



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, APRIL 26, 2005

Closed Session – 8:30 a.m.

Regular Meeting – 9:00 a.m.

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

JOHN PEDROZO.....DISTRICT 1  
KATHLEEN M. CROOKHAM....DISTRICT 2  
MICHAEL G. NELSON.....DISTRICT 3  
DEIDRE F. KELSEY....DISTRICT 4  
CHAIRMAN 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 - 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 Cases

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

9:00 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)**

**The following speak: Marshall Krupp representing the Los Banos Unified School District regarding the Fox Hills Project**

**PRESENTATIONS**

**MERCED COUNTY 2005 VOLUNTEER RECOGNITION AWARDS**

James Adams, Dr. Peter Brill, Sally Ford Machado and William Machado, Bettylou George, Dee Near, Bimley West and Evelyn Williams, Comcast Cares, Dos Palos Memorial Hospital Assistance League, Phi-Theta Kappa Honor Students of Merced College

**A RECEPTION WILL BE HELD IN ROOM 310 IN HONOR OF AWARDS**

**RECOGNITION - Jim O'Banion - Merced County Fire Department**

10:00 A. M.

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Health-\$42, \$50,000 and Public Works-\$8,000 (#075), \$3,000 (#078) and \$19,500 (#082)**

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 23)**

**APPROVED AS RECOMMENDED AYES: ALL**

10:15 A. M.

**PRESENTATION by Caltrans - Selection of Alternatives for State Highway 152 - Los Banos Bypass and Resolution approving a Preferred Alternative Route for the Los Banos Highway 152 Bypass**

**REVIEW OF BOARD ORDER – SEE PAGE 10**

10:30 A. M.

**COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING**

To consider Request for Joint Venture Proposal No. (RFJVP) 5967 for the Fast Open Contracts Utilization Services (FOCUS) Program specializing in Computer Hardware and Software Solutions Contract Awards for the following categorical awards:

Category 1: Davis Office Systems, Inc.; Fairfax Imaging, Inc.; IKON Office Solutions, Inc.; Target Computer Inc.; Tech Depot.

Category 2: Davis Office Systems, Inc.; Fairfax Imaging, Inc.; IKON Office Solutions, Inc.; Target Computer Inc.; Tech Depot.

Category 3: Davis Office Systems, Inc.; Fairfax Imaging, Inc.; IKON Office Solutions, Inc.; Target Computer Inc.; Tech Depot.

Category 4: Fairfax Imaging, Inc.; IKON Office Solutions, Inc.; Target Computer Inc.

Category 5: Fairfax Imaging, Inc.; IKON Office Solutions, Inc.; Target Computer Inc.

Category 6: Davis Office Systems, Inc.; Fairfax Imaging, Inc.; Target Computer Inc.; Tech Depot.

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

### **PLANNING - PUBLIC HEARING**

Appeal of the Planning Commission Denial of Conditional Use Permit No. 04010 - Dolores Tagge

To legalize a third residence and add three more residences for family members for a total of six homes on a 34.4 acre parcel on property located north of August Road approximately 500 feet east of State Route 165 in the Hilmar area

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

### **PLANNING - PUBLIC HEARING - PROPOSED ORDINANCE, POSSIBLE ADOPTION**

Fox Hills Major Subdivision Development Agreement and Ordinance (Major Subdivision Application No. 97006)

**REVIEW BOARD ORDER – SEE PAGE 12**

### **REPORTS/BOARD DIRECTION**

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

### **LUNCH BREAK**

## CONSENT CALENDAR (Items #1 - 23)

**APPROVED AS RECOMMENDED AYES: ALL**

### Public Works

1. Adopt Resolution authorizing installation of a Stop Sign at the Intersection of Falling Oak Avenue and Mulberry Avenue, as part of Willow Crest Estates Subdivision in Atwater, and authorize installation of stop sign on the Falling Oak Avenue approach to the intersection.

**ADOPTED RESOLUTION NO. 2005-59**

2. Adopt Resolution authorizing installation of a Stop Sign at the Intersection of Elliott Avenue and Quinley Avenue, as part of Willow Crest Estates Subdivision in the Atwater area, and authorize installation of a stop sign on the Elliott Avenue approach to the west side of the intersection.

**ADOPTED RESOLUTION NO. 2005-60**

3. Adopt Resolution authorizing installation of a Stop Sign at the intersection of Acorn Drive and Swan Road, as part of Willow Crest Estates Subdivision in Atwater, and authorize

installation of a stop sign on Acorn Drive approach to the intersection.

**ADOPTED RESOLUTION NO. 2005-61**

4. Adopt Resolution authorizing Public Works Director to sign Regional Surface Transportation Program (RSTP) Exchange Fund Apportionments Claim for FY 2004/2005 and submit to MCAG for processing.

**ADOPTED RESOLUTION NO. 2005-62**

5. Adopt Resolution honoring Roy Turney for 38 years of service to Merced County.
6. Adopt Resolution honoring David Jones for 37 years of service to Merced County.
7. Adopt Resolution honoring Stephen Hamilton for 31+ years of service to Merced County.

**Fire**

8. Proclaim the week of May 9 through 16, 2005 as "Wildlife Awareness Week" in the County of Merced.
9. Approve and authorize Chairman to sign Amendment to Contract No. 2005083 with Fresno County Fire Protection District for Fire Protection Services to provide instant aid.

**Mental Health**

10. Proclaim the month of May, 2005 as "Mental Health Month" in the County of Merced.
11. Adopt Resolution approving the Substance Abuse and Crime Prevention Act of 2000 Fiscal Year 2005-2006 County Plan.

**ADOPTED RESOLUTION NO. 2005-63**

12. Approve and authorize Chairman to sign Amendment to Contract No. 2004136 with Joseph V. Melton, LMFT, for services as a Certification Review Hearing Officer.

**Commerce, Aviation & Economic Development**

13. Approve and authorize the Chairman to sign Addendum to Contract No. 200186 with Castle Knights Aviation, Inc. dba Gemini Flight Support for the use of Building #1336, Fuel Storage Tanks 4130 and 4131 and approximately 2.91 acres at Castle Airport Aviation and Development Center.

**Ag. Commission**

14. Approve and authorize Chairman to sign Renewal Contract No. 2004158 with USDA-APHIS Wildlife Service to provide Predatory Animal Control.
15. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2004160 with Calif. Dept. of Food and Agriculture for Weighmaster Enforcement Inspection services.

**ADOPTED RESOLUTION NO. 2005-64**

16. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2004159 with Calif. Dept. of Food and Agriculture for Petroleum Product Inspections.

**ADOPTED RESOLUTION NO. 2005-65**

**Health**

17. Approve and authorize Chairman to sign Renewal Contract No. 200179 with Central California Child Development Services for interagency cooperation services for Child Health and Disability Prevention Program and the Central California Child Development Services.

### Sheriff

18. Set public hearing for May 3, 2005 at 10:30 a.m. to consider proposed ordinance for 2005/2006 Criminal Justice Administrative Fees (Booking Fees).

### Human Services Agency

19. Proclaim May, 2005 as "Employment Services Professionals Awareness Month" in the County of Merced.
20. Approve and authorize Chairman to sign Amendment to Contract No. 2005084 with San Mateo County Consortium for Cash Assistance Program for Immigrants.

### Executive Office

21. Ratify appointment of Richard Mahacek as the Interim Director for UC Cooperative Extension effective May 1, 2005.

### U.C. Cooperative Extension

22. Adopt Resolution honoring James Farley for 35 years of service to the County of Merced.

### Board Recognition

23. Authorize Certificates of Recognition to Golden Valley High School-Chiew Saelee, Brooke Fuller, Cameron (Cami) Wilkerson, Daniel Brooks, Erik Amezcua, Inen Cheng, Kelia Unique Bean, Tera Marie Guzman; Merced High School-Adam Cox, Peter Starkweather, Nou Her, Lisa Chow; Buhach High School-Justin Lawson and Chowchilla High School-Chelsea Peterson honored by the Greater Merced Chamber of Commerce Junior Leadership Merced Class One.

## REGULAR CALENDAR

### BOARD ACTION

#### PUBLIC WORKS

24. Execute Grant Deed to Janie E. Schropp to return donated parcel on Franklin Road designated for a Fire Station known as Lot 4 since the parcel is no longer needed for Fire Station purposes.

**APPROVED AS RECOMMENDED      AYES: ALL**

25. Accept Grant Deed from Pat C. Murphy and Leslie Murphy for acquisition of land for Fire Station 82 and authorize signing of Grant Deed to Pat C. Murphy and Leslie Murphy, husband and wife, as Joint Tenants; direct Public Works to open an escrow with Fidelity Title, Merced and to pay all costs for the necessary real property transactions associated with the Fire Station 82 acquisition and direct Public Works to prepare a Record of Survey documenting the boundaries of this parcel and the Fire Station 82 parcel.

**APPROVED AS RECOMMENDED      AYES: ALL**

26. Contract with Carollo Engineers for the design of an Arsenic Treatment System for the John Latoracca Correctional Center/Iris Garrett Juvenile Justice Complex; Stevinson Head Start/Fire Station Buildings and residence at Hagaman Park; authorize consultant to move forward with Task 1-Treatment Process Evaluation for a total-not-to-exceed cost of \$18,100

at this time; approve utilizing excess Capital Improvement Funds which remain from the construction of the Juvenile Justice Correctional Facility in the amount of \$32,500 for services related to Task 1 and approve the necessary Budget Transfer-\$32,500 (#077). (4/5 Vote Required)

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005085 AYES: ALL**

27. Accept Proposal and Contract for purchase of Software Licenses, Training and Data Conversion from CRW Associates for Permit Trak Software and approve the necessary Budget Transfer-\$56,000 (#080). (4/5 Vote Required)

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005086 AYES: ALL**

28. Declare the recently replaced commercial kitchen range at the Gustine Veteran's Building as Surplus Property and donate it to the Gustine Rotary Club as authorized by Government Code Section 25372.

**APPROVED AS RECOMMENDED AYES: ALL**

29. Authorize use of Houlihan Park for the Annual Planada Community Day Celebration set for May 14, 2005; waive amplified sound; authorize sale of food by the Municipal Advisory Council and approve road closures.

**APPROVED AS RECOMMENDED AYES: ALL**

30. Award the Contract for Refurbishment of Buildings 1, 2 and 3 at Human Services Agency to Commercial Construction Company and approve the necessary Budget Transfer-\$17,000. (#089) (4/5 Vote Required)

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005087 AYES: ALL**

31. Resolution accepting an Easement Deed executed by property owner Doris M. Francesconi, Trustee of the Gino and Doris Francesconi Family Trust dated July 17, 1996, conveying a ten-foot wide public utility easement to Merced County on a parcel located in the Merced area, as required by one of the Conditions of Approval of Property Line Adjustment No. 04031.

**ADOPTED RESOLUTION NO. 2005-67 AS RECOMMENDED AYES: ALL**

#### DISTRICT ATTORNEY

32. California Witness Protection Program - authorization for increase in Revenue and Expenditures in the amount of \$56,000 and approve the necessary Budget Transfer. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

33. Amendment to Contract No. 2004225 and Amendment to Contract No. 2004226 with Human Services Agency for Investigation of CalWORKS and Food Stamp Fraud Program; approve the purchase of two SUV's and one Sedan for the Program and approve the necessary Budget Transfer-\$96,558.

**APPROVED AS RECOMMENDED AYES: ALL**

#### PROBATION

34. Resolution for continued funding of Juvenile Justice Crime Prevention Act Allocation and authorize submission to the State Board of Corrections.

**ADOPTED RESOLUTION NO. 2005-68 AS RECOMMENDED AYES: ALL**

35. Ad Hoc Committee on Juvenile Offender Resource Options - membership updates.

**APPOINTED CHIEF PROBATION OFFICER BRIAN COOLEY AND CORRECT RECORD FOR SALLY VAUGHT TO SALLY LATORRACA (Director of Child Advocates)**

**AS MEMBERS OF THE AD HOC COMMITTEE ON JUVENILE OFFENDER RESOURCE  
OPTIONS AS RECOMMENDED AYES: ALL**

**MENTAL HEALTH**

36. Amendment to Contract No. 200170 with State Dept. of Alcohol and Drug Programs for Comprehensive Drug Court Implementation Grant and approve the necessary Budget Transfer-\$70,492. (4/5 Vote Required)

**ADOPTED RESOLUTION NO. 2005-69 AS RECOMMENDED AYES: ALL**

37. Contract with Aegis Medical Systems, Inc. in the amount of \$232,030 to provide Drug Medical Outpatient Narcotic Treatment Services for FY 2004/2005 and FY 2005/2006 and approve the necessary Budget Transfer-\$58,008. (4/5 Vote Required)

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005089 AYES: ALL**

**SHERIFF**

38. Authorize the Sheriff to apply and register through the INTERNET as the jurisdiction's representative for the 2005 Bulletproof Vest Partnership funding with the U.S. Dept. of Justice.

**APPROVED AS RECOMMENDED AYES: ALL**

**COMMERCE, AVIATION & ECONOMIC DEVELOPMENT**

39. Authorize submission of Economic Development Conveyance Application for 463.6 acres at the Castle Airport Aviation and Development Center to the Dept. of the Air Force and authorize the Chair to sign the letter of submittal.

**APPROVED AS RECOMMENDED AYES: ALL**

40. Resolution authorizing Contract with SBC Data Comm, Inc. for FOCUS Program Procurement Vehicle covering Telecommunications Technology Solutions; authorize Chairman to sign FOCUS Contract Award Announcement Letter and authorize General Services to utilize such services/products as defined under FOCUS contract, or any other County FOCUS Contract offering similar services/products when in the best interest of the county without the necessity for any further bid process .

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005081 AND ADOPTED  
RESOLUTION NO. 2005-70 AYES: ALL**

**HUMAN SERVICES AGENCY**

41. Amendment to Contract No. 200428 with California Dept. of Aging for Senior Community Services Employment Program and approve the necessary Budget Transfer-\$228. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

**COUNTY COUNSEL**

42. Approve and adopt the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Security Rule Policies and Procedures.

**APPROVED AS RECOMMENDED AYES: ALL**

**PLANNING**

43. Accept Organizational and Staff Analysis Report for the Planning and Community Development Department understanding Planning is working with the County Executive

Officer to prepare a response and action plan and will return to the Board in 30 days.

**APPROVED AS RECOMMENDED AYES: ALL**

#### EXECUTIVE OFFICE

44. Authorize Overhire of one Building Maintenance Supervisor (Position #005) and one Building Maintenance Worker (Position #031) for a Limited Term Appointment for a period of no more than six months, BU 16000; authorize overhire of one Child Support Assistant I/II (Position #023) and one Child Support Specialist I/II (Position #042) for a Limited Term Appointment for a period of no more than six months, BU 20100; change one Building Plan Check Technician to one Building Inspector I/II in Public Works, BU 27300; adopt the amended job specification for Deputy Director Public Works-Roads (Class #1381) and adopt Resolution.

**ADOPTED RESOLUTION NO. 2005-71 AS RECOMMENDED AYES: ALL**

45. Authorize a 9/80 Work Schedule for the Human Services Agency Staff assigned to the Consortium-IV Worksite (Rancho Cordova) to conform to the standard work schedule of the worksite.

**APPROVED AS RECOMMENDED AYES: ALL**

46. Establish the classification of Assistant Chief Probation Officer, Range 77.8, approve the class specification and change one Probation Division Director (Position #47) to Assistant Chief Probation Officer, Step 4, BU 23400 as recommended during the recruitment and selection process of the Chief Probation Officer; delete one vacant Probation Division Director, Range 75.0, BU 23405; allocate one Probation Program Manager, Range 72.6 to BU 23405 and one to BU 23406 and adopt the amended job classification of Probation Program Manager and adopt Resolution.

**ADOPTED RESOLUTION NO. 2005-72 AS RECOMMENDED AYES: ALL**

#### BOARD OF SUPERVISORS

47. Resolution authorizing submission of Grant Application to the Land and Water Conservation Fund Program to install a public restroom facility at the Snelling Community Park and authorize the Chairman to sign all grant related documents.

**AUTHORIZED CONTRACT NO. 2005082 AND ADOPTED RESOLUTION NO. 2005-73 AYES: ALL**

48. Resolution opposing Senate Bill 999 which will restructure the San Joaquin Valley Air Pollution Control District Governing Board, authorize Chairman to sign Letter in opposition and to notify appropriate legislative representatives.

