhancement Activities/Highway 140 Beautification Project in Planada on State Route 140 and approve the necessary budget transfer-\$300,000 (#066). (4/5 Vote Required)

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200277 AYES: ALL**

23. [Approve purchase of a 960 square foot used relocatable building](#) for installation at the Correctional Facility and approve the estimated project budget of \$50,800; approve plans and specifications and authorize competitive bid process with report back to the Board on the bid results and approve the necessary budget transfer (#048). (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

24. [Award Contract for Castle Airport Runway](#) Rehabilitation Project to W. Jaxon Baker, Inc. in the amount of \$2,240,511.90; Lighting Equipment to Mer-Cal Electric in the amount of \$103,438; and Sweepster Lighted Runway Closure Marker to Sherwin Industries in the amount of \$17,206.98.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004119 WITH W. JAXON BAKER; CONTRACT NO. 2004120 WITH MER-CAL ELECTRIC AND CONTRACT NO. 2004121 WITH SHERWIN INDUSTRIES AYES: ALL**

25. [Auditor - Approve a Cash Flow Loan](#) to Castle Airport Development Fund from the General Fund for an amount not to exceed \$2 million for a period not to exceed 60 days and to bear an interest rate equal to the Treasury rate for the Runway Rehabilitation.

**APPROVED AS RECOMMENDED AYES: ALL**

#### LIBRARY

26. [Authorize the Library to accept donations and](#) purchase and install the Curbside Drive Up/ Book drop for the Merced Library and the Le Grand Branch Library, authorize and approve the necessary transfer of \$3,300 from Merced Trust Fund #2644 and \$2,450 from the Le Grand Trust Fund #2921 to the Library Revenue Account 97992. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

#### FIRE

27. [Accept donation from McKee Volunteer Fire](#) Department of the following equipment: one automatic heart de-fibrillator (Forerunner)-\$1,745, one positive pressure ventilation fan-\$1,500 and two Honda portable generators-\$800 each and direct the Fire Department to maintain the equipment at County Expense and to keep this equipment on apparatus assigned to the McKee Fire Station.

**APPROVED AS RECOMMENDED AYES: ALL**

#### DEPT. OF WORKFORCE INVESTMENT

28. [Contract with Merced College to provide Westside](#) PLATO Lab Basic Education Services.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004126 AYES: ALL**

29. [Contract with Merced College for Registered Nursing Training.](#)  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004127 AYES: ALL**

#### GENERAL SERVICES

30. [Declare Items 1-68 titled as Vehicles, Heavy](#) and Shop Equipment and Other Related Items on submitted document 'A' as Surplus Property to be sold at Castle Airport Aviation and Development Center Auction set for May 22, 2004 and authorizes its disposal. (4/5 Vote Required)  
**APPROVED AS RECOMMENDED AYES: ALL**

#### HEALTH

31. [Contract with State Water Resources Control Board](#) for water studies determining mitigation strategies to prevent contaminants from animal feeding operations from entering drinking water sources.  
**ADOPTED RESOLUTION NO. 2004-88 AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004112 AYES: ALL**

#### PROBATION

32. [Contract with Los Banos Unified School District](#) to station a deputy probation officer at Los Banos High School campus.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004237 AYES: ALL**
33. [Contract with Merced Union High School District](#) to station three deputy probation officers at high school campuses in the District.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004238 AYES: ALL**

#### PLANNING

34. [Contract with Stevinson Ranch - Savannah, G.P.](#) for processing the Stevinson Ranch Community Plan/SUDP Expansion, Stevinson Ranch Specific Plan and related EIR and approve the necessary budget transfer-\$50,821.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004128 AYES: ALL**

#### SHERIFF

35. [Resolution establishing the Merced County Automated Fingerprinting Identification Fund](#) (Fund No. 2621) and establishes in the County's Treasury a separate Trust Fund in accordance with Government Code Section 76102 (Amends Resolution No. 88-340).  
**ADOPTED RESOLUTION NO. 2004-89 AYES: ALL**

