



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, JANUARY 13, 2004**

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  
KATHLEEN M. CROOKHAM.....DISTRICT 2  
MICHAEL G. NELSON.....DISTRICT 3  
CHAIR 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**

8:30 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: One Case

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:** It is the intention of the Board to meet in Closed Session concerning Existing Litigation (Subdivision (a) of Section 54956.9):  
Steven Ward Little v. County of Merced, Civ-F-03-06118 OWW DLB  
San Joaquin Raptor Rescue Center et al. v. County of Merced, Case No. SCV 145941

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Subdivision (f) of Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers Association, Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P and Deputy Sheriff Association, Unit 10

**THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF**

**GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)**

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

**PRESENTATION** - 2003 in Review, Goals and Accomplishments presented by Chairman Kathleen M. Crookham

**REORGANIZATION OF THE BOARD**

**SUPERVISOR KELSEY IS NOMINATED AS 2004 CHAIRMAN AND SUPERVISOR O'BANION IS NOMINATED AS 2004 VICE-CHAIRMAN**

**PRESENTATION** - Senator Denham Office Representative Louise Farley

**PRESENTATION OF CALIFORNIA FLAGS**

**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: BEO Director John Fowler and Mike Thurber**

**UC MERCED PROJECT - LIAISON REPORT**

**RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required)** Fire-\$14,767, \$34,440, and \$28,250; Health-\$4,500 and \$48,042; Mental Health-\$896,551; Probation, \$750 and \$3,500; Public Works-\$50,000 (#022); Sheriff-\$5,000 and \$4,894 and Auditor-Revenue & Reimbursement-\$15,000

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 28)**

**APPROVED AS RECOMMENDED AYES: ALL**

10:30 A. M.

**BUSINESS-ECONOMIC OPPORTUNITIES - PROPOSED ORDINANCE - FIRST READING, SET SECOND READING AND POSSIBLE ADOPTION FOR JANUARY 27, 2004**

An Ordinance to extend by one additional year the grant to Comcast of San Joaquin, Inc. of a non-exclusive franchise to construct, operate and maintain a cable communications system in the unincorporated territory of the County of Merced and providing terms and conditions for the operation of such system and providing for the payment of statutory fees by Comcast therefore (Amends Ordinance Nos. 1428, Repeals Ordinance No. 1523 and 1713)

**REVIEW BOARD ORDER – SEE PAGE 9**

**PUBLIC WORKS - PROPOSED ORDINANCE - FIRST READING, SET SECOND READING AND POSSIBLE ADOPTION FOR JANUARY 27, 2004 AT 10:30 A.M.**

An Ordinance to allow the Director of Public Works to approve the use of Amplified Music in Outdoor Areas of County Parks (Amends Chapter 10.28) (Ordinance No. 1388 and 1231)

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

**PLANNING - PUBLIC HEARING**

Appeal of Planning Commission decision revoking Administrative Permit No. 98006 for a Semi-Mobile Food Vendor submitted by Hargurnam Singh. Said Property location is at the Rancho mini-market and gas station, corner of Santa Fe Drive and Walnut Avenue in Winton

**REVIEW BOARD ORDER – SEE PAGE 10**

**REPORTS/BOARD DIRECTION**

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

**LUNCH BREAK**

**CONSENT CALENDAR (Items #1 - 28)**

**APPROVED AS RECOMMENDED AYES: ALL**

**Public Works**

1. Adopt Resolution designating the intersection of "F" Street and Academy Drive as an All-Way Stop Intersection and authorize installation of stop signs on the F Street approaches to the intersection.

**ADOPTED RESOLUTION NO. 2004-01**

2. Adopt Resolution designating the intersection of Bradbury Road and Vincent Road as an All-Way Stop Intersection and authorize installation of stop signs on the Vincent Road approaches to the intersection.

**ADOPTED RESOLUTION NO. 2004-02**

3. Adopt Resolution designating the intersection of Mulberry Avenue and Station Avenue in the Atwater area as an All-Way Stop Intersection and authorize installation of signs.

**ADOPTED RESOLUTION NO. 2004-03**

4. Approve and authorize Chairman to sign Contract with URS Corporation for Environmental and Cultural Resource Surveys and authorize Public Works Director to sign Project Supplements which outline individual job requests.

**AUTHORIZED CONTRACT NO. 2004001**

**Planning and Community Development**

5. Approve and authorize Chairman to sign Addendum to Contract No. 2001258 with EIP Associates for Special Services related to environmental impact report preparation in connection with Santa Fe Aggregates' Bettencourt Ranch Mine Expansion Project.
6. Set public hearing for February 3, 2004 at 10:30 a.m. to receive public input regarding submittal of an Application for a Grant from the Community Development Block Grant General Allocation Fund to be utilized for Housing Rehabilitation and Code Enforcement.

**Ag. Commissioner**

7. Adopt Resolution authorizing the Chairman to sign Amendment to Contract with Calif. Dept. of Food and Agriculture for Nursery Stock Nematode-Free Certification Inspections.

**AUTHORIZED CONTRACT NO. 2004002 AND ADOPTED RESOLUTION NO. 2004-04**

**Probation**

8. Authorize two employees assigned to the Day Reporting Center from Probation Department to observe Lincoln's Holiday on Monday, February 9, 2004 instead of the regular County Holiday observance of Thursday, February 12, 2004.

**Sheriff**

9. Authorize the Sheriff to apply for additional free counterintelligence equipment from the Office of National Drug Control Policy Program through the Internet application process.
10. Authorize the Sheriff to apply for the 2004 Federal Drug Enforcement Agency Domestic Cannabis Eradication/Suppression Grant.

**Mental Health**

11. Adopt Resolution authorizing the Mental Health Director to sign Amendment to Contract No. 200170 with State Dept. of Alcohol and Drug Programs for the Comprehensive Drug Court Implementation Grant and authorize Director to sign subsequent amendments to contract for changes within contract budgeted amount understanding changes and amendments will be brought back on Board Information.

**ADOPTED RESOLUTION NO. 2004-05**

**Human Services Agency**

12. Approve and authorize Chairman to sign Renewal Contract No. 2001166 with Derrel's Mini Storage for storage of client property by the Public Guardian.

**Claims for Damages**

13. Act on Claims for Damages submitted by Luis Demetrio Hernandez, Ghays Alqadar, Bill James, Sylvia Castro and Dion Ortega as recommended by Risk Management.

## Community Action Agency

14. Adopt Resolution authorizing CAB Chair to sign Contract with State Dept. of Community Services and Development for the Community Services Block Grant funding for eligible participants residing in Merced County in the funding amount of \$103,026.

### **ADOPTED RESOLUTION NO. 2004-06**

15. Adopt Resolution authorizing one-day closure of November 3, 2003 due to an imminent health and safety hazard due to no electricity at the Merced Child Development Center.

### **ADOPTED RESOLUTION NO. 2004-07**

16. Approve and authorize CAA Executive Director to sign Contract with P.G.&E. for participation in the 2004 CARE (California Alternate Rate for Energy) Community Outreach Program and authorize submission of 2004 Work Plan.
17. Authorize the acceptance of the Community Technology Foundation of California Grant in the amount of \$70,000 to support a shared network with Workforce Development Staff and partner agencies.
18. Authorize submission of a Grant to the Corporation for National and Community Service to fund "Connecting Merced" providing a Virtual One-Stop using net working technology to provide a continuum of services for shared clients.
19. Authorize submission of Application to State Dept. of Education for continued funding for State Preschool for Program Year 2004/2005.
20. Authorize submission of Application to State Dept. of Education for continued funding for Child Development Program for Program Year 2004/2005.
21. Accept and place CAA Information, Staff and Committee Reports on file.

## Adjournments

22. Adjourn the Meeting in memory of: John "Jack" Collins, David Riordan, Burt Fogelberg, Gilbert Leon Banaga and Jean Blake, Aurora Ramirez, Chester Matsen and Richard Bernasconi.