**ADOPTED RESOLUTION NO. 2005-74 AS RECOMMENDED AYES: ALL**

#### BOARD APPOINTMENTS

#### BOARD INFORMATION & POSSIBLE ACTION

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

49. San Joaquin Valley Air Pollution Control District re: Notice of Public Workshop on Draft 2005 Amendments to the 2003 PM10 Plan for the San Joaquin Valley Air Basin.



50. State Water Resources Control Board re: Notice of Petition to change the effective date of permit/license conditions by the Dept. of Water Resources and the U.S. Bureau of Reclamation.
51. State Water Resources Control Board re: Notice of Petition for Temporary Change involving the transfer of up to 20 acre-feet of water to Geothermal, Inc. Landfill under Pacific Gas and Electric Company's License 7297 (Application 13771).
52. State Dept. of Water Resources re: Petition for Temporary Change of Place of Use-Year 2005 Transfer of up to 20,000 acre-feet from Kern County Water Agency to the Bureau of Reclamation. (On file with Clerk)
53. State Dept. of Water Resources re: Petition for Temporary Change of Place of Use-Year 2005 Transfer from Tulare Lake Basin Water Storage District to Westland's Water District. (On file with Clerk)
54. Central Valley Regional Water Quality Control Board re: Notice of Public Meeting to be held on April 28 and 29, 2005.
55. State Dept. of Veterans Affairs re: County Veterans Service Office Monthly Cash Benefits.
56. U.S. Dept. of the Interior re: Extensive land use planning process that will result in the completion of a Resource Management Plan (RMP).
57. California Oak Foundation re: Newsletter dated Winter 2004 and California Oak Woodlands Law. (On file with Clerk)
58. Stradling, Yocca Carlson & Rauth, A Professional Corporation - re: California Community College Financing Authority - 2005 Tax and Revenue Anticipation Bonds, Merced Community College District.

**ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF JOE STEFANI, DARIO LATORRACA AND DOMINIC GIANNONE UNTIL MAY 3, 2005 AT 10:00 A.M.**



## **BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 26, 2005**

### **10:15 A.M. SCHEDULED ITEM**

#### **2005-04-26 PRESENTATION – LOS BANOS HIGHWAY 152 BYPASS**

The time and date previously set for the presentation for possible selection of preferred alternatives for State Highway 152 – Los Banos Bypass.

State Department of Transportation Project Manager Ram Narayan briefly reviews an overview presentation of the three alternatives of the Los Banos Route 152 Bypass studied and determined for this project by the Project Development Team (PDT) and reviews the membership. He briefly comments on the project description, timeline, level of service and traffic volumes, three different alternatives - two southern routes and third one - northern route, cross sections, comparison of proposed alternatives, and the environmental comparison of alternatives.

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

Los Banos Mayor Michael Amabile advises the outcome of the Los Banos City Council Meeting was the northern route (Alternative 3M) was the unanimous decision mostly due to the fact the southern routes have the wetlands.

Following a lengthy discussion and upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board supports Alternative 3M as the County of Merced's "Preferred Alternative" Route for the Los Banos Highway 152 Bypass and adopts Resolution No. 2005-66.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

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

#### **2005-04-26 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT – PUBLIC HEARING**

The time and date previously set for the public hearing to consider a Request for Joint Venture Proposal No. (RFJVP) No. 5967 for the Fast Open Contracts Utilization Services (FOCUS) Program specializing in Computer Hardware and Software Solution Contract Awards for the following categorical awards as submitted by Commerce, Aviation and Economic Development:

Category 1: Davis Office Systems, Inc.; Fairfax Imaging, Inc.; IKON Office Solutions, Inc.; Target Computer Inc.; Tech Depot.

Category 2: Davis Office Systems, Inc.; Fairfax Imaging, Inc.; IKON Office Solutions, Inc.; Target Computer Inc.; Tech Depot.

Category 3: Davis Office Systems, Inc.; Fairfax Imaging, Inc.; IKON Office Solutions, Inc.; Target Computer Inc.; Tech Depot.

Category 4: Fairfax Imaging, Inc.; IKON Office Solutions, Inc.; Target Computer Inc.

Category 5: Fairfax Imaging, Inc.; IKON Office Solutions, Inc.; Target Computer Inc.

