



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, APRIL 29, 2003

Closed Session – 8:00 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

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

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

8:00 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 County Executive Officer-Real Property Negotiator(s) pursuant to Section 54956.8 as follows:

Property/Reference: Air National Guard

Negotiating Parties: Castle Airport

Property Description: Various Buildings

REVIEW BOARD ORDER – SEE PAGE 10

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: Two Case(s)

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: Castle Joint Power Authority v. Blackwood, Merced County Small Claims No. S19816238

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (e) of Section 54957:
PUBLIC EMPLOYMENT
Title: Public Health Director

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (f) of Section 54957.6 concerning Conference with County of Merced Staff Negotiator(s) concerning health care plan and budget reduction options 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 and Deputy Sheriff Association, Unit 10

THE BOARD RECESSED AT 8:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION

10:00 A. M.

PLEDGE OF ALLEGIANCE

MERCED COUNTY 2003 VOLUNTEER RECOGNITION AWARDS

Presented by Supervisor Cortez Keene

Flora Martinez and Jovita Alvarez

Presented by Supervisor Crookham

Gladys Escola and Thomas McDaniel

Presented by Supervisor Nelson

Julie Sansoni

Presented by Supervisor Kelsey

Robert Anderson and Target Volunteers

Presented by Supervisor O'Banion

Los Banos Volunteers for Animals

A RECEPTION IS HELD IN ROOM 310 IN HONOR OF THE AWARDS

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: Oscar Guillen

**UC MERCED PROJECT - LIAISON REPORT
NO REPORT**

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Public Works/Castle-\$30,000 (#064) and General Services-\$50,000

APPROVED AS RECOMMENDED AYES: ALL

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

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M.

PUBLIC WORKS - PUBLIC HEARING

To consider proposed Annexation and Assessment Rate for the Easy Street Lighting Zone of Benefit No. 308

To consider and tabulate the ballots for the Annexation of 37 adjacent parcels to the Easy Street Lighting Zone of Benefit No. 308 and to establish assessment rates to cover costs of installing and maintaining 11 new street lights in the community of Celeste

REVIEW BOARD ORDER – SEE PAGE 10

PLANNING - PUBLIC HEARING - INTENDED DECISION

General Plan Amendment No. 02008, Zone Change No. 02009, Property Line Adjustment No. 02033

To consider amending the Merced County General Plan from Agricultural and Atwater Specific Urban Development Plan (SUDP) Agricultural to Atwater SUDP Agricultural-Residential land use with a concurrent Zone Change from A-1 (General Agricultural) to A-R (Agricultural-Residential) on property located on the west side of Winton Way and on the south side of Camellia Drive

REVIEW BOARD ORDER – SEE PAGE 11

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

Budget Transfers

1. Approve Budget Transfers submitted by District Attorney-\$11,000; PW-Castle-\$18,975 (#063) and Rds/Fleet-\$11,392 (#061); Sheriff-\$12,500 and \$2,800 and Human Services Agency-\$4,093 (A-12).

Public Works

2. Set public hearing for June 10, 2003 at 10:30 a.m. to consider Amendment to Ordinance No. 1573 regarding County Parks Facility Use Policy, Facility Rental Rates, Vehicle Entrance fees and Parking Fees.
3. Set public hearing for June 10, 2003 at 10:30 a.m. to consider Amendment to Ordinance No. 1539 regarding Regulation and Maintenance of all Buildings or Structures in the County of Merced and providing for the issuance of building permits and collection of fees therefore.
4. Waive the restriction on the use of amplified sound equipment by Foster Farms on May 3, 2003 at Haganan Park and by the Reyes Family on July 26, 2003 at Henderson Park (Clubhouse).
5. Waive the restriction on the use of amplified sound equipment by the Paz-Stenger Wedding Party on September 13, 2003 at Henderson Park (Clubhouse) and by the Paul Family Reunion on June 21, 2003 at Lake Yosemite (Rotary Cove II).
6. Approve and execute the Parcel Map for abandonment of 10 feet of road right-of-way on Lexington Avenue north of Globe Avenue near South Dos Palos for Ben/Librada Flores.
7. Adopt Resolution forming the El Capitan Estates and Hollywood Park Street Lighting and Park Maintenance Zone of Benefit No. 265 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2003-63

8. Accept Final Map for Hollywood Park - Phase I Subdivision No. 01001 located in Franklin-Beachwood area.

Health

9. Approve and authorize Chairman to sign Renewal Contract No. 8400 with State Dept. of Health Services for Medi-Cal Administrative Activities for FY 03-04, 04-05 and 05-06.

Sheriff

10. Approve and authorize Chairman to sign Renewal Contract No. 9397 with Spring Fair for security services at the Los Banos Spring Fair.

