



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, MAY 01, 2007  
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

CHAIRMAN JOHN PEDROZO.....DISTRICT 1  
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

JAMES N. FINCHER  
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](http://www.co.merced.ca.us)**

**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**

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

Persons who require accommodation for any audio, visual or other disability in order to review an agenda, or to participate in a meeting of the Board of Supervisors per the American Disabilities Act (ADA), may obtain assistance by requesting such accommodation in writing addressed to the Clerk of the Board, 2222 M Street, Merced, CA 95340 or telephonically by calling (209) 385-7366. Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested

**THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA**

The Agenda is divided into three sections:

**CONSENT CALENDAR** – These matters include routine financial and administrative actions and are approved by a single majority vote.

**SCHEDULED ITEMS** – These items are noticed hearings, work sessions and public hearings.

**REGULAR CALENDAR** – These items include significant policy and administration actions. Immediately after approval of the CONSENT CALENDAR, if the time of the hearing of SCHEDULED ITEMS has not arrived, the REGULAR CALENDAR will be considered.

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, Director-Commerce, Aviation and Economic Development pursuant to Government Code Section 54956.8 as follows: Castle

**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 Government Code Section 54956.9(b): Two Cases

**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 PROVIDED DIRECTION**

**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 (Testimony limited to five minutes per person)**

**REVIEW BOARD ORDER – SEE PAGE 9**

**PRESENTATIONS**

Proclamation - World Asthma Day and Asthma Awareness Month

**REVIEW BOARD ORDER – SEE PAGE 9**

**FIRE** - Plan for Fleet and Water Tenders, Recommended Action and Budget Transfer (4/5 Vote Required)

**REVIEW BOARD ORDER – SEE PAGES 9 AND 10**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Commerce, Aviation and Economic Development - \$9,600**

**APPROVED AS RECOMMENDED AYES: ALL**

10:00 A. M.

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

**APPROVED AS RECOMMENDED AYES: ALL**

**PLANNING - PUBLIC HEARING - INTENDED DECISION**

General Plan Amendment No. GPA06-003, Zone Change No. ZC06-003 and Major Subdivision No. MSA06-008 - "Winn Ranch" Winton Willows LLC - To subdivide a 35-acre parcel into 148 lots and amend the Merced County General Plan land use designations from Agricultural Winton SUDP, Industrial and Residential Reserve, to Winton SUDP Low Density Residential and Commercial; this project will also require a concurrent zone change from A-1 (General Agricultural) to R-1 (Single Family Residential) and C-2 (General Commercial) located east of the intersection of Winton Way and Manor Avenue in Winton. **Recommendation - Make intended decision, Cycle 2 scheduled for June 26, 2007 at 10:00 a.m.**

**REVIEW BOARD ORDER – SEE PAGES 10 THRU 13**

**TREASURER-TAX COLLECTOR - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING FOR MAY 8, 2007 AT 10:00 A.M.**

To consider Proposed Ordinance - An Ordinance Repealing Ordinance No. 1600, Section 17.12.180, Chapter 17.12.-Minor Subdivisions and Section 17.16.80, Chapter 17.16, Property Line Adjustments which waived the requirement to secure the payment of estimated taxes or special assessment for a Final Parcel Map of four or fewer parcels for a lot line adjustment and adding and requiring that estimated taxes be collected prior to recording a Final Parcel Map

**REVIEW BOARD ORDER – SEE PAGES 13 AND 14**

**REPORTS/BOARD DIRECTION**

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

**CONSENT CALENDAR (Items #1 - 23)**

**APPROVED AS RECOMMENDED AYES: ALL**

**Public Works**

1. Approve and authorize Chairman to sign Amendment to Contract No. 2005208 with California Waste Associates for Countywide Waste Diversion and Generation Study.
2. Authorize payment of \$8,000 to MCAG for County share of the cost for the State Route 165/99 Project Study Report per Memorandum of Understanding (Contract No. 2006003) adopted by the Board on January 10, 2006.
3. Set public hearing for May 15, 2007 at 6:00 p.m. to consider a development policy to satisfy the mitigation measure in the 1996 Final EIR for the Highway 59 Landfill Expansion, restricting residential development rights within one-half mile of the Highway 59 Landfill expansion area.

### Assessor

4. Approve and authorize Chairman to sign Renewal Contract No. 200223 for Base Year Tracking and Contract No. 200224 for Manufactured Home/Aircraft valuation with Napa County for property tax system updates.

### Child Support Services

5. Approve and authorize Chairman to sign Renewal Contract No. 2004387 with Administrative Services for existing plan of cooperation for child support program services.

### Fire

6. Proclaim May 6 through 12, 2007 as "Wildfire Awareness Week" in the County of Merced.

### Human Services Agency

7. Approve and authorize Chairman to sign Renewal Contract No. 2006272 with Trilogy Integrated Resources LLC for development of the Network of Care and Case Coordination System.
8. Approve and authorize Chairman to sign Renewal Contract No. 200016 with Auditor Controller for Revenue and Reimbursement collection of delinquent accounts for the Food Stamp and Temporary Assistance for Needy Families (TANF) Programs.
9. Approve and authorize Chairman to sign Renewal Contract No. 2004396 with Challenged Family Resource Center for services to adoptive Foster Parents.
10. Approve and authorize Chairman to sign Renewal Contract No. 2005298 with Merced Community College to provide child care for foster parents in training.
11. Approve and authorize Chairman to sign Renewal Contract No. 2004279 with Merced Lao Family Community, Inc. for Home Visitor Services through the Promoting Safe and Stable Families Program.
12. Approve and authorize Chairman to sign Renewal Contract No. 2004278 with Merced Lao Family Community, Inc. for Home Visitor Services through the Child Abuse Prevention Intervention and Treatment Program.
13. Proclaim May, 2007 as "Employment Services Professionals Awareness Month" in the County of Merced.
14. Approve Budget Transfer in the amount of \$6,000 as recommended by Executive Office.

### Mental Health

15. Approve and authorize Chairman to sign Renewal Contract No. 2005232 with California Psychiatric Transitions for Mental Health Rehabilitation Center services.
16. Approve and authorize Chairman to sign Renewal Contract No. 2004136 with Joseph Melton, MFT for Certification Review Hearing Officer services.
17. Proclaim May, 2007 as "Mental Health Month" in the County of Merced.
18. Proclaim May, 2007 as "Drug Court Month" in the County of Merced.

Sheriff

- 19. Approve and authorize Chairman to sign Renewal Contract No. 2007089 with 35th District Agricultural Association State Fair for law enforcement security services for the 2007 Fair.
- 20. Approve and authorize Chairman to sign Amendment to Contract No. 2004232 with Merced County Jail Ministry for Ministry services for inmates housed at the correctional facilities.
- 21. Approve and authorize Chairman to sign Renewal Contract No. 2003217 with Securus Technologies for inmate phone services.

Executive Office

- 22. Act on Claim for Damages received from Valerie J. Campos as recommended by Executive Office.
- 23. Approve Travel Request submitted by Human Services Agency as recommended by Executive Office.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 24. Authorize purchase and installation of Video Surveillance Cameras at Lake Yosemite Park using Parkland Dedication Funds (Trust #02497 Merced Funds) and authorize issuance of RFP to be returned to the Board with results.

**REVIEW BOARD ORDER – SEE PAGE 14**

- 25. Ratify Sole Source Purchase of Tool Cat 5600 Turbo Machine from Bobcat Company; authorize issuance of Purchase Order and approve the Budget Transfer in the amount of \$40,000 from Parkland Dedication Funds Trust #02497 (Merced Funds) for purchase. (4/5 Vote Required)

**APPROVED AS RECOMMENDED      AYES: ALL**

- 26. Authorize Grant Deeds from the County of Merced to the Merced County Regional Waste Management Authority for the transfer of title to Merced County Landfill, Highway 59 (APN 052-070-006, 052-150-004, 0550-006, 052-160-033 and 052-160-035) and Merced County Landfill, Billy Wright Road (APN 078-200-003, 078-200-038, 078-200-075, 078-200-089, 078-200-091).

**APPROVED AS RECOMMENDED      AYES: ALL**

- 27. Contract with firm KMD Architects for the Phase I Needs Assessment, Full Design Services for development of new Downtown Government Center for a fee not-to-exceed \$325,000 and approve the budget transfer in the amount of \$75,000.