#### HUMAN RESOURCES

36. [Human Services Agency - authorize allocation](#) of three Full-Time C-IV Program Analyst positions, Range 68.7 and one Network System Support Analyst position, Range 65.7; delete three C-IV Technical Coordinator positions (BU 50012 Position Nos. 573, 574 and 575), Range 68.1 and one C-IV Program Caseworker position (BU 50012, Position 579), Range 63.5 understanding personnel in the positions to be deleted will return to their previous classifications as agreed to at the beginning of the C-IV assignment; adopt the new class specification for C-IV Program Analyst position and adopt Resolution.  
**ADOPTED RESOLUTION NO. 2004-90 AYES: ALL**

37. [Human Services Agency - add one additional Custodian position, approve the](#) necessary budget transfer-\$2,786 and adopt Resolution.

**ADOPTED RESOLUTION NO. 2004-91 AYES: ALL**

AUDITOR

38. [Approve annually assessing Santa Nella Plaza parcels](#) based upon the ratio of each parcel acreage to total acreage times the annual principal and interest debt service requirements.

**APPROVED AS RECOMMENDED AYES: ALL**

BOARD OF SUPERVISORS

39. [Support of SB 1197 \(Denham\) which would provide](#) funding to continue a feasibility study for additional water storage in the Upper San Joaquin River Basin and authorize correspondence be forwarded to appropriate legislative representatives.

**APPROVED AS RECOMMENDED AYES: ALL**

HEALTH

40. [Approve transfer of \\$3,200,000 to the State Dept.](#) of Health Services for the purpose of increasing Federal financial participation in Medi-Cal and instruct the Auditor to make such a transfer.

**PULLED FROM THE AGENDA – NO ACTION TAKEN**

41. [Amendment to the Facility Lease Agreement with Mercy](#) Medical Center Merced.

**PULLED FROM THE AGENDA – NO ACTION TAKEN**

42. [Approve Comment Letter to San Joaquin Valley](#) Air Pollution Control District regarding Best Available Control Technologies (BACT) on dairy facilities.

**APPROVED AS RECOMMENDED AYES: ALL**

BOARD APPOINTMENTS

BOARD INFORMATION & POSSIBLE ACTION

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

43. [Planning re: Notification of Award of 2004/05 CDBG](#) Grant for \$400,000 to be utilized for housing rehabilitation in the unincorporated communities of Planada, Franklin/Beachwood and Gurr Road area.

44. [P.G&E. re: Notification of Franchise Checks](#) totaling \$1,204,643.31 to the County of Merced.

45. [Yolo County District Attorney re:](#) Request for support of AB 2474- Extending mandated reporting of elder and dependent adult financial abuse to banks, credit unions and savings and loans.

**REVIEW BOARD ORDER – SEE PAGE 18**

46. [Preschool of California re:](#) Resolution in support of voluntary, quality preschool for all 4-year olds in California.

**REVIEW BOARD ORDER – SEE PAGE 18**

47. [State Dept. of Veterans Affairs re:](#) Notification that during the period of July 1, 2002 through June 30, 2003, the County Veterans Service Office obtained new and increased monthly cash benefits from the United States Dept. of Veterans Affairs in the amount of \$92,887.



48. [State Water Resources Control Board re:](#) Order approving Petition for Temporary Change under Permit 15026 (Application No. 5632) involving the transfer of water from Yuba County Water Agency to Dept. of Water Resources Environmental Water Account and 2004 Dry Year Purchase Program.

**ADJOURNED MEETING UNTIL JUNE 8, 2004 AT 6:00 P.M.**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 18, 2004**

### **9:00 A.M. SCHEDULED ITEM**

#### **2004-05-18 ADDED AGENDA ITEM – BOARD OF SUPERVISORS**

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board finds a need arose subsequent to posting of the agenda, to consider action relative to Senate Bill 999 (Machado) and places the item on the agenda for Board consideration.

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

Upon motion of Supervisor Nelson, seconded by Supervisor O'Banion, duly carried, the Board goes on record opposing Senate Bill 999 (Machado)-San Joaquin Valley Unified Air Pollution Control District Membership, authorizes the Chairman to sign a letter of opposition to be forwarded to the local legislators and adopts Resolution No. 2004-92.

