



SUMMARY ACTION MINUTES

MERCED COUNTY BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, FEBRUARY 04, 2003

Closed Session – 8:30 a.m.

Regular Meeting – 10:00 a.m.

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

GLORIA CORTEZ KEENE.....DISTRICT 1
CHAIR 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

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

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: Four Cases

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Subdivision (a) of Section 54956.9: San Joaquin Raptor Rescue Center v. County of Merced, Merced Superior Court Case Number 146533.

THE BOARD RECESSED INTO CLOSED SESSION AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH SUPERVISOR KELSEY NOT

PRESENT AND THE CHAIRMAN ADVISED NO ACTION HAS BEEN TAKEN AT THIS TIME AND THE BOARD WILL MEET IN CONTINUED CLOSED SESSION LATER IN THE DAY

LATER IN THE DAY THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION

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)

UC MERCED PROJECT - LIAISON REPORT

RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Tax Collector-\$7,500

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 17)

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

ADDED AGENDA ITEM:

REVIEW BOARD ORDER – SEE PAGE 8

The Board finds the need to consider the following items and places them on the agenda for consideration:

(1)-Appointment of County Ag. Commissioner/Sealer of Weights and Measures/Director of Animal Control;

(2)-Application to the Dept. of Labor JobLinks Demonstration Grant Program for \$50,000 Ayes: 1, 2, 3, 5 Not Present: 4

10:30 A. M.

PUBLIC WORKS - PUBLIC HEARING

To consider creating the Santa Nella Community Specific Plan (CSP) Area Bridge and Major Thoroughfare Area of Benefit and possible establishment of fees to defray the cost of roadway improvements necessary as a direct result of anticipated growth within the Santa Nella CSP area

REVIEW BOARD ORDER – SEE PAGES 9 AND 10

10:30 A. M.

PLANNING - PUBLIC HEARING

To consider an Appeal received from David Souza to the Planning Commission denial of Zone Variance Application No. 02029 and Minor Subdivision Application No. 02054. Said Application is to vary from the minimum parcel size (20) acres in the A-1 (General Agricultural) zone by 15.5 acres, to divide a 36 acre parcel into two parcels: Parcel 1=4.33 acres and Parcel 2=31.65 acres on property located on the southeast corner of Westside Boulevard and Weir Avenue in the Livingston area

REVIEW BOARD ORDER – SEE PAGES 9

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items # 1 - 17)

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

Travel Requests

1. Approve Travel Requests submitted by Health as recommended by Executive Office.

Claims for Damages

2. Act on Claims for Damages submitted by Global Intermodal Systems and St. Paul Fire and Marine Insurance, Harlene Bajwa, David Young and Eric Bergstrom.

Executive Office

3. Adopt Resolution of Approval in support of the Merced County Arts Council's 2002-2003 Application for the State-Local Partnership Program.

ADOPTED RESOLUTION NO. 2003-18

Mental Health

4. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 200170 with State Dept. of Alcohol and Drug Programs for the Comprehensive Drug Court Implementation Grant to support the Drug Court Program.

ADOPTED RESOLUTION NO. 2003-19

5. PULLED.

Budget Transfers

6. Approve Budget Transfers submitted by Child Support Services-\$4,000, \$25,000 and \$171,500

Health

7. Approve and authorize the Chairman to sign Renewal Contract No. 2002155 with Kara Morley-Smolek, M.D. to serve as Consultant to the newly approved Health Officer for period of January 2003 through June 2003 in an amount not to exceed \$2,000 plus mileage reimbursement.

Treasurer

8. Accept Quarterly Investment Report for the Quarter Ending December 31, 2002 pursuant to Government Code Section 53646.

Community Action Agency

9. Approve and authorize CAB Chair to sign Contract with VFW Post 9946 for the Atwater Project CHERISH Site.
10. Adopt Resolution authorizing CAB Chair to sign Contract with Calif. Dept. of Community Services and Development for the 2003 Low Income Home Energy Assistance Program (LIHEAP) Funding.

ADOPTED RESOLUTION NO. 2003-20

11. Adopt Resolution authorizing CAB Chair to sign Contract with Calif. Dept. of Community Services and Development for 2003 Community Services Block Grant Funding.

ADOPTED RESOLUTION NO. 2003-21

12. Approve and authorize Chairman to sign Amendment to Contract with State Dept. of Education for Child Development Division to increase the amount of funding by \$20,246.00 for FY 2002/2003.
13. Approve and authorize submission of Request for Funding to the Hewlett Packard Company for Grant Funding for Workforce Development Department funds and authorize CAB Chair to sign Contract if awarded.
14. Accept and place CAA Information, Staff and Committee Reports on file.

