



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, OCTOBER 26, 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: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (b) of Government Code Section 54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Director of Dept. of Workforce Investment

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 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: Tinetti v. County of Merced, Case #143247

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; Deputy Sheriff Association, Unit 10 and Non-Safety Corrections, Unit 12

THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE 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** (See Board Clerk - Testimony limited to five minutes per person)

The following speak: Frank Moffett

BUDGET TRANSFER FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Sheriff-\$1,000

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.

PLANNING - PUBLIC HEARING

Appeal of the Planning Commission Denial of Minor Subdivision Application No. