



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, OCTOBER 25, 2005
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

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

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

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 with Real Property Negotiator(s) John Fowler-Commerce, Aviation and Economic Development Director Pursuant to Government Code Section 54956.8 as follows: Castle Property

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: It is the intention of the Board to meet in Closed Session concerning anticipated litigation pursuant to Government Code Section 54956.9(b): 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 Government Code Section 54956.9(a): Evans v. County of Merced, Superior Court Case No. 147254

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code 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; Deputy Sheriff Association, Unit 10 and Non-Safety Corrections, Unit 12

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

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

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)

PRESENTATION

PROCLAMATION - Domestic Violence Awareness Month Recognition and Annual Report on Child Abuse and Family Violence Prevention Council
REVIEW BOARD ORDER – SEE PAGE 7

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Human Services Agency-\$14,615

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1-10)

APPROVED AS MODIFIED AYES: ALL

10:30 A. M.

DEPT. OF WORKFORCE INVESTMENT - PUBLIC HEARING - PROPOSED ORDINANCE, POSSIBLE ADOPTION

To consider Proposed Ordinance Charging a Fee for Translation Services for businesses through the Dept. of Workforce Investment (Merced County Code Title 5, Revenue and Finance, Chapter 5.38)

REVIEW BOARD ORDER – SEE PAGE 7

PLANNING - PUBLIC HEARING - PROPOSED ORDINANCE, POSSIBLE ADOPTION

Zone Code Text Amendment No. 05002 - Maxwell Construction
Proposed Ordinance - An Ordinance Amending Merced County Code, Chapter 18.08, entitled "Residential Zones", Section 18.08.03, "Development Standards", to provide flexibility for property owners to subdivide land in all Residential and zoning districts

To modify Chapter 18.08 - Residential Zones of the Merced County Zoning Code to allow consideration of a maximum 10 percent reduction to the minimum lot width at front lot line (Interior and Corner Lots, but not the Cul-de-sac or Bulb Connection Lot) requirement for all residential zoning districts where it can be demonstrated to the satisfaction of the Planning and Community Development Director that due to physical constraint of the property, compliance with the standard lot width would not allow the property to be developed to its maximum potential

REVIEW BOARD ORDER – SEE PAGE 8

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1-10)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution accepting Grant Deed from Juan Gerardo and Teresa Viveros for the conveyance of a public utility easement associated with Building Permit No. 20050573 dedicating a ten-foot wide public utility easement along Walnut Avenue frontage.

ADOPTED RESOLUTION NO. 2005-180

2. Adopt Resolution of Intent and set public hearing for November 22, 2005 at 10:30 a.m. to consider Changing the Road Name of Criswell Avenue between Delta Road and Midway Road to McDonald Road in Los Banos.

ADOPTED RESOLUTION NO. 2005-181

3. Adopt Resolution designating the intersection of Lake Road and Bellevue Road as an All-Way Stop intersection and authorize the installation of Stop Signs on the Lake Road approaches to the intersection.

ADOPTED RESOLUTION NO. 2005-182

4. Adopt Resolution designating the intersection of Carlen Avenue and Gertrude Avenue as a Stop Intersection and authorize the installation of a Stop Sign on the Carlen Avenue approach to the intersection located in the Winton SUDP area (La Paloma Subdivision No. 03006).

ADOPTED RESOLUTION NO. 2005-183

5. Adopt Resolution designating the intersection of Reece Wade Drive and Cypress Avenue as a Stop Intersection and authorize the installation of a Stop Sign on the Reece Wade Drive approach to the intersection located in the Winton SUDP area (La Paloma Subdivision No. 03006).

ADOPTED RESOLUTION NO. 2005-184

6. Accept the Final Map for El Capitan Estates Phase 5 Subdivision located in Franklin-Beachwood area.

Human Services Agency

7. Approve and authorize Chairman to sign Amendment to Contract No. 2004279 with Merced Lao Family Community, Inc. for the Home Visitor Services budget decrease.