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

### **9:00 A.M. SCHEDULED ITEM**

#### **2004-05-18 ADDED AGENDA ITEM – BUSINESS ECONOMIC OPPORTUNITIES**

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board finds a need arose subsequent to posting of the agenda, to consider action relative to the Castle Airport Aviation and Development Center and places the item on the agenda for Board consideration.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2004128 with the California Enterprise Zone/LAMBRA Program which will extend the expiration date of the Local Agency Military Base Recovery Area (LAMBRA) designation for Castle Airport Aviation and Development Center until June 1, 2012 pursuant to the requirements of AB 2875.

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

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

#### **2004-05-18 PRESENTATION - Just Health Care Ballot Initiative**

Dr. Salvador Sandoval, member of the Just Health Care Committee of the Merced Labor Party" provides and reviews a Ballot Summary dated May 18, 2004 and speaks concerning the Just Health Care Ballot Initiative and reviews the Universal Declaration of Union Rights-Article 25; 2010 Goals and Leading Health Indicators. He advises the goal is to provide all Merced residents with the same level of health care.

Bruce Harland, member of the Just Health Care Committee of the Merced Labor Party, reviews the process that has been followed with county staff and requests the Board authorize the Initiative be placed on the November General Election ballot and direct that the appropriate departments work with the Committee members in preparation of the required documentation and analysis. He further states the approximate cost is \$20,000 and asks that the cost not be the deciding factor to not place this on the ballot.

The following individuals appeared at the time noted on the Agenda as the "Public Opportunity to Speak": Dorothy Morning, Juan Ortiz, Priscilla Harland, Juanita Cavasos, Garnetta Beavers, Gloria Sandoval, Alicia Rodrigues, Barbara Fields and Julia Soares (speaking through a Spanish Interpreter) in favor of placing the matter on the ballot.

Following discussion, the Chairman clarifies that Dr. Sandoval and the group and individuals in favor of the "Just Health Care Ballot Initiative" will meet with staff to discuss the issue.

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

**10:00 A.M. SCHEDULED ITEM**  
**2004-05-18 PUBLIC OPPORTUNITY TO SPEAK**

Planada resident Kathleen Lopez appears before the Board and states objection on a recent newspaper article that is damaging to the reputation of the Planada Community Development Corporation. Ms. Lopez advises the Corporation does not owe \$8,000 for rent as alleged by the Community Action Agency and the Women, Infants and Children (WIC) Program does not want to relocate to the Community Hall as they are being requested to do.

Planada Community Development Corporation Program Manager David Corser states the Community Action Agency had a loan for the Planada Community Center to make the building a fully functioning building which has not occurred.

The following speak in support of the Planada Community Development Corporation and Youth Programs: Gloria Sandoval, Lucy Bara, Larry Rodriguez, Pat Densmore.

The Chairman advises staff will be working with the principals involved with the Planada Community Development Corporation.

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AFSCME Business Agent Kristi Waskewitz provides the Board with documentation stating the County did not notify Seng Lee that he was eligible for the Early Retirement Plan. Mr. Lee originally planned on retiring March 31, 2004 but since he is eligible, he would like to participate in the Plan. Ms. Waskewitz requests the matter be placed on the next Board Agenda for Board action if necessary.

Mr. Seng Lee requests the Board consider his Application for Early Retirement-Phase One.

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Bryant Owens states concern with the motives behind the Beautification of Highway 140, an item on today's Board Agenda.

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Merced resident Diane Antoine requests the Board consider Kaiser Permanente as a healthcare provider in Merced.

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

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

**2004-05-18 PLANNING- PUBLIC HEARING – ORDINANCE NO. 1721 - ADOPTED**

The time and date previously set for a public hearing to consider Zone Change Application No. 03018 and Minor Subdivision Application No. 04002 submitted by Donald Martin to change the existing zoning on one acre from R-3 (Multi-Family Residential) to R-1-5000 (Single-Family Residential) and subdivide the property into 5 parcels: Parcel No. 1 through 5=9,494 square feet each on property located on the east side of Fern Street and 650 feet north of Ashby Road in the Franklin-Beachwood area.