Board Recognition

15. Authorize Certificates of Recognition to Alvin Amaral for Citizen of the Year Award and Patricia Carson Snoke for the Lowell N. Peters Award by the Gustine Chamber of Commerce.
16. Authorize Certificates of Recognition to the following individuals selected by Merced/Mariposa FFA Project Competition Committee for their outstanding entrepreneurship and work experience projects: Brandon Moore-Dos Palos High, Andrew Machado-Los Banos High, Joseph White-Buhach Colony High, Allison Nunes-Merced/Golden Valley High, Sara Barnes-Gustine High, Dennis Miguel-Hilmar High, Brandon Fullerton-Atwater High, Julie Luxon-Livingston High, Matt Esquivel-Le Grand High and Shayna Stephens-Mariposa High.
17. Authorize Certificate of Recognition to Lorene Jueneman for 15 years of dedicated service as a member of the Community Action Agency Board representing District Two.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

18. Grant Deed to State Dept. of Transportation for a parcel of County owned land, consisting of 1.30 acres of land located within Miles Creek, lying just south of Harvard Avenue as a part of the upgrade of State Route 99 to Freeway Status construction project.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003028 AND ADOPTED RESOLUTION NO. 2003-22 AYES 1, 2, 3, 5 NOT PRESENT: 4

19. Resolution approving the Negative Declaration/Initial Study for the Renewal of the Merced County Regional Recycling Market Development Zone and Resolution authorizing the submittal of the request to the Calif. Integrated Waste Management Board.

ADOPTED RESOLUTION NO. 2003-23 (NEGATIVE DECLARATION) AND RESOLUTION NO. 2003-24 (RENEWAL) AYES: 1, 2, 3, 5 NOT PRESENT: 4

PROBATION

20. Contract with Calif. Highway Patrol for the Supervising Offenders by Enforcement Response (SOBER) Project for one officer and office space for the SOBER Team at no cost to the project.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 99225 AYES: 1, 2, 3, 5 NOT PRESENT: 4

SHERIFF

21. Approve the sale of the Deputy Marshal/Marshal Sergeant Badges and Flat Badges to the assigned Court Security Division Staff for \$20 per Badge (uniform and flat) and authorize the monies received from the sale to be re-deposited into the Sheriff Department that purchased the badges due to the merger.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

HUMAN SERVICES AGENCY

22. Contract with Probation for placement of a Child Welfare Social Worker and Establishment of Common Case Management Practices.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003031 AYES: 1, 2, 3, 5 NOT PRESENT: 4

PLANNING

23. Contract Award to Self-Help Enterprises to implement and administer Merced County's 2003 Community Development Block Grant to be used for housing rehabilitation with the stipulation that Planning Staff return to the Board for contract approval if Grant is funded.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

AUDITOR

24. Resolution authorizing the Auditor-Controller to examine the State Board of Equalization Sales and Use Tax Records of the County of Merced.

ADOPTED RESOLUTION NO. 2003-25 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

PUBLIC WORKS-CASTLE

25. Contract Sublease with Atlas Storage Group, Inc. for use of a portion of Building 1340 for Administrative Offices.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003029 AYES: 1, 2, 3, 5
NOT PRESENT: 4**

LIBRARY

26. Contract with Housing Authority of the County of Merced for office space at the John O'Banion Learning Center for the South Merced Branch Library.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003032 AYES: 1, 2, 3, 5
NOT PRESENT: 4**

EXECUTIVE OFFICE

27. Authorize Assistant CEO and General Services Director to sign Contract with SIGMA Data Systems, Inc. for the purchase and updating of the current SIGMA System, Sigma 5 Applicant Management System will provide ability to process On-Line Applications.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003033 AYES: 1, 2, 3, 5
NOT PRESENT: 4**

28. Contract with Calif. Institute for County Government for a justice system study not to exceed \$50,000.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003034 AYES: 1, 2, 3, 5
NOT PRESENT: 4**

29. Resolution urging the California Legislature to reject the Governor's proposed elimination of Williamson Act subventions and direct notification to legislative representatives.

**ADOPTED RESOLUTION NO. 2003-26 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4**

BOARD OF SUPERVISORS

30. 2003 Committee Board Appointments - Update and completion.

**REVIEW BOARD ORDER – SEE PAGE 8
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: 1, 2, 3, 5 NOT PRESENT: 4

31. Human Services Agency re: Electronic Benefit Transfer. - Update on Progress.
32. Human Services Agency re: CalWORKs Time Limits.
33. Ag. Commissioner re: Animal Control Monthly Report for November, 2002.
34. Great Valley Center re: Report – *The State of the Great Central Valley: Public Health and Access to Care.* (On file with Clerk)
35. Calif. Chamber of Commerce re: 2003 Business Issues and Legislative Guide – Strategy for Economic Recovery. (On file with Clerk)
36. State Fish and Game Commission re: February 6, 2003 Agenda Meeting Notice.

37. State Water Resources Control Board re: Notice of Joint Petition for temporary change involving the transfer of up to 80,710 acre-feet of water from seven Sacramento River Water Diverters to the Metropolitan Water District of Southern California with the option to serve the State Water Project and Central Valley Project Service Areas.
38. State Board of Equalization re: Revision of Assessment Appeals Manual.
39. The California Endowment re: Fiscal Year 2001-2002 Annual Report "Defining Multicultural Health". (On file with Clerk)
40. Department of Water Resources re: Notice of Preparation of Environmental Impact Report for the Monterey Amendment to the State Water Project Contracts (including Kern Water Bank Transfer) and Other Contract Amendments and Associated Actions as part of a proposed Settlement Agreement in Planning and Conservation League v. Dept. of Water Resources.

ADJOURNED MEETING UNTIL TUESDAY, FEBRUARY 25, 2003 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – FEBRUARY 4, 2003

ACTION ITEM NO. 30

2003-02-04 BOARD OF SUPERVISORS – 2003 COMMITTEE APPOINTMENTS

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Nelson, duly carried, the Board approves the following Committee and Board Assignments for 2003 in conjunction with Board Action of January 28, 2003:

<u>COMMITTEE/BOARD</u>	<u>REGULAR MEMBER</u>	<u>ALTERNATE MEMBER</u>
Regional Council of Rural Counties	O'Banion	-----
San Joaquin River Task Force	O'Banion/Chris White	Kelsey
San Joaquin Valley Water Coalition	Kelsey	Crookham
Sesquicentennial Committee	Kelsey	O'Banion

Ayes: Crookham, Cortez Keene, Nelson, O'Banion
Not Present: Kelsey

10:00 A. M. ADDED AGENDA ITEM

2003-02-04 AGRICULTURAL COMMISSIONER

Upon motion of Supervisor Cortez Keene, seconded by Supervisor O'Banion, duly carried, the Board finds a need arose, subsequent to the posting of the Agenda, to consider appointment of County Agricultural Commissioner and places the matter on the Agenda for Board consideration.

Ayes: Crookham, Cortez Keene, Nelson, O'Banion
Not Present: Kelsey

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Nelson, duly carried, the Board approves the appointment of Mr. David Robinson as the County Agricultural Commissioner/Sealer of Weights and Measures/Director of Animal Control effective February 18, 2003, Salary Range 78.6

Ayes: Crookham, Cortez Keene, Nelson, O'Banion
Not Present: Kelsey

10:00 A. M. ADDED AGENDA ITEM

2003-02-04 DEPT. OF WORKFORCE INVESTMENT

Upon motion of Supervisor Cortez Keene, seconded by Supervisor O'Banion, duly carried, the Board finds a need arose, subsequent to the posting of the Agenda, to consider Application to the Department of Labor's Joblinks Demonstration Grant Program and places the matter on the Agenda for Board consideration.

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

Not Present: Kelsey

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Nelson, duly carried, the Board authorizes submittal of the Application to the U.S. Department of Labor, the Community Transportation Association of America, Joblinks Demonstration Grant Program in the amount of \$50,000 to implement a study of transportation supportive services provided by One-Stop Partners.

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

Not Present: Kelsey

10:30 A.M. SCHEDULED ITEM
2003-02-04 PLANNING – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider an Appeal received from David Souza to the Planning Commission denial of Zone Variance Application No. 02029 and Minor Subdivision Application No. 02054. Said Application is to vary from the minimum parcel size (20) acres in the A-1 (General Agricultural) zone by 15.5 acres, to divide a 36 acre parcel into two parcels: Parcel 1=4.33 acres and Parcel 2=31.65 acres on property located on the southeast corner of Westside Boulevard and Weir Avenue in the Livingston area.

Planning Director Bill Nicholson reviews the Staff Report.

The Chairman asks if there is anyone present who wishes to speak.

Janet Martin questions the accuracy of the Planning Commission minutes.

Following discussion, Supervisor Nelson moves, to postpone the public hearing until February 25, 2003 to allow a report back after the Steering Committee meeting.

Supervisor Crookham seconds the Motion.

Following further discussion, the Chairman calls for a Vote on the Motion on the Floor. Motion carries.

Ayes: Crookham, Nelson, O'Banion

Noes: Cortez Keene

Not Present: Kelsey

10:30 A. M. SCHEDULED ITEM
2003-02-04 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider the Santa Nella Community Specific Plan (CSP) Area Bridge and Major Thoroughfare Area of Benefit and possible establishment of fees to defray the cost of roadway improvements necessary as a direct result of anticipated growth within the Santa Nella CSP area as submitted by Public Works

Assistant Public Works Director Michael Edwards reviews the Staff Report.

The Chairman asks if there is anyone present who wishes to speak.

The following speak:

Mr. Carl Hoffman, representing Myron Zimmerman Trustee, questions the sphere of the study and the boundaries;

Mr. Tom Hillman states he was unaware of the proposed development and presents questions;

Tom Burkhard states costs concerns and the noise that will be generated with the new additional lanes;

Mark Duddys, Holiday Inn Manager, states it is his understanding all new development will participate in the fee accessed and questions the course of action if the housing development does not meet the need of fees required; and

Lelia Penn, property owner, questions the additional traffic and reiterates concerns on fees.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board creates the Santa Nella Community Specific Plan (CSP) Area Bridge and Major Thoroughfare Area of Benefit, establishes fees to defray the cost of roadway improvements necessary as a direct result of anticipated growth within the Santa Nella CSP Area, authorizes the Auditor-Controller to establish an interest bearing capital projects fund for the Santa Nella CSP Area Bridge and Major Thoroughfare Area of Benefit and adopts Resolution No. 2003-27.

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

Not Present: Kelsey