## Board of Supervisors Office

23. Approve Minutes of August 12, 19 and 26; September 9, 16, 23 and 30; and October 7 and 21, 2003.

## Counsel

24. Approve and authorize Chairman to sign Amendment to Contract No. 2003182 with Marderosian, Runyon, Cercone, Lehman & Armo for professional services in connection with Case Number 146901.

## Board Recognition

25. Authorize Certificate of Recognition to Wayne Forsythe for selection as Cattleman of the Year.
26. Authorize Certificates of Recognition to 2003 Outgoing Officers of the Los Banos Golden Agers Club: Nancy Barcellos-Past President, Gene Anderson-President, Frank Parreira-Vice President, Rose Mello-Secretary, Geri Alves-Treasurer and Directors Cecilia Cardoza, Jim Cook, Mary Ann Wood, Bette Orlando and Alveda Parreira and Historian-Ella Engman.
27. Authorize Certificates in Celebration of Ribbon Cutting of Scott Smith, DDS and Sign Tech.

Budget Transfer

28. Approve Budget Transfer-\$1,200 for Board of Supervisors Office as recommended by Executive Office.

**REGULAR CALENDAR**

**BOARD ACTION**

PUBLIC WORKS

29. Authorize Loan of \$10,000 from County Service Area Emergency Fund to the Santa Nella Village Landscape Maintenance Zone of Benefit No. 408.

**APPROVED AS RECOMMENDED AYES: ALL**

PLANNING AND COMMUNITY DEVELOPMENT

30. Addendum to Contract No. 2001257 for reimbursement of consultant and staff costs to Merced County by Santa Fe Aggregates and approve the necessary budget transfer-\$29,500. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

HEALTH

31. Authorize Staff to amend the Animal Confinement and Poultry Ordinances by relocating the Animal Confinement Ordinance and Poultry Ordinance into the Zoning Code and in addition, to reflect recent state regulations and authorize Staff to return to the Board for amendments to the proposed ordinances.

**APPROVED AS RECOMMENDED AYES: ALL**

BUSINESS-ECONOMIC OPPORTUNITIES

32. Resolution approving the withdrawal of 77 acres from Foreign Trade Zone (FTZ) No. 226 Site 3 - Santa Nella.

**ADOPTED RESOLUTION NO. 2004-08 AS RECOMMENDED AYES: ALL**

33. Foreign Trade Zone (FTZ) No. 226 proposed resolutions in Support of Initiatives to expand U.S. Customs and Border Protection's Fresno Port of Entry Geographical Limits and Initiative to expand U.S. Customs and Border Protection's Fresno Port of Entry Office Staffing including increasing the Fresno Port Director's position level.

**ADOPTED RESOLUTION NO. 2004-09 (Expand Georgraphic Limits) AND RESOLUTION NO. 2004-10 (Expand Office Staff) AYES: ALL**

34. Adopt Resolution relative to the Foreign Trade Zone (FTZ) No. 226 Tariff Schedule Adjustments.

**ADOPTED RESOLUTION NO. 2004-11 AS RECOMMENDED AYES: ALL**

35. Approve the 2002-2003 Foreign Trade Zone No. 226 (FTZ) Annual Report and authorize submission to the U.S. Foreign Trade Zones Board.

**APPROVED AS RECOMMENDED AYES: ALL**

HUMAN SERVICES AGENCY

36. Contract No. 2003014 with Community Action Agency to transfer funds in the amount of \$5,000 for the Father of the Year Contest.

**APPROVED AS RECOMMENDED AYES: ALL**

H.S.A. - Area Agency on Aging

37. Approve and authorize Chairman to sign Amendment to Contract No. 2004003 with Calif. Dept. of Aging for Multi-purpose Senior Services Program and approve the necessary budget transfers-\$107,351. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

COUNSEL

38. Grant request for waiver of a potential Conflict of Interest and authorize Counsel to communicate the grant of the waiver to the Remy Thomas Firm.

**APPROVED AS RECOMMENDED AYES: ALL**

AUDITOR-CONTROLLER

39. Authorize purchase of the Exigent Computer Group, Inc. system enhancements to Vital Records and Los Banos connectivity, cashiering, printing and marriage license generation and authorize issuance of a Purchase Order for the computer programming enhancements to the Recorder's/Clerk's System Enhancement in the amount of \$25,520.

