



SUMMARY ACTION MINUTES

MERCED COUNTY BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, SEPTEMBER 10, 2002

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
CHAIRMAN JOE RIVERO.....DISTRICT 3
DEIDRE F. KELSEY.....DISTRICT 4
JERRY O'BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

DENNIS MYERS
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

10:00 A. M.

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS

SBC PacBell - Technology and the Valley, a Telecommunications Update

REVIEW BOARD ORDER – SEE PAGE 8

East Merced Resource Conservation District – Update

REVIEW BOARD ORDER – SEE PAGE 8

10:00 A. M.

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: Donna Crowder and Dennis Wainwright

UC MERCED PROJECT - LIAISON REPORT

RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM

APPROVAL OF CONSENT AGENDA CALENDAR (Items # 1 - 32)

MODIFIED APPROVAL BY REMOVING CONSENT ITEMS #3, #16 AND #19 FOR SEPARATE DISCUSSION AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

ADDED AGENDA ITEM:

REVIEW BOARD ORDER – SEE PAGE 9 & 10

THE BOARD DECLARES SURPLUS PROPERTY AT CASTLE AIRPORT TO BE SOLD AT AUCTION TO BE HELD ON SEPTEMBER 21, 2002 (4/5 VOTE REQUIRED) AYES: ALL

10:30 A. M.

PUBLIC WORKS - PUBLIC HEARING

To consider a Resolution changing the name of Appaloosa Way East of Palomino Lane to Appaloosa Court in the Atwater area

REVIEW BOARD ORDER – SEE PAGE 10

ADOPTED RESOLUTION NO. 2002-180

BUSINESS-ECONOMIC OPPORTUNITIES - PUBLIC HEARING

To consider the Final Application to the Calif. Dept. of Housing and Community Development Community Development Block Grant Program - Request for \$100,000 to create a Microenterprise Assistance Activities Program

REVIEW BOARD ORDER – SEE PAGE 10

REPORTS/BOARD DIRECTION

County Executive Officer
County Counsel
County Auditor
Board of Supervisors Members

CONSENT CALENDAR (Items # 1 - 32)

Claims for Damages

1. Act on Claims for Damages received from David Ramirez, Michael Moore, Hilmar Lumber Company, Larry Garcia, Randy Haverson, Sarah Crohare, Tammy Kirby, Rafael Rubio, Richard Kevin White, Jose Aguilar Ramos and Sebastian Cipponer.

Public Works

2. Waive the restriction of the use of amplified sound equipment by the Chi Delta Beta Fraternity on September 21, 2002 at Hagaman Park (Mahoney Shelter).
3. Approve I.Q. Motorsports request for use of Lake Yosemite on June 26 to June 30, 2003 and exclusive use of Lake Yosemite Park from June 27 to June 29, 2003 to host the International Hot Boat Races Association Drag Boat Races subject to a Contract Agreement and waive the restriction on amplified sound equipment.

REVIEW BOARD ORDER – SEE PAGE 8

4. Approve Merced Community Action Network request to use Courthouse Park (and portions of the Ground Floor of the County Library) on October 11 - 14, 2002 for the "Fourth Annual Central Valley Blues Festival and Car Show" subject to conditions of use outlined in Contract and authorize the Chairman to sign Contract No. 2002172.
5. Adopt Resolution annexing the Gibbs Ranch No. 3 Subdivision #01002 into the Flemming Oaks Street Lighting and Storm Drainage Maintenance Zone of Benefit 241 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2002-175

6. Adopt Resolution authorizing the Chairman to sign the Contract No. 2002221-Joint Use Agreement with Shell Oil Products US for a public roadway within the Santa Nella Villages, Phase 4.

ADOPTED RESOLUTION NO. 2002-176

7. Accept the Final Map for Gibbs Ranch No. 3 Subdivision in the Atwater area.

Public Works-Castle

8. Approve and authorize Chairman to sign Airport Sublease-Contract No. 2002173 with J. Blasingame & Sons, Inc. for 6 acres of land at Castle Airport Aviation and Development Center.
9. Approve and authorize Chairman to sign Airport Sublease-Contract No. 2002174 with Merco Credit Union for Building No. 748 to use as an administrative office.
10. Approve and authorize Chairman to sign Addendum to Contract No. 2001181 with The Regents of the University of California for the use of Building No. 1230 at Castle Airport Aviation and Development Center.
11. Approve and authorize Chairman to sign Airport Sublease – Contract No. 2002175 with A Woman's Place for Building No. 411 for office space at Castle Airport Aviation and Development Center.

Health

12. Grant Relieve of Accountability in the amount of \$35 for shortages in the Change Funds and authorize replenishment of the change funds in the amount of \$35.
13. Approve and authorize Chairman to sign Renewal Contract No. 6782 with Calif. State University-Stanislaus for Public Health Nursing Student Clinical Training.
14. Approve and authorize Chairman to sign Renewal Contract No. 7325 with Human Services Agency and Probation for the Child Health and Disability Prevention Program.
15. Approve and authorize Chairman to sign Renewal Contract No. 2000185 with Human Services Agency and Probation for the Health Care Program for children in Foster Care.

Planning

16. Approve and authorize Chairman to sign Addendum to Contract No. 2001163 with RRM Design Group for additional traffic engineering services for the Delhi and Planada Community Plans.
17. Approve request for Reconveyance for First Time Home Buyer's Deferred Payment Loan provided to Karla Limon and Arturo Sicairos and authorize the signing of the documents.
18. Approve request for Reconveyance for CDBG Deferred Payment Loan provided to Eddie and Novella Richardson and authorize the signing of the documents.

Sheriff

19. Approve Interdepartmental Contract with Probation for Juvenile Hall laundry services at the Correctional Facility for FY 2002/2003.

REVIEW BOARD ORDER – SEE PAGE 8 & 9
APPROVED AS RECOMMENDED AYES: ALL

HSA-Area Agency on Aging

20. Approve and authorize Chairman to sign Renewal Contract No. 7550 with The United Way to fund two Extra Help Ombudsman Staff.

Mental Health

21. Approve Renewal Contract No. 200218 with State Dept. of Mental Health for mental health services and authorize the Mental Health Director to sign all necessary documents.

Community Action Agency

22. Approve and authorize CAB Chair to sign Contract with Atwater Service Center for Atwater Women, Infants and Children Site Facility lease.
23. Approve and authorize CAA Executive Director to sign Renewal Contract with Merced Community College District for Head Start Facility located at Los Banos Campus-Merced College.
24. Approve and authorize CAB Chair to sign Contract with Pepper's Auto Parts for Los Banos Child Development Program Facility Building.
25. Approve and authorize CAA Executive Director to sign Child and Adult Care Food Program Contract/Renewal Application with Calif. Dept. of Education for Program administered by the Head Start/Child Development Program.
26. Approve and authorize the CAB Chair to sign Contract with Frank Peluso, John O Germino, Donald O. Germino and Judy McMorrow for the use of playground and parking areas adjacent to the Los Banos Child Development Center Facility.
27. Accept and place CAA Information, Staff and Committee Reports on file.

Board Recognition

28. Authorize plaque presentation to Merced Community College District in celebration of the 40th Anniversary on September 7, 2002.
29. Authorize Certificate of Recognition to Erlandson Family for establishment in Hilmar community and in celebration of 100 years in the Hilmar area.

- 30. Authorize presentation of plaque to Wickstrom - Valsinga Farms in their celebration of the Dairy Facility construction.
- 31. Proclaim September 22 - 28, 2002 as "5 A Day Week" and encourage all persons in the County of Merced to increase their consumption of fruits and vegetables to at least 5 a day and get 30-60 minutes of physical activity every day for better health.

Administration

- 32. Approve and authorize Chairman to sign Renewal Contracts as follows: No. 90012 with Dr. Phillip Hamm for Pre-Employment/Fitness for Duty Exams, No. 8374 with Merced County for Affiliation and Training and No. 6843 with Cooperative Personnel Services (CPS) for Exam Materials and Services.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 33. Amendment to Contract No. 200244 with Shannon Pump Company for the Perimeter Irrigation System in the amount of \$30,129.98 at the Correctional Facility, approve the revised total estimated project budget in the total amount of \$146,671 and the necessary budget transfer. (#001)

APPROVED AS RECOMMENDED AYES: ALL

- 34. Authorize development and issuance of a Request for Proposal for a new Contracted Operator Agreement for The Bus - Merced County Transit for the 5 year period from July 1, 2003 through June 30, 2008 with Staff to return to the Board with a recommendation.

APPROVED AS RECOMMENDED AYES: ALL

- 35. Approve prior application by the Public Works Director for unobligated Federal Aviation Association (F.A.A.) Airport Capital Improvement Funds for the Castle Airport Runway Rehabilitation Project, and authorize submission of Pre-Application for F.A.A. funds in next Federal Fiscal Year for airport signage, markings and high-intensity runway edge lighting and approve the necessary budget transfer.

REVIEW BOARD ORDER - SEE PAGE 9
MODIFIED RECOMMENDED ACTION AYES: ALL

- 36. Accept Proposal and Award Contract No. 2002177 to Stantec Consulting, Inc. to prepare a Joint Storm Water Management Plan for the National Pollutant Discharge Elimination System Phase II Storm Water Management Program and authorize the Public Works Director, after review by Counsel, to sign necessary amendments if said amendments do not exceed appropriated funding for the program.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

- 37. Contract with State EMS Authority for the enhancement of the Merced County EMS Dispatch Center.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002178 AS RECOMMENDED AYES: ALL

38. Contract with Jennifer Hobbs for the Childhood Obesity Prevention Project services.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002179 AS RECOMMENDED AYES: ALL

39. Resolution amending the Bylaws of the Emergency Medical Care Committee.
ADOPTED RESOLUTION NO. 2002-177 AS RECOMMENDED AYES: ALL

SHERIFF

40. Approve the Federal Annual Certification Report for the Federal Forfeiture Program for FY 2001/2002 and authorize Chairman to sign Agreement.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002180 AS RECOMMENDED AYES: ALL

CHILD SUPPORT SERVICES

41. Contract with Marilyn Anhalt, Consultant for Training Workshops for Leadership Practices Training for Management and Staff.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002181 AS RECOMMENDED AYES: ALL

HSA-AREA AGENCY ON AGING

42. Approve Bylaw changes to the Area Agency on Aging Advisory Council to reflect organization membership.
APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

43. Contract with Winton School District for placement of a Clinician on-site to provide mental health services.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002182 AS RECOMMENDED AYES: ALL

44. Resolution authorizing the Mental Health Director to sign any and all documents relating to the Grant Application to the Calif. Dept. of Alcohol and Drug Programs Safe and Drug Free Schools and Communities Program with the understanding the final approval will come back to the Board for acceptance.
ADOPTED RESOLUTION NO. 2002-178 AS RECOMMENDED AYES: ALL

ADMINISTRATION

45. Follow-up for previous Personnel issues.
REVIEW BOARD ORDER – SEE PAGE 9

BOARD OF SUPERVISORS

46. PULLED

BOARD APPOINTMENTS

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

- 47. Human Services Agency re: Report of Persons Receiving Public Assistance for June, 2002.
- 48. NACo re: Resolution recognizing those who gave their lives on September 11, 2001 and proclaim September 11 as Patriot Day supporting the declaration calling for flags to be flown at half-staff and for all to observe a moment of silence on September 11.
- 49. Yosemite Area Regional Transportation System re: Copy of the Notice of a Joint Power Authority Agreement for the Yosemite Area Regional Transportation System Authority.
- 50. Mayors Council of Merced County re: Letter of invitation for Board's participation in the attempt to broaden cable access throughout Merced County and possible incorporation of some form of countywide public access into the renewed franchise agreements.
- 51. Regional Council of Rural Counties re: Request for participation in the gift-basket raffle at the Annual Meeting for RCRC.
- 52. Children-In-Crisis Services re: Invitation to attend October 30, 2002 Meeting.
- 53. Caltrans re: The "Innovative in Transportation" e-magazine CD, a special edition - highlight of Caltrans projects.
- 54. State Water Resources Control Board re: Application 17512 - Order approving petition for temporary transfer of up to 5,000 acre-feet of water to areas within Del Puerto Water District and San Luis Water District. (On file with Clerk)
- 55. Central Valley Regional Water Quality Control Board re: Notice of Closed Session - Personnel set for September 10, 2002.
- 56. CALFED Bay-Delta Program re: Bay-Delta Public Advisory Committee Environmental Justice Subcommittee - Meeting set for September 9, 2002.
- 57. State Board of Equalization re: Inyo County Assessment Practices Survey, August 2002. (On file with Clerk)
- 58. Harvard University re: Notice of Crisis Management session to be held on November 11 - 14, 2002.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF JAMES STEWART, GEORGE MILLER, LEAH DIRKS, DON ONTIS AND JACK WILCOX UNTIL TUESDAY, SEPTEMBER 17, 2002 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – SEPTEMBER 10, 2002

10:00 A. M. SCHEDULED ITEMS

2002-09-10 PRESENTATION – SBC PacBell

Cheryl Rudd, Director of External Affairs for Pacific Bell Telephone Company appears before the Board and introduces Julie Tone, Regional Director-Private Sector and Bill Craft, Senior Account Manager-Data Communications Institute Graduate Public Sector-North for SBC Pacific Bell are present and submits and reviews “The Greater Merced Area Telecommunications Update dated September, 2002”

Present: Rivero, Cortez Keene, Crookham, Kelsey, O’Banion

10:00 A. M. SCHEDULED ITEMS

2002-09-10 PRESENTATION – EAST MERCED RESOURCE CONSERVATION DISTRICT

Terri Murrison, representing the East Merced Resource Conservation District, appears before the Board in a request from the Board and reviews a packet of information providing an update and background information.

Present: Rivero, Cortez Keene, Crookham, Kelsey, O’Banion

CONSENT ITEM NO. 3

2002-09-10 PUBLIC WORKS

Public Works Director Paul Fillebrown reviews the Staff Report for the International Drag Boat Races and exclusive use of Lake Yosemite. He advises with approval from the Board, an agreement will be developed to accommodate use of the park and the associated fees and reviews the contents of said agreement.

Following a lengthy discussion and upon motion of Supervisor O’Banion, seconded by Supervisor Crookham, duly carried, the Board approves the request from I.Q. Motorsports for exclusive use of Lake Yosemite from June 26 to 30, 2003 and exclusive use of Lake Yosemite Park from June 26 to 29, 2003 to host the International Hot Boat Races Association (IHBA) Drag Boat Races subject to development of agreement that will address park use issues and fees to recover loss revenue to come back to the Board for final approval after review and concurrence by the Sheriff, Risk Management, Health Department, Administration and County Counsel and waive the restriction on amplified sound equipment.

Ayes: Rivero, Cortez Keene, Crookham, Kelsey, O’Banion

CONSENT ITEM NO. 19

2002-09-10 SHERIFF/PROBATION

The Board requests additional information on the cost of the laundry service and holds the matter over until later in the day.

Probation Division Director Franz Moosbauer reviews the staff report and costs and states laundry duties have always been completed by staff and the cost of labor and staff time has not been incorporated into the projected costs.

Upon motion of Supervisor Crookham, seconded by Supervisor O'Banion, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2002176 with the Sheriff Department for the Juvenile Hall laundry at the Sandy Mush Correctional Facility for FY 2002/2003.
Ayes: Rivero, Cortez Keene, Crookham, Kelsey, O'Banion

ACTION ITEM NO. 35

2002-09-10 PUBLIC WORKS

Public Works Director Paul Fillebrown recommends an amendment to the requested action "authorizing the Public Works to accept the Grant funds" due to the end of the federal fiscal year deadline.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board approves prior application by the Public Works Director for unobligated Federal Aviation Association (F.A.A.) Airport Capital Improvement funds for the Castle Airport Runway Rehabilitation Project; authorizes the Public Works Director to submit a Pre-Application for F.A.A. funds in next Fiscal Year for airport signage, markings and high-intensity runway edge lighting; authorizes the Public Works Director to accept the Grant Award from F.A.A and sign Contract No. 2002232 and approves the necessary budget transfer moving project appropriation for Pavement Markings and Airfield Signage to Runway Rehab and estimate additional revenue from FAA and Caltrans.

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

ACTION ITEM NO. 45

2002-09-10 EXECUTIVE OFFICE

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board take the following action on personnel issues: approves changing one Full-Time Psychiatric Staff Nurse (Position #028) to Variable Shift in Mental Health, Budget Unit 41505; allocate the aligned Extra-help Fiscal Services Analyst classification in Fire, Budget Unit 25000; approves and adopts the modifications to the Executive Secretary and Correctional Officer I job specifications and authorizes the Director of Health to appoint current and future employees in the classification of County Health Officer as either contract employees, At-Will Full-Time or At-Will Variable Shift and adopts Resolution No. 2002-179.

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

10:00 A.M. ADDED AGENDA ITEM

2002-09-10 GENERAL SERVICES

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, regarding Surplus Property at Castle Airport Aviation and Development Center submitted by General Services.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board declares excess property known as Castle Surplus-Exhibit A to be Surplus Property as submitted and approves the Auction to be held on September 21, 2002 at Castle Airport Aviation and Development Center (4/5 Vote Required).

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

10:30 A.M. SCHEDULED ITEM

2002-09-10 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider changing the Road Name of Appaloosa Way East of Palomino Lane to Appaloosa Court in the Atwater area as submitted by Public Works.

Public Works Director Paul Fillebrown reviews Staff Report and recommends approval.

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor O'Banion, duly carried, the Board approves changing the Road Name of Appaloosa Way east of Palomino Lane to Appaloosa Court in the Atwater area, authorizes maintenance of new road name signs by the Road Division and adopts Resolution No. 2002-180.

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

10:30 A.M. SCHEDULED ITEM

2002-09-10 BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider the Final Application to the California Department of Housing and Community Development, Community Development Block Grant Program to create a Microenterprise Assistance Activities Program as submitted by Business Economic Opportunities.

Business-Economic Opportunities Director John Fowler reviews the staff report.

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Kelsey, duly carried, the Board authorizes submission of the Application in the amount of \$100,000 from the California Department of Housing and Community Development, Community Development Block Grant Program to create a Microenterprise Assistance Activities program, authorizes Business-Economic Opportunities Director to execute all application documents, authorizes the BEO Director to sign Contract No. 2002171 if awarded, and all other documents required, directs a report back to the Board and advise of the status of the grant application and adopts Resolution No. 2002-181.

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