**AUTHORIZED CONTRACT NO. 2007090 AS RECOMMENDED      AYES: ALL**

FIRE

- 28. Authorize application to FEMA Assistance to Firefighters Grant Funding, Fire Act Grant for funding of critically important and legally mandated personal protection equipment for Merced County volunteer and career firefighters and return to the Board with results and

authorization prior to accepting award.

**APPROVED AS RECOMMENDED AYES: ALL**

**HUMAN SERVICES AGENCY**

29. Interdepartmental Contract with County Counsel for Legal Services to Human Services Agency programs.

**AUTHORIZED CONTRACT NO. 2007091 AS RECOMMENDED AYES: ALL**

**MENTAL HEALTH**

30. Interdepartmental Contract with Probation for Mentally Ill Offender Crime Reduction Grant Implementation.

**AUTHORIZED CONTRACT NO. 2007092 AS RECOMMENDED AYES: ALL**

31. Authorize Sole Source Contract with Mission Linen Supply for laundry services for the Marie Green Psychiatrist Health Facility.

**AUTHORIZED CONTRACT NO. 2007093 AS RECOMMENDED AYES: ALL**

32. Authorize development and release of Request for Proposal to secure a vendor for Laboratory services for consumers at the Mental Health facilities to be returned to the Board for final action.

**APPROVED AS RECOMMENDED AYES: ALL**

**PROBATION**

33. Authorize Application to the Corrections Standards Authority for the participation in the Juvenile Accountability Block Grant Program and adopt Resolution.

**ADOPTED RESOLUTION NO. 2007-52 AS RECOMMENDED AYES: ALL**

34. Contract with San Diego County for Office of Traffic Safety Grant Funding for participation in California Probation Felony and Repeat DUI Offender Program, Project #AL0699 to target offenders on felony probation.

**AUTHORIZED CONTRACT NO. 2006239 AS RECOMMENDED AYES: ALL**

**SHERIFF**

35. Accept the \$30,000 Grant from U.S. Dept. of Justice, Drug Enforcement Administration for the 2007 Domestic Cannabis Eradication/Suppression Program; authorize the Sheriff to place \$30,000 funding in Sheriff Trust and draw down the funding periodically to offset the cost of Overtime (\$10,000), Training (\$10,000), Operation Expenses (\$6,000) and Operational Technology (Surveillance Equipment (\$4,000).

**AUTHORIZED CONTRACT NO. 2007094 AS RECOMMENDED AYES: ALL**

36. Accept donation from County Bank for Alzheimer's Tracking Project to assist in offsetting the cost of the project and approve the Budget Transfer in the amount of \$500. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

**PLANNING**

37. Resolution rescinding the portion of the February 8, 2005 FEIR Addendum for the Animal Confinement Ordinance as it relates to the deletion of private recreational uses or non-State or Federal refuge areas from the "sensitive uses" locational criteria set forth in the Amended

County Code Section 18.48.040(B)(1) (A) as ordered by Superior Court.

**ADOPTED RESOLUTION NO. 2007-53 AS RECOMMENDED AYES: ALL**

38. Approve Release and Waiver by Bedesen-Cardoza & Associates for the Digital Map Data created by Bedesen-Cardoza & Associates in order to use the data and format which can be modified as requested by Planning and Community Development Department to assist with time and resources required to update the County's GIS base map layers.

**APPROVED AS RECOMMENDED AYES: ALL**

**DEPT. OF WORKFORCE INVESTMENT**

39. Contract with Merced Adult School for Basic Education Services.

**AUTHORIZED CONTRACT NO. 2007095 AS RECOMMENDED AYES: ALL**

**DEPT. OF ADMINISTRATIVE SERVICES**

40. Declare excess property consisting of miscellaneous office furniture and miscellaneous office equipment as Surplus Property as shown on Exhibit A and authorize its disposal and Internet Public Auction to be conducted by Public Surplus LLC.

**APPROVED AS RECOMMENDED AYES: ALL**

**EXECUTIVE OFFICE**

41. Resolution setting a public hearing for the Boundary Change in Merced County to include five more square miles of the Dos Palos community into Merced County for June 5, 2007 at 10:00 a.m. and authorize distribution of the information.