**APPROVED AS RECOMMENDED AYES: ALL**

EXECUTIVE OFFICE

40. Merced County Redevelopment Agency Oversight – Designate the assignment of Merced County Redevelopment Agency Oversight management responsibilities to BEO and approve designation of the BEO Director to be the Merced County Redevelopment Agency Director; authorize a temporary differential and use of title of Redevelopment Coordinator for the classification of Loan Officer for additional duties and responsibilities through the process of evaluating the potential creation of a Project Area and Redevelopment Plan for Castle Airport Aviation and Development Center effective January 12, 2004 and adopt Resolution.

**REVIEW BOARD ORDER – MODIFIED – SEE PAGE 10**

41. Castle Airport Management Plan – Approve the Plan to have BEO manage the resources and staff at Castle Airport effective immediately and authorize the transfer of BU 75200 from DPW to BEO; authorize the move of BEO Staff, Castle Airport Staff and tenants to Building 1230 if the Air National Guard does not commit to moving to Castle by April 2, 2004; authorize a 12-month waiver of the requirement of the accreditation by the American Association of Airport Executive for the incumbent Castle Airport Manager and authorize negotiation of lease termination for BEO's current facility and approve the termination of current BEO/DPW reporting requirements and the creation of new reporting requirements for BEO to the County Executive Officer.

**APPROVED AS RECOMMENDED AYES: ALL**

BOARD APPOINTMENTS

42. Reappointments to the Mosquito Abatement District.

**REAPPOINTED SUZANNE SOLVIN (REPRESENTING WESTERN RURAL) AND ROBERT CARDOZA (REPRESENTING COUNTY AT LARGE) UNTIL DECEMBER 31, 2005 TO SERVE AS MEMBERS OF THE MOSQUITO ABATEMENT DISTRICT**  
**AYES: ALL**

**SHERIFF**

43. Approve one Overhire for Deputy Sheriff II (Position #16) in Budget Unit 22100.

**APPROVED AS RECOMMENDED AYES: ALL**

44. Authorize re-naming the Merced County Correctional Facility to the John Latorraca Correctional Center and adopt Resolution.

**REVIEW BOARD ORDER - SEE PAGE 10 AND 11**

45. Authorize negotiation of contract with Merced College to provide a Law Enforcement Manager for the campus Security and Safety Division to come back to the Board for final approval.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD INFORMATION & POSSIBLE ACTION**

**REQUESTED ITEM NO. 48 AND 49 COME BACK ON THE NEXT AGENDA IF NECESSARY AND ACCEPTED AND PLACED THE REMAINDER OF ITEMS ON FILE**  
**AYES: ALL**

46. Merced County Association of Governments re: Project Charter for the PA&ED Phase of the Atwater-Merced Expressway.

47. City of Merced re: 2004 Dr. Martin Luther King Jr. Celebration.

48. Fresno County Supervisor Waterson re: Request for Board to re-commit to Operation Clean Air through a resolution supporting OCA and its mission.

49. Madera County Supervisor John Silva re: Letter to the Governor urging consideration of return of all property tax revenues to local governments.

50. State Treasurer re: Letter of information regarding recent changes in state law that affects all local government agencies.

51. NACo re: Achievement Award Program for 2004.

52. State Dept. of Water Resources re: Report entitled "San Joaquin Valley Drainage Monitoring Program, 2000" which presents statistical data on the quality and quantity of subsurface agricultural drainage water in the Valley.

**ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF JOHN 'JACK' COLLINS, DAVID RIORDAN, BURT FOGELBERG, GILBERT LEON BANAGAN, JEAN BLAKE, AURORA RAMIREZ, CHESTER MATSEN AND RICHARD BERNASCONI UNTIL TUESDAY, JANUARY 27, 2004 AT 10:00 A.M.**



**BOARD ORDER – SUMMARY ACTION MINUTES – JANUARY 13, 2004**

**10:30 A.M. SCHEDULED ITEM**

**2004-01-13 BUSINESS-ECONOMIC OPPORTUNITIES – PROPOSED ORDINANCE**

The time and date previously set to consider the First Reading of proposed ordinance entitled An Ordinance to extend by one additional year the grant to Comcast of San Joaquin, Inc. of a non-exclusive franchise to construct, operate and maintain a cable communications system in the unincorporated territory of the County of Merced and providing terms and conditions for the operation of such system and providing for the payment of statutory fees by Comcast therefore (Amends Ordinance No. 1428 and Repeals Ordinance No. 1523 and 1713).