Planning and Community Development Director Bill Nicholson reviews the staff report.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board exempts Zone Change Application No. 03018 and Minor Subdivision Application No. 04002 from CEQA and based on Findings, approves Zone Change Application No. 03018 and Minor Subdivision Application No. 04002 subject to the following conditions:

1. The Parcel Map shall be recorded within two years of the Board of Supervisors' approval date.
2. Water and sewer improvements shall be constructed and applicable user fees paid as per the specifications and requirements of the Franklin County Water District.
3. Any phasing of the proposed subdivision shall be subject to review by the Merced County Fire Department.
4. The project proponents shall submit a current "can and will" serve letter from the Franklin Water District and Meadowbrook Water Company prior to recordation of the parcel map.
5. All existing dilapidated structures on the site are to be razed and removed in accordance with Merced County standards and under permit and inspection from the Division of Environmental Health. Any building not meeting setbacks shall be removed prior to recording the parcel map.
6. The project proponents shall satisfy the following:
  - a) The property owner shall dedicate to the County of Merced, annotated on the parcel map a 10-foot wide Public Utility Easement (PUE) along the entire street frontage of Fern Street frontage.
  - b) The property owner shall obtain an Encroachment Permit from the Department of Public Works/Road Division and install required street lighting along Fern Street frontage. Work shall be in accordance to the Merced County Public Works Improvement

Standards and Specifications. This work shall be completed prior to the recordation of the parcel map or after the structures are razed if acceptable security for the amount to cover the cost of required improvements is provided to Merced County prior to the recordation of the parcel map.

- c) The property owner shall form, annex to, or include into the lighting and drainage maintenance zones of benefit and pay the required process fees. This is to be accomplished through the Department of Public Works, Public Services Division and prior to the recordation of the parcel map.
  - d) Any damage to street infrastructure (curb, gutter, sidewalk, etc.) caused as the result of the demolition work shall be repaired by the property owner. Work shall be in accordance to the Merced County Public Works Improvement Standards and Specifications and shall require securing an encroachment permit prior to commencing work.
7. The project proponents shall obtain a letter from the Merced Irrigation District, if necessary, accepting storm drainage water from this proposed development into their facilities prior to recording the parcel map.
  8. The 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.
  9. Street trees shall be provided in the front yard of each lot at 30' on center for small trees and 40' on center for large trees. The tree species shall be accepted by the County Department of Public Works Parks and Recreation Division and Planning Department as part of the improvement plan approval process.
  10. This minor subdivision shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
  11. For the purpose of mitigation and/or condition monitoring, a fee in the amount of \$92.00 shall be required. The fee shall be paid prior to recordation of the Parcel Map.

and adopts Ordinance No. 1721.

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

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

**2004-05-18 PLANNING- PUBLIC HEARING – ORDINANCE NO. 1722 - ADOPTED**

The time and date previously set for a public hearing to consider Zone Change Application No. 03012 and Major Subdivision Application No. 03011 submitted by Self Help Enterprises (Joe and Mary Terra-Boa) to rezone and subdivide a 3.2 acre parcel from R-1 (Single-Family Residential) to R-1-5000 (Single-Family Residential) and create 18 lots of approximately 5,000

square feet each on property located on the east side of Hinton Avenue and approximately 400 feet north of Harmony Ranch Drive in the Delhi area.

Planner James Holland reviews the staff report and power point presentation.

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

Nancy Gerdson, Self-Help Enterprises, speaks in support.