**REVIEW BOARD ORDER – SEE PAGE 15**

**HUMAN RESOURCES**

42. Contract Amendment with California State Personnel Board for Administrative Law Judge (ALJ) Adjudication services to include employee grievance hearings through June 30, 2007.

**AUTHORIZED CONTRACT NO. 2005200 AS RECOMMENDED AYES: ALL**

**BOARD OF SUPERVISORS**

43. Oppose the proposal of the National Park Service to increase entrance fees to Yosemite National Park scheduled for implementation January 1, 2008 and authorize formal letter to appropriate parties with notification to Mariposa and other counties within the San Joaquin Valley.

**APPROVED AS RECOMMENDED AYES: ALL**

44. Amend the Board Meeting calendar to schedule the Evening Board Meeting on May 15, 2007 at 6:00 p.m. and the Regular Board Meeting on May 8, 2007 at 10:00 a.m. and change the appropriate public hearing times.

**APPROVED AS RECOMMENDED AYES: ALL**

45. Authorize Special Board Project Funds-District One expenditures in the amount of: \$1,500 to be forwarded to the Merced County Sheriff Activity League for Planada programs and \$1,000 to be forwarded to Livingston High School Sober Grad and approve the Budget Transfer in the amount of \$2,500.

**APPROVED AS RECOMMENDED AYES: ALL**

46. Authorize Special Board Project Funds-District Three expenditure in the amount of \$1,000 to Atwater Caring About Kids for their Drug Store Project and approve the necessary Budget Transfer.

**APPROVED AS RECOMMENDED      AYES: ALL**

**BOARD INFORMATION & POSSIBLE ACTION**

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

47. FEMA re: Modification to Flood Insurance Rate Map and Flood Insurance Study Report for Fahrens Creek area.
48. State Dept. of Veterans Affairs re: County Veterans Service Office period of operation during July 1, 2005 through June 30, 2006.
49. State Corrections Standards Authority re: Notice of staff direction to review process for the Minimum Standards for the Local Adult Detention Facilities.
50. State Water Resources Control Board re: Notice of Public Hearing and Pre-Hearing Conference re: To determine whether to adopt Draft Cease and Desist Order No. 262.31-XX and whether to impose Administrative Civil Liability as Proposed in Administrative Civil Liability Complaint No. 262.5-46 against North San Joaquin Water Conservation District - Mokelumne River tributary to San Joaquin River, San Joaquin County. (On file with Clerk)
51. State Water Resources Control Board re: Notice of Public Hearing and Pre-Hearing Conference - To determine whether to reconsider Order WR-2006-0018-DWR Denying North San Joaquin Water Conservation District's Petition for Extension of Time (Application 12842), Mokelumne River tributary to San Joaquin River, San Joaquin County.
52. Local Government Commission re: Fact Sheet that the Local Government Commission has created to explain Community Choice Aggregation to interested city and county decision makers. (On file with Clerk)
53. Monterey County Board of Supervisors re: Support with Amendment - AB 1654 (Huffman) Mail Ballot Elections.

**ADOPTED RESOLUTION IN MEMORY OF KEITH ALAN BARBA AND CARMEN JOHN BATTISTI AND ADJOURNED MEETING UNTIL TUESDAY, MAY 8, 2007 AT 10:00 A.M.**



## **BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 1, 2007**

### **10:00 A.M. SCHEDULED ITEM** **2007-05-01 PUBLIC OPPORTUNITY**

Merced County League of Women Voters President Necola Adams submits and reads a statement regarding SB 840, the California Universal Healthcare Act, and urges the Board to support the Senate Bill.

Keith Ensminger (local business owner) states One Care Now is promoting the concept of universal health insurance and urges the Board support which will allow pooling of resources and reduce costs to employers such as school districts and counties.

Grant Wilson (Merced resident) states previously he requested consideration of waiver forms for the disabled that cannot afford the \$225.00 fee for medical marijuana cards and states concern with the prohibition of distribution centers for Medical Marijuana and requests a copy of the County's Ordinance implementing SB 420.

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

### **10:00 A.M. SCHEDULED ITEM** **2007-05-01 PRESENTATION**

The Board presents a Proclamation recognizing World Asthma Day and Asthma Awareness Month to Allison Hollman, Co-Chair of the Merced-Mariposa Asthma Coalition.

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

### **10:00 A.M. SCHEDULED ITEM** **2007-05-01 PRESENTATION - FIRE**

The Clerk announces the Plan for Fleet and Water Tenders from Fire is before the Board for consideration.

Cal Fire Chief Doug Hicks reviews a powerpoint presentation on the overall status of the Fire Department highlighting Budget, Mobile Equipment, Facilities and Staffing and reviews issues that may need to be addressed in the future.

Following discussion and upon motion of Supervisor Nelson, seconded by Supervisor O'Banion, duly carried, the Board authorizes a reduction of the number of water tenders from sixteen to twelve, authorizes redirection of \$900,000 budgeted for water tenders to purchase three fire engines, authorizes the use of Unanticipated Revenue from the sale of excess fire equipment to be used toward the purchase of the fire engines and approves the budget transfer in the amount of \$930,372.

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

**THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA**

**10:00 A.M. SCHEDULED ITEM**  
**2007-05-01 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider General Plan Amendment No. GPA 06-003, Zone Change No. ZC 06-003 and Major Subdivision No. MSA 06-008, “Winn Ranch” Winton Willows LLC, to subdivide a 35-acre parcel into 148 lots and amend the Merced County General Plan land use designations from Agricultural Winton SUDP, Industrial and Residential Reserve, to Winton SUDP Low Density Residential and Commercial; this project will also require a concurrent zone change from A-1 (General Agricultural) to R-1 (Single Family Residential) and C-2 (General Commercial) located east of the intersection of Winton Way and Manor Avenue in Winton.

Development Services Director Robert Lewis reviews the Planning Commission decision and recommendation.

Planner Gene Barrera reviews the powerpoint presentation and Ag Mitigation Statement.

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

Jack Freisen and Andy Krotik speak in favor of the proposal. Mr. Krotik states the Planning Commission minutes should indicate he is a member of the Winton Willows LLC and not the Lighthouse Development Company.

The Chairman closes the public hearing.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Nelson, duly carried, the Board approves the Mitigated Negative Declaration prepared for General Plan Amendment No. GPA06-003, Zone Change No. ZC05-003 and Major Subdivision No. MAS06-008; makes an Intended Decision to approve General Plan Amendment No. GPA06-003, Zone Change No. ZC06-003 and Major Subdivision No. MAS06-008 subject to Findings and the following Conditions of Approval as recommended by the Planning Commission:

**Merced County Planning and Community Development Department**

1. The Final Map, or all map phases, shall be recorded within two years.
2. For the purpose of mitigation and/or condition monitoring, a fee in the amount of \$392.00 shall be required. The fee shall be paid prior to recordation of the Final Map.
3. The project proponents shall obtain and submit an Unconditional Water and Sewer Commitment Notice from the Winton Water and Sanitary District prior to recordation of the Final Map, or a first phase Final Map.
4. The applicant shall comply with all of the standard conditions of approval listed in Planning Commission Resolution No. 97-1.
5. A “Right to Farm” certificate shall be recorded on the Final Map.
6. The agreed upon proposed in-lieu mitigation fee is \$6,600 per acre which was based on the appraised value of easements purchased in Merced County by the Central Valley Farmland Trust (CVFT) during the past year. An additional \$1,400 an acre for transaction and endowment costs is required for processing, insurance, and monitoring, for a total per acre in-lieu fee of \$8,000 per acre.

7. A one-time pre-construction survey within 0.25 miles of the project site shall be conducted by a qualified biological consultant to determine the presence of nesting Swainson's hawks prior to the initiation of any ground breaking/construction activities occurring on the project site between March 1 and August 15, the nesting season for the species. Should a nest be discovered within 0.25 miles of the project site, temporal construction restrictions may be necessary to eliminate the potential for noise disturbance to the nesting hawks, which may cause nest abandonment or forced fledging. The consultant shall base the necessity for restrictions on the location of the nest in relation to construction activities. A survey shall not be required to be conducted should initiation of ground breaking/construction activities occur outside of the March 1 – August 15 nesting season (EM).
8. The applicant shall prohibit direct truck traffic access to and from proposed Bridget Way through the installation of a traffic sign. The NO TRUCKS restriction (signs R5-2 and R5-2a) shall be provided by Board of Supervisors resolution. The applicant shall be required to install the signs and also prepare an exhibit map for the resolution showing the affected street(s) to be subject to the restriction and the location of the sign.
9. The applicant shall comply with all applicable County, State and Federal regulations.
10. The applicant shall comply with all noise mitigation requirements as noted in Impact No. XI, in Section 4 of the Mitigated Negative Declaration, and in Appendix C of the Mitigated Negative Declaration.