Category 6: Davis Office Systems, Inc.; Fairfax Imaging, Inc.; Target Computer Inc.; Tech Depot.

Commerce, Aviation and Economic Development Director, John Fowler provides the Staff Report.

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

Upon motion of Supervisor Pedrozo, seconded by Supervisor Crookham, duly carried, the Board approves the Request for Joint Venture Proposal No. (RFJVP) No. 5967 categorical awards to vendors as follows:

Category 1: Davis Office Systems, Inc.; Fairfax Imaging, Inc.; IKON Office Solutions, Inc.; Tangent Computer, Inc.; Tech Depot

Category 2: Davis Office Systems, Inc.; Fairfax Imaging, Inc.; IKON Office Solutions, Inc.; Tangent Computer, Inc.; Tech Depot

Category 3: Davis Office Systems, Inc.; Fairfax Imaging, Inc.; IKON Office Solutions, Inc.; Tangent Computer, Inc.; Tech Depot

Category 4: Fairfax Imaging, Inc.; IKON Office Solutions, Inc.; Tangent Computer, Inc.

Category 5: Fairfax Imaging, Inc.; IKON Office Solutions, Inc.; Tangent Computer, Inc.

Category 6: Davis Office Systems, Inc.; Fairfax Imaging, Inc.; Tangent Computer, Inc.; Tech Depot

Finds, based on the evidence in the record, that the provision of special services described in the proposed contracts will not adversely impact the provisions of similar services by private sector companies or individuals within the County and authorizes completion of initial two year contracts with each selected vendor, subject to Counsel approval with contracts to be submitted for Board approval.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

**10:30 A.M. SCHEDULED ITEM**  
**2005-04-26 PLANNING – PUBLIC HEARING**

The time and date previously set for the public hearing to consider Appeal of the Planning Commission Denial of Conditional Use Permit No. 04010 - Dolores Tagge. Application is to legalize a third residence and add three more residences for family members for a total of six homes on a 34.4 acre parcel on property located north of August Road approximately 500 feet east of State Route 165 in the Hilmar area.

Planner III Bob King reviews the Staff Report advising the Board the Planning Commission approved the third residence and denied the fourth, fifth and sixth residences.

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

Mike Smith, Central California Permit Services, representing Dolores Tagge states the applicant was not given the same consideration as other conditional uses even though the project met the existing requirements that do not limit family members.

Property Owner Dolores Tagge states the homes being requested to place on her property are modular homes so her family have their own homes.

Michelle Tagge, daughter of Dolores Tagge, states she is residing on the property with her family in their home. She would like to see her father's wishes fulfilled and have all members of the family living on the property.

Robert Tagge, son of Dolores Tagge, states he rents a home across the street from his mother's property. He requests Board approval so he can live on the family property.

The Chairman closes the public hearing.

Supervisor O'Banion acknowledges letters that have been received for the record in support of the project and reads them into the record: Jerry Morrison, Nylan Brothers Dairy and Mr. and Mrs. Gomes. In addition, a letter in opposition is received from the Merced County Farm Bureau.

The Board requests additional information on: clarification on the Planning Commission action, almond production, Steering Committee input/discussion, family residences on farming properties and water and sewer.

Following a lengthy discussion Supervisor Kelsey moves, seconded by Supervisor Crookham, the Board request the project go back to the Planning Department to work with the Tagge Family to come up with some type of compromise.

The Chairman calls for a Vote on the Motion. Motion carries.  
Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

**10:30 A.M. SCHEDULED ITEM**  
**2005-04-26 PLANNING – PUBLIC HEARING**

The time and date previously set for the public hearing to consider Fox Hills Major Subdivision Development Agreement and Ordinance (Major Subdivision Application No. 97006).

The Clerk states the public hearing is being recommended for continuance in order to adequately notice and advertise the public hearing.

Marshall Krupp representing the Los Banos Unified School District regarding the Fox Hills Project speaks on the proposed development agreements and notes for the record he will not be present at the May 3 public hearing date and that the Los Banos School District will support the development agreements.

The Chairman states the public hearing has been continued to May 3, 2005 at 10:30 a.m.  
Present: O'Banion, Pedrozo, Crookham, Nelson, Kelsey