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

Upon motion of Supervisor Nelson, seconded by Supervisor Cortez Keene, duly carried, the Board waives further reading of the proposed ordinance titled An Ordinance to extend by one additional year the grant to Comcast of San Joaquin, Inc. of a non-exclusive franchise to construct, operate and maintain a cable communications system in the unincorporated territory of the County of Merced and providing terms and conditions for the operations of such system and providing for the payment of statutory fees by Comcast therefore (Amends Ordinance No. 1428 and Repeals Ordinance No. 1523 and 1713).

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

Not Present: Crookham

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Nelson, duly carried, the Board sets second reading and possible adoption of Proposed Ordinance for January 27, 2004, at 10:30 a.m.

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

Not Present: Crookham

**10:30 A.M. SCHEDULED ITEM**

**2004-01-13 PUBLIC WORKS – PROPOSED ORDINANCE**

The time and date previously set to consider the First Reading of proposed ordinance entitled An Ordinance to allow the Director of Public Works to approve the use of Amplified Music in Outdoor Areas of County Parks (Amends Chapter 10.28 and Ordinance No. 1388 and 1231).

Public Works Director Paul Fillebrown reviews the staff report.

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

Upon motion of Supervisor Nelson, seconded by Supervisor Cortez Keene, duly carried, the Board waives further reading of the proposed ordinance titled An Ordinance to allow the Director of Public Works to approve the use of Amplified Music in Outdoor Areas of County Parks (Amends Chapter 10.28 and Ordinance No. 1388 and 1231).

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Nelson, duly carried, the Board sets second reading and possible adoption of Proposed Ordinance for January 27, 2004, at 10:30 a.m.

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

**10:30 A.M. SCHEDULED ITEM**  
**2004-01-13 PLANNING - PUBLIC HEARING**

The time and date previously set for a public hearing to consider an Appeal of Planning Commission decision revoking Administrative Permit No. 98006 for a Semi-Mobile Food Vendor submitted by Hargurnam Singh on property located at the Rancho Mini-Market and Gas Station, at the corner of Santa Fe Drive and Walnut Avenue in Winton.

Planning and Community Development Director Bill Nicholson states a Letter of Continuance has been submitted by Bennett & Sharpe, Inc. on behalf of Hargurnam Singh.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Nelson, duly carried, the Board grants the continuance of the public hearing relative to the Appeal to Administrative Permit No. 98006 for a Semi-Mobile Food Vendor submitted by Hargurnam Singh.

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

**ACTION ITEM NO. 40**  
**2004-01-13 EXECUTIVE OFFICE**

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board approves the assignment of Merced County Redevelopment Agency management responsibilities to Business-Economic Opportunities (BEO), approves the designation of the Business-Economic Opportunities Director to be the Merced County Redevelopment Agency Director; authorizes one Loan Officer (Position #009) in BU18200-Business-Economic Opportunities additional duties and responsibilities related to Redevelopment Agency activities effective January 12, 2004 and to temporarily use the title of Redevelopment Coordinator through the process of evaluating the potential creation of a Project Area and Redevelopment Plan for Castle Airport Aviation and Development Center.

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

**ACTION ITEM NO. 44**

**2004-01-13 SHERIFF/CORONER**

Supervisor Nelson moves, seconded by Supervisor Cortez Keene, the Board rename the Merced County Correctional Facility to the John Latorraca Correctional Center, accept the donations and adopt Resolution No. 2004-12.

Supervisor O'Banion requests the recommendation include that the Granite Entry Stone include both names of "Iris Garrett Juvenile Justice Facility" and the "John Latorraca Correctional Center".

The Chairman calls for a vote on the Motion. Motion Carries.

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