**Department of Public Health Environmental Health Division**

11. An appropriate and effective sound mitigation method for Lot "D" shall be required to diminish the noise impact on the adjacent residential Lot 26.

**Department of Public Works-Road Division**

12. 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, streetlighting, storm drainage system and to install underground or relocate utilities and irrigation facilities.
13. Dedicate on the final map a non-access strip across the dead-end of Costa Drive at the south boundary of the subdivision pursuant to Section 17.04.050.A.11 of the Merced County Code.
14. Costa Drive and Jared Drive shall be designated "Avenue" pursuant to Section 17.04.050.B of the Merced County Code. Bridget Court shall be designated "Street" or "Drive". Jacob Drive shall be designated between Costa Drive and Jared Drive, Jacob Court shall be designated east of Jared Drive.
15. Release and relinquish all abutters' rights of access to and from the entire Winton Way frontage of Lots "C" and "E". Lot "F" will have its primary access through Lot E, but right hand turn in and right hand turn out on Lot F will be allowed on Winton Way.
16. Through Conditions, Covenants, and Restrictions recorded concurrent with the final map, access to and parking for Lot "F" shall be allowed through Lot "E".
17. A second driveway approach to serve Lot "E" should be placed near the east boundary of the lot.
18. The developer shall construct traffic signals with raised medians at the intersection of Winton Way and Manor Avenue.

19. A six foot high cedar fence between the mobile home park and the neighboring subdivision shall be shown on the subdivision improvement plans and constructed with subdivision improvements.
20. The developer shall be responsible for providing all documentation and paying all fees associated with forming a landscape maintenance zone of benefit which also includes graffiti abatement of the proposed masonry wall along the Burlington Northern Santa Fe Railway right of way.
21. The developer shall be responsible for all costs associated with obtaining necessary road right of way and public utility easements, relocating utilities, and constructing all improvements for Bridget Way from the owner of Parcel "C" as shown on the Parcel Map for Ruben P. Webb, Jr., recorded in Volume 66 of Parcel Maps at Pages 34 and 35, Merced County Records.
22. Provide a letter from M.I.D. accepting storm drainage water from this proposed development into their facilities prior to recording the final map.
23. The dual use storm drainage basin and recreation facility shall be designed pursuant to the Preliminary Draft Revision to the Storm Drainage Design Manual, dated May 3, 2004.
24. Subdivision improvement shall be constructed to the Department of Public Works Improvement Standards and Specifications and with the following attached revised standards: Drawing DW-01, Driveway Approach (Adjacent Sidewalk), Drawing EB-01, Trench Excavation & Backfill; Drawing MS-08, Sidewalk; Drawing MS-09, Intersection Ramp (Vertical Curb); Drawings SN-02- and SN-04, Stop Sign (R1) and Foundation Detail; and, Electolier Mounted Street Name Sign. A ¾ inch galvanized rod shall be placed across the curb face opening of the catch basin show in Drawing SD-04.
25. 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 within the phase under construction. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
26. Provide centerline striping for those new roads which intersect the existing peripheral streets.
27. 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) 341-5537, e-mail: [stormwater@swrcb.ca.gov](mailto:stormwater@swrcb.ca.gov), or visit their website at [www.swrcb.ca.gov](http://www.swrcb.ca.gov).

### **Merced Irrigation District**

28. The Developer of the proposed subdivision is required to underground the Gertrude Lateral in an adequately sized pipeline assembly through the entire project within an appropriate width easement. The pipeline will be constructed to MID standards. MID will sell and quit claim to the developer its 60-foot wide fee strip and acquire an appropriate sized easement for Well 155 and the new pipeline. Recorded access to the above-mentioned facilities will also be required, if needed.