Executive Office

11. Approve and authorize Chairman to sign Amendment to Contract No. 200220 with JT2 for Workers' Compensation Claims Administration effective April 1, 2003.

Human Services Agency

12. Approve and authorize Chairman to sign Contract with Merced County Children and Families Commission to provide consultant fees for a childcare economic impact report and authorize the Human Services Agency Director, upon Counsel review, to sign subsequent

amendments to contract for change in work statement, procedures, policies or reporting format within the contract budget.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003068

13. Approve and authorize Chairman to sign Amendment to Contract No. 2001159 with Children's Services Network for Stage 1 Child Care Funds increase amendment.

Business-Economic Opportunities

14. Approve and authorize Addendum to Contract No. 9855 with Merced County Economic Development Corporation providing for MCEDCO to credit the County when grant writing assistance is provided by Business-Economic Opportunities.

Board Recognition

15. Authorize plaque and Certificate of Recognition in celebration of 100 Year Anniversary of the Los Banos Druids Grove-156.
16. Authorize Certificate of Recognition to Child Advocates of Merced County in celebration of hosting the "Community Conversations" work on behalf of abused and neglected children in Merced County.
17. Authorize Certificate of Recognition to BloodSource - Merced County in celebration of their Open House and Ribbon Cutting.
18. Proclaim the month of May, 2003 as "Veterans Appreciation Month" in Merced County.
19. Authorize Certificate of Recognition to Sally Paternain in honor of being selection by Memorial Hospital of Los Banos as Volunteer of the Year 2002.
20. Proclaim June 28, 2003 as "Castle Air Museum Day" in the County of Merced.
21. Authorize Certificate of Recognition in honor of selection by the Atwater Chamber of Commerce to Silveira Petroleum, Inc. for Business of the Quarter and Greg McDaniel for Volunteer of the Quarter.
22. Authorize Certificate of Recognition to Kayla Cherry-2003 Miss Atwater Award; Jennifer Medeiros-2003 Miss Atwater 1st Runner-Up; Catina Villanueva-2003 Wee Miss Atwater and Alexandra Dietz 2003 Wee Miss 1st Runner Up.
23. Proclaim April 28 through May 4, 2003 as "Mosquito and Vector Control and West Nile Virus Awareness Week" in Merced County.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

24. License Agreement between Dos Palos-Oro Loma Joint Unified School District and American Legion Post #86 for use of Dos Palos Legion Hall.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003069 AYES: ALL

25. Contract with Tower Asset Sub, Inc. for the lease of existing county owned land at Correctional Facility for the transmission, reception and related activities of wireless

communications.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003066 AYES: ALL

26. Castle Airport Sublease with Alfonse Peterson Sr., dba Omni Concepts for a portion of Building 411 as a tenant operating a financial advisory office.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003067 AYES: ALL

27. Authorize expenditure of \$1,693 from both Special Board Project Funds-District Three and District Four to be forwarded to the Merced Union High School District to help assist Atwater and Buhach Colony High School bands with the cost of their Hawaii trip; redirect Special Board Project Funds-District Three funds in the amount of \$1,693 from sidewalk installation along Juniper Avenue to Merced Union High School District and approve the necessary budget transfer (#068).

APPROVED AS RECOMMENDED AYES: ALL

28. Authorize expenditure of \$1,690 from Special Board Project Funds-District Four to be used for Winton Explorer Post #322, Bike Squad equipment and supplies and expenditure of \$1,690 to Winton Cowboys Football Youth Group equipment and supplies and approve the necessary budget transfer (#069)

APPROVED AS RECOMMENDED AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

29. Sales Tax Recovery Initiative.

REVIEW BOARD ORDER – SEE PAGE 11

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003070 AND ADOPTED RESOLUTION NO. 2003-65 AYES: ALL

FIRE

30. Grant Application submission for the FEMA Fire Act Grant in the amount of \$119,700 to fund the purchase of critically important and legally mandated personal protection equipment for Merced County volunteer and career firefighters.

APPROVED AS RECOMMENDED AYES: ALL

COUNSEL

31. Resolution vacating and setting the adoption and/or approval of General Plan Amendment No. 99001, Parallel Zone Change No. 9901 and Negative Declaration for the 376-acre Pacific Com Tech Park Project in connection with San Joaquin Raptor Rescue Center et al. v. County of Merced, Merced Superior Court No. 146533.

ADOPTED RESOLUTION NO. 2003-66 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

32. Authorization to apply for a Federal Food Stamp Waiver to the Able Bodied Adults Without Dependents (ABAWDS) Program.