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board approves the Mitigated Negative Declaration prepared for Zone Change No. 03012 and Major Subdivision Application No. 03011 and based on Findings, the Board approves Zone Change Application No. 03012 and Major Subdivision Application No. 03011 subject to the following conditions:

1. The Final Map shall be recorded within two years of the Planning Commission approval date.
2. Water and sewer improvements shall be constructed and applicable user fees paid as per the specifications and requirements of the Delhi Community Water District.
3. The project proponents shall 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. The Developer shall be responsible for all costs associated with relocating utilities outside of the west 10 feet of the existing 20-foot wide utility easement along the Hinton Avenue frontage or within Tierra de Oro Court.
4. The developer shall release and relinquish all abutters' rights of vehicular access to and from the entire Hinton Avenue frontage of Lots 1 and 18.
5. The developer shall widen Hinton Avenue to a distance of 24 foot from centerline to face of curb.
6. The developer shall construct a storm drainage facility within the boundary of the Tierra de Oro Subdivision as shown on the tentative map.
7. The developer shall pay the Merced County Department of Public Works Road Division \$500.00 to process a summary vacation of the west 10 feet of the 20-foot wide public utility easement (P.U.E) including all portions of the easement located within the Hinton Avenue and Tierra de Oro Court road right-of-way dedication. The developer's land surveyor or engineer shall provide a legal description and exhibit map of the portion of P.U.E. to be vacated. The \$500.00 processing fee, legal description, and exhibit map shall be submitted to and accepted by the Road Division prior to final map recordation.
8. All lot grading shall be completed, all underground improvements shall be installed and aggregate base material on all new streets shall have been rough graded and compacted, 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.

9. The developer shall provide centerline striping for the intersection of Tierra de Oro Court and Hinton Avenue.
10. The developer shall plant a minimum of one street tree per residential lot. The tree species must be accepted by the Department of Public Works, Division of Parks and Recreation and the Planning Department as part of the improvement plan approval, and trees shall be located outside of any public utility easement areas.
11. Any private irrigation facilities currently existing on the Tierra de Oro property shall be removed and plugged at the property line.
12. Any residential lots created that will no longer irrigate, or have direct access to irrigation water, must request abandonment from the Turlock Irrigation District (TID).
13. The developer shall apply to the TID for a facility change for any required pole or electrical facility relocation. Facility changes will be performed at the developer's expense.
14. Construction equipment used at the site shall be equipped with catalysts/particulate traps to reduce particulate and NOx emissions unless demonstrated to be infeasible by project contractors.
15. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
16. Construction activities disturbing one or more acres are required by the State Water Resources Control Board (SWRCB) to obtain a General Construction Activity Stormwater Permit and a National Discharge Elimination System (NPDES) permit. Prior to the initiation of grading, the project sponsor shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to water quality during construction of the project. As required by regulations implementing the Construction Stormwater Permit, the SWPPP shall include:
  - a) Specific and detailed Best Management Practices (BMPs) to mitigate construction related pollutants, including sediments. These controls would include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricant, paints, solvents, and adhesives) with stormwater. The SWPPP would specify property designed centralized storage areas that keep these materials out of the rain and/or protected from the wind.
  - b) Dust control BMPs for the stabilization of exposed surfaces and to minimize activities that suspend or track dust particles. For heavily traveled and disturbed areas, wet suppression (watering), chemical dust suppression, gravel or asphalt surfacing, temporary gravel construction entrances, equipment wash-out areas, and haul truck covers can be employed as dust control applications. Permanent or temporary vegetation and mulching, and sand fences can be employed to prevent sediment-laden stormwater from reaching receiving waters, or to force stormwater from reaching receiving waters, or to force stormwater to drop their sediment load insight.
  - c) The SWPPP is required to specify a monitoring program to be implemented by the construction site supervisor. SWRCB personnel, who may make unannounced site

inspections, are empowered to levy appropriate fines if it is determined that the SWPPP has not been properly prepared and implemented.

17. In order to determine impacts to irrigation facilities, TID requires that the project sponsor submit plans detailing existing irrigation facilities relative to the proposed project improvements.
  - a) If it is determined that irrigation facilities will be impacted, the project sponsor shall provide irrigation improvement plans to TID and enter into an Irrigation Improvements Agreement. The project sponsor shall pay the necessary Improvement Plan review fee for the required irrigation facility modifications.
  - b) Developed property adjoining irrigated ground shall be graded so that finished grading elevations are at least 6 inches higher than irrigated ground. A protective berm shall be installed to prevent irrigation water from reaching non-irrigated properties.
18. For the purpose of mitigation and/or condition monitoring, a fee in the amount of \$276.00 shall be required. The fee shall be paid prior to recordation of the Final Map.

and adopts Ordinance No. 1722.