Probation

8. Set public hearing for November 1, 2005 at 10:30 a.m. to consider Proposed Ordinance to designate 60 beds at the Juvenile Justice Correctional Complex (JJCC) as Camp Beds.
MODIFIED PUBLIC HEARING DATE TO NOVEMBER 8, 2005 AT 10:30 A.M.

Executive Office

9. Act on Claims for Damages for Admiral Merchants Motor Freight, Inc. (2005-96); Stephen C. Brown, Sr. (2005-89); Matthew Salles (2005-47); Ronald Paratore (2005-58) and William C. Morning (2005-91) as recommended by Risk Management.
10. Approve Travel Requests from District Attorney and Health as recommended by Executive Office.

BOARD ACTION

PUBLIC WORKS

11. Contract with Laidlaw Transit Services, Inc. for sharing the Annual Operating Costs of the Merced County Transit Facility with Merced County Transit.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005258 AYES: ALL
12. Authorize increase in Billy Wright Landfill Change Fund from \$300 to \$500.
APPROVED AS RECOMMENDED AYES: ALL
13. Resolution waiving the "90-Day Notice" of the State of California's Intention to Relinquish Highway Right-of-Way to Merced County (portions of the Delhi Freeway Project).
ADOPTED RESOLUTION NO. 2005-185 AS RECOMMENDED AYES: ALL

SHERIFF

14. Accept donation from Chowchilla Women's Prison in the amount of \$3,016.89 in support of the Sheriff's Department for search and rescue equipment technology for those afflicted with Alzheimer's disease and authorize Sheriff to place donation into Sheriff's Special Donation-Alzheimer's GPS Trust for future action.
APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

15. Authorize Overhire of one Program Manager, Position #210, for seven pay periods in BU 50050.

APPROVED AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

16. Contract with Federal Merced Associates, LLC for Castle Airport Sublease for Buildings 315, 318, 362 and 1356 (approximately 59,722 square feet total) for aviation school use with improvements to be completed prior to occupation.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005261 AYES: ALL

17. Set public hearing for November 8, 2005 at 10:30 a.m. to consider Proposed Ordinance approving the Redevelopment Plan for the Castle Airport Aviation and Development Center Redevelopment Project.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

18. Add one Engineering Associate I/II/III and delete one Deputy County Surveyor-Designee (Position #33) in Public Works, BU 27400 and adopt Resolution.

ADOPTED RESOLUTION NO. 2005-186 AS RECOMMENDED AYES: ALL

CHILD SUPPORT SERVICES

19. Approve Budget Transfer in the amount of \$1,500 as recommended by Executive Office.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

20. District One-Special Board Project Funds expenditure of \$5,000 to Cesar E. Chavez Middle School in Planada for landscaping and approve the necessary budget transfer (DPW-014).

APPROVED AS RECOMMENDED AYES: ALL

21. District One-Special Board Project Funds expenditure of \$3,600 to be transferred into the playground equipment project to purchase and install two additional park benches and the cement slab for Houlihan Park in Planada and approve the necessary budget transfer (DPW-016).

APPROVED AS RECOMMENDED AYES: ALL

22. District Four-Declare chairs from HSA as Surplus Equipment and authorize the transfer to Gustine VFW.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

23. District Four-Winton Municipal Advisory Council, Reappoint Marilyn Colburn until March 31, 2009.

AMENDED TO INCLUDE REAPPOINTMENT OF MARYLS FLORES UNTIL MARCH 31, 2009 AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

24. State Dept. of Wildlife Conservation Board re: Proposal to consider a Wetland Restoration Project on privately owned property in Merced County - Accornero Wetland Restoration, Merced County set for November 17, 2005 Meeting.
25. Bartkiewicz, Kronick & Shanahan re: Temporary Water Transfer during 2006 from Yuba County Water Agency to Department of Water Resources. (On file with Clerk)

ADJOURNED MEETING UNTIL TUESDAY, NOVEMBER 1, 2005 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 25, 2005

10:00 A.M. SCHEDULED ITEM
2005-10-25 PRESENTATION

District Attorney Gordon Spencer presents a Proclamation to A Woman's Place Executive Director Diana Almanza recognizing October, 2005 as Domestic Violence Awareness Month in the County of Merced.