29. According to the Environmental Information Form, the developer proposes to use MID facilities to convey storm water, via a drainage basin into the MID's Gertrude Lateral; because of this connection, a "subdivision Drainage Agreement" must be executed with the Merced Irrigation District Drainage Improvement District No. 1, (MIDDID No. 1), paying all applicable fees.
30. A suitable block wall with appropriate sized access gates meeting MID standards must be placed around MID's Well 155, for sound attenuation and security.
31. No buildings, permanent structures, fences or walls to be constructed or placed on the new MID easement without approval of the MID.
32. If access to the MID easement is blocked by MID approved curbs, fences, walls or landscaping, the MID will require the developer to provide an ingress and egress easement through their property to the MID well and pipeline easement.
33. An MID signature block be provided on the Improvement Plans.
34. The developer must enter into a "Construction Agreement" with MID for any work associated with MID facilities and pay all applicable fees.
35. The property owner must obtain a "Non-exclusive Driveway License Agreement" for all crossings over or under any MID facilities, including utilities, bridges, driveways and pipelines,. If any dedicated facilities overlap with MID easements, a Joint Use Agreement with the County shall be executed.

**The Amah Mutsun Tribal Band**

36. Where there is construction to be completed within 300 feet of a natural waterway that a monitor be hired to observe construction within the area.

**"Added at the Planning Commission - Public Works Department Road Division"**

37. Prior to recordation of the final map creating new County roads, the owner shall provide all documentation and pay all fees associated with forming a road maintenance zone of benefit in County Service Area Number One for extended road maintenance service which includes, but it not limited to, street sweeping.

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

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

**2007-05-01 TREASURER-TAX COLLECTOR – PROPOSED ORDINANCE**

The time and date previously set for the First Reading of a Proposed Ordinance by the Treasurer-Tax Collector. The Clerk reads the Proposed Ordinance by title only: An Ordinance repealing Ordinance No. 1600, Section 17.12.180, Chapter 17.12-Minor Subdivisions and Section 17.16.80, Chapter 17.16, Property Line Adjustments which waived the requirement to secure the payment of estimated taxes or special assessment for a Final Parcel Map of four or fewer parcels for a lot line adjustment and adding and requiring that estimated taxes be collected prior to recording a Final Parcel Map.

Assistant Treasurer-Tax Collector Sheri Hosemann reviews the Staff Report and Tax Collector II Sharon Richards provides an explanation of the proposed changes to the Final Map process.

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

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

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

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board sets second reading and possible adoption for May 8, 2007, at 10:00 a.m.

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

**ACTION ITEM NO. 24**

**2007-05-01 PUBLIC WORKS**

The Clerk announces the purchase and installation of Video Surveillance Cameras at Lake Yosemite Park is before the Board for consideration.

Public Works Director Paul Fillebrown reviews the staff report stating the goal is to install surveillance cameras at Lake Yosemite to assist in identifying individuals that are damaging the facilities and if successful, other County facilities will be considered for the installation of surveillance cameras as well.

Supervisor Kelsey requests a staff report next spring on the success of the cameras and which other areas may be considered for surveillance.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board approves the purchase and installation of Video Surveillance Cameras at Lake Yosemite Park using Parkland Dedication Funds (Trust #02497 Merced Funds) and authorizes Administrative Services to issue a Request for Proposal and directs staff to return to the Board with a recommendation.

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

**ACTION ITEM NO. 41**

**2007-05-01 EXECUTIVE OFFICE**

The Clerk announces the setting of the public hearing for the Boundary Change to include five more square miles of the Dos Palos community into Merced County is before the Board for consideration.

Supervisor O'Banion requests staff organize a forum for public review in the community prior to the public hearing.

Upon motion of Supervisor Crookham, seconded by Supervisor O'Banion, duly carried, the Board sets a public hearing on June 5, 2007, at 10:00 a.m. to consider a boundary change to include five more square miles of the Dos Palos community into Merced County, adopts Resolution No. 2007-54 and authorizes distribution of the resolution to Fresno County and other interested parties and directs staff to organize a forum for public review in the community prior to the public hearing.

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