APPROVED AS RECOMMENDED AYES: ALL

33. Amendment to Contract No. 7239 with Dept. of Workforce Investment for the purchase of the Manual System of Assessment and Group Evaluation Equipment and approve the necessary budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

34. Contract with Cooperative Personnel Services-Human Resources Services for the design, development and administration of a Management Competency Assessment Program for Human Services Agency management level employees.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003071 AYES: ALL

MENTAL HEALTH

35. Resolution approving Substance Abuse Crime Prevention Act of 2000 Fiscal Year 2003-2004 County Plan.

ADOPTED RESOLUTION NO. 2003-67 AS RECOMMENDED AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

36. Approve the no-cost amendments to the Revolving Loan Fund (RLF) from U.S. Economic Development Administration that will replace prior editions of the standard terms and conditions and apply to all EDA RLF's and govern all RLF activities (Grant Award No. 07-49-02639 and 07-39-02988.01) and authorize the Business-Economic Opportunities Director to be the authorized signatory.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003075 AYES: ALL

PROBATION

37. Adopt Resolution approving the Juvenile Justice Crime Prevention Act Application for Continuation Funding, Plan Modification and authorizes submission to the Board of Corrections for final approval.

ADOPTED RESOLUTION NO. 2003-68 AS RECOMMENDED AYES: ALL

MERCED COUNTY SPRING FAIR

38. Approve and authorize Chairman to sign Contract with Headliner Entertainment for the Merced County Spring Fair in Los Banos for May 1, 2003.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003065 AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

39. PULLED

EXECUTIVE OFFICE

40. Approve job specification and allocate one Equipment Service Worker, Range 56.8 to Public Works-BU 30000; approve the job specification and allocate one Mental Health Compliance Officer, Range 74.0 to Mental Health-BU 41500 and adopt Resolution.

ADOPTED RESOLUTION NO. 2003-69 AS RECOMMENDED AYES: ALL

41. Authorize notification of a Reduction in Force (RIF) effective May 31, 2003 pursuant to Human Resources Rules and Regulations, Section 2.W. affecting two Supervising Employment and Training Specialist positions, four Employment and Training Specialist I/II positions and one Assessment Technician I/II position in Dept. of Workforce Investment; authorize notification of a Reduction in Force (RIF) effective May 16, 2003 pursuant to Human Resources Rules and Regulations, Section 2.W. affecting one Variable Shift Recreation Supervisor position in Public Works-Recreation Division, BU 70000.

APPROVED AS RECOMMENDED AYES: ALL

42. Oppose the following and forward correspondence to appropriate legislative representatives: Assembly Bill 1470-In-Home Supportive Services provider wage and

benefit increases-voter initiative, Senate Bill 898-Farmland Conservation, Assembly Bill 1531-Statewide Primary Election, and Senate Bill 430-Statewide Primary Election.

APPROVED AS RECOMMENDED AYES: ALL

43. Approve Travel Requests submitted by Mental Health (2) and Public Defender as recommended by Executive Office.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

44. District Four - Planning Commission.

REAPPOINTED KIMBERLY CLAUSS, REPRESENTING DISTRICT FOUR TO SERVE AS A MEMBER OF THE PLANNING COMMISSION UNTIL OCTOBER 1, 2006 AYES: ALL

45. Housing Appeals Board.

REAPPOINTED DENNIS PELLISIER AND PHIL WILSON UNTIL MARCH 26, 2006 AND DON SPIVA UNTIL MARCH 26, 2004, APPOINTED JIM TOLLADAY UNTIL MARCH 26, 2004 AND RUDY BUENDIA UNTIL MARCH 26, 2006 TO SERVE AS MEMBERS OF THE HOUSING APPEALS BOARD AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

46. Public Works re: New Animal Control Facility Architect - Information Item.
AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2002224
47. Business-Economic Opportunities re: Comcast Update.
48. Ag. Commissioner re: Animal Control Reports - January and February, 2003.
49. San Joaquin Valley Air Pollution Control District re: 2002 Annual Report on Toxic Emissions from Valley Facilities. (On file with Clerk)
50. Sonoma County Farm Bureau re: Concerns regarding proposal to list the California Tiger Salamander as endangered.
51. Los Angeles County re: Request for proposal to create a joint committee to draft a voter initiative for the March 2004 election.
52. Calif. High Speed Rail Authority re: The Draft LOSSAN (Los Angeles-Orange County-San Diego) Corridor Screening Recommendations Report is available.
53. State Water Resources Control Board re: Notice of Petition for temporary change involving the transfer of up to 6,300 acre-feet of water to areas within the Westlands Water District under California Dept. of Water Resources Permit 16482.
54. State Water Resources Control Board re: Notice of Petition for temporary change involving the transfer of up to 3,000 acre-feet of water under licenses 2033 and 4659.
55. California Regional Water Quality Control Board re: Notice of Public Workshop on the Development of a Basin Plan Amendment to Control the Discharge of Diazinon and Orchard Runoff and Establish a Total Maximum Daily Load for Diazinon in the Sacramento and Feather Rivers.