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

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

**2004-05-18 SHERIFF- PUBLIC HEARING – PROPOSED ORDINANCE**

The time and date previously set for a public hearing to consider Proposed Ordinance entitled An Ordinance Adding Security Alarm Systems (Adds Chapter 10.80 thereof amending Title 10 of the County Code) submitted by the Sheriff Department.

Supervisor O'Banion recommends changes to Paragraph A of Section 10.80.050, False Alarm Prevention Fee stating it should be changed to read that the assessment shall be established by the Merced County Board of Supervisors and Paragraph D (same section) should be changed to indicate any fee or late fee assessed pursuant to this article shall be deemed a debt to the County and turned over to Revenue and Reimbursement for appropriate action.

Undersheriff Bill Blake advises a First Notice of a Fee or Late Fee Due will be sent by the Sheriff's Department and then if payment is not received, the matter is turned over to Revenue and Reimbursement.

Supervisors O'Banion and Crookham refer to Section 10.80.110 – Appeals and states there should be another means of appeal, rather than the Sheriff and it should come before the Board.

Supervisor Cortez Keene states concern requesting the local Municipal Advisory Councils be given the opportunity to review the Proposed Ordinance.

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board waives further reading of the Proposed Ordinance to Establish a Security Alarm System (Adds Chapter 10.80 Thereof and amends Title 10, Public Peace, Morals and Welfare, of the Merced County Code, and) as amended.



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

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board sets second reading and possible adoption of the Proposed Ordinance for June 8, 2004, at 6:00 p.m.

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

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

**2004-05-18 SHERIFF - PUBLIC HEARING – ORDINANCE NO. 1723 - ADOPTED**

The time and date previously set for a public hearing to consider a Proposed Ordinance to consider Establishment of a New Fee Schedule for Services performed for the Public by the Sheriff's Department.

Supervisor O'Banion requests Item 11, False Alarm Prevention Assessment/Penalty Fee be changed to be referred to Revenue and Reimbursement.

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board waives further reading of the Proposed Ordinance titled An Ordinance to Establish a New Fee Schedule for Services Performed for the Public by the Merced County Sheriff's Department (Repeals Ordinance No. 1663 and Adds Chapter 5.40 to the County Code).

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

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board adopts Ordinance No. 1723 as amended in Item 11 under Section 5.40.2. General Fees.

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

**CONSENT ITEM NO. 14**

**2004-05-18 HUMAN SERVICES AGENCY**

The Chairman advises Consent Item No. 14 from Human Services Agency requesting approval of a Food Stamp Waiver for Able Bodied Adults without Dependents is before the Board for consideration.

Supervisor Cortez Keene questions if this is a program Merced County has participated in the past.

Supervisor Nelson states concern with the request stating Able-Bodied Adults without Dependents should be able to find employment.

Human Services Agency Director Ana Pagan responds stating Merced County applied for and was granted the waiver last year.

Following discussion, Supervisor O'Banion moves, seconded by Supervisor Kelsey, the Board authorize the Human Services Agency Director to sign and submit a letter to the California Dept. of Social Services requesting the Food Stamp Waiver for Able-Bodied Adults Without Dependents.

Supervisors Cortez Keene and Nelson vote "no". Motion carries.

Ayes: Kelsey, Crookham, O'Banion

Noes: Cortez Keene, Nelson

**INFORMATION ITEM NO. 45**

**2004-05-18 ASSEMBLY BILL 2474**

The Board requests a Letter of Support be sent to the Yolo County District Attorney relative to correspondence received on AB 2474, Extending Mandated Reporting of Elder and Dependent Adult Financial Abuse to banks, credit unions, and savings and loans.

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

**INFORMATION ITEM NO. 46**

**2004-05-18 PRESCHOOL OF CALIFORNIA**

The Board requests information received from Preschool of California be placed on the next agenda for possible Board action.

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