Ms. Almanza introduces A Woman's Place Board Member Elmer Lorenzi and reviews the Annual Report and outlines the services provided.

Human Services Agency Director Ana Pagan reviews the countywide collaboration between Human Services Agency and A Woman's Place and highlights the education and community involvement of the Child Abuse and Family Violence Prevention Council (CAFVPC).

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

10:30 A.M. SCHEDULED ITEM
2005-10-25 DEPARTMENT OF WORKFORCE INVESTMENT – PUBLIC HEARING –
ORDINANCE NO. 1766

The time and date previously set for a public hearing to consider a Proposed Ordinance Charging a Fee for Translation Services for Businesses through the Department of Workforce Investment.

County Counsel Ruben Castillo advises numbering format changes have been made to the Proposed Ordinance and reads the Proposed Ordinance by title only: An Ordinance Charging a Fee for Translation Services for Businesses Through the Department of Workforce Investment (Adding Title 5, Revenue and Finance, Chapter 5.38., to the Merced County Code.)

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading of the Proposed Ordinance.

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

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

Department of Workforce Investment Director Andrea Baker states the Ordinance will enable the Department of Workforce Investment to charge businesses for the translation services provided by the Department.

The Chairman closes the public hearing.

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board adopts Ordinance No. 1766.

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

10:30 A.M. SCHEDULED ITEM

2005-10-25 PLANNING – PUBLIC HEARING – ORDINANCE NO. 1767

The time and date previously set for a public hearing to consider Proposed Ordinance Amending Zone Code Text Ordinance and Merced County Code Chapter 18.08, entitled “Residential Zones”, Section 18.08.03, “Development Standards”, to provide flexibility for property owners to subdivide land in all Residential and Zoning Districts and to consider Zone Code Text Amendment No. 05002 submitted by Maxwell Construction to Modify Chapter 18.08 – Residential Zones of the Merced County Zoning Code to allow consideration of a maximum 10 percent reduction to the minimum lot width at front lot line (Interior and Corner Lots, but not the Cul-de-Sac or Bulb Connection Lot) requirement for all residential zoning districts where it can be demonstrated to the satisfaction of the Planning and Community Development Director that due to physical constraint of the property, compliance with the standard lot width would not allow the property to be developed to its maximum potential.

County Counsel Ruben Castillo reads the Proposed Ordinance by title only: An Ordinance to Provide Flexibility for Property Owners to Subdivide Land in all Residential Zoning Districts (Amending Merced County Code, Chapter 18.08, entitled “Residential Zones”, Section 18.08.03, “Development Standards”).

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading of the Proposed Ordinance.
Ayes: O’Banion, Pedrozo, Crookham, Nelson, Kelsey

Planning Director Bill Nicholson briefly reviews the Staff Report.

Planner Dave Gilbert reviews the power point presentation describing the proposed changes and background of the proposal.

Supervisor Kelsey questions why the proposal is being considered prior to the General Plan update proposal.

Mr. Nicholson responds commenting Mr. Maxwell’s proposal is to change the width/depth of a lot but the lot minimum square footage remains the same.

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

Duane Andrews of Golden Valley Engineering speaks in support.

The Chairman closes the public hearing.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board finds the Application is exempt from CEQA under application of the “General Rule”, Section 15061(b)(3) of the CEQA Guidelines; approves Zone Code Text Amendment No. 05002 based on Findings and adopts Ordinance No. 1767.

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