56. State Wildlife Conservation Board re: Wetland Habitat Restoration, Los Banos Wildlife Area, Mud Slough Unit, Merced County set for May 14, 2003 Meeting.
57. State Wildlife Conservation Board re: Wetland Habitat Restoration, Volta Wildlife Area, Merced County set for May 14, 2003 Meeting.
58. Verizon Wireless re: Notification letter for Dos Palos of California RSA No. 4 Limited Partnership (U-3038-C) CA 4 - Madera - RSA.
59. Coachella Valley Coalition for Responsible Sovereignty re: Tribal Casinos and their impacts on a California community - February 2003. (On file with Clerk)

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF RUTH WATTS AND BETTY CRIVELLI UNTIL TUESDAY, MAY 6, 2003 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 29, 2003

8:00 A.M. CLOSED SESSION

2003-04-29 CONFERENCE WITH LEGAL CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

It is the intention of the Board to meet in Closed Session concerning a Conference with County Executive Officer-Real Property Negotiator(s) pursuant to Section 54956.8 as follows:

Property/Reference: Air National Guard

Negotiating Parties: Castle Airport

Property Description: Various Buildings

The Board recessed at 8:00 a.m. and reconvened at 10:00 a.m. with all members present and the Chairman advised Staff was given direction.

The Board authorized the Chairman to sign Letter to the U.S. Dept. of Commerce-Economic Development Administration Regional Director Mr. A. Leonard Smith dated April 30, 2003 requesting assistance in alleviating the job-creation and lien requirement assigned to Building 175. Present: Crookham, Cortez Keene, Nelson, Kelsey, O'Banion

10:30 A.M. SCHEDULED ITEM

2003-04-29 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for the public hearing to consider and tabulate the ballots for the Annexation of 37 adjacent parcels to the Easy Street Lighting Zone of Benefit No. 308, determine if the mail-out ballots were in favor or against the annexation and assessment and to establish assessment rates to cover costs of installing and maintaining 11 new street lights in the community of Celeste submitted by Public Works.

Public Works Administrative Engineer Curtis Royer reviews the Staff Report advising the Board a majority of the property owners in the community of Celeste presented a petition to request the expansion of the Easy Street Lighting Zone of Benefit No. 308 to provide additional lighting (11 Street Lights) in the vicinity of Easy Street, Dell Street, Ida Street, Nellie Street, Celeste Avenue, Kibby Road and Highway 140. A total of 72 parcels will be impacted by the proposed expansion.

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor O'Banion, duly carried, the Board approves the annexing of the proposed territory as described by Map and Legal Description to the Easy Street Lighting Zone of Benefit Number 308 in County Service Area Number One, sets the Annual Assessment Rate at \$50.00 per Equivalent Dwelling Unit and adopts Resolution No. 2003-64.

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

10:30 A.M. SCHEDULED ITEM
2003-04-29 PLANNING – PUBLIC HEARING

The time and date previously set for the public hearing to consider General Plan Amendment No. 02008 and Zone Change No. 02009 to adjust the Atwater Specific Urban Development Plan (SUDP) boundary and the General Plan from Atwater and Winton (SUDP) Agricultural to Winton (SUDP) Agricultural-Residential and land use with a concurrent Zone Change from A-1 (General Agricultural) to A-R (Agricultural-Residential) on property located on the west side of Winton Way and 650 feet south of Gertrude Avenue submitted by Willson and Mooneyham and Merced County.

Planning Director Bill Nicholson reviews the staff report and recommendations before the Board.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board approves the Negative Declaration prepared for General Plan Amendment No. 02008 and Zone Change No. 02009 and based Findings goes on record of its intent to approve General Plan Amendment No. 02008 and Zone Change No. 02009.

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

ACTION ITEM NO. 29
2003-04-29 BUSINESS-ECONOMIC OPPORTUNITIES

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Kelsey, duly carried, the Board approves the Sales Tax Recovery Initiative, authorizes the Chairman to sign Contract No. 2003070 with HdL (Hinderliter, De Llamas and Associates) Companies to represent the County for sales tax audit purposes to the State Board of Equalization, authorizes the Auditor-Controller, Executive Office, Assessor and Business-Economic Opportunities Department to receive the business data reports and examine sales and use tax records and adopts Resolution No. 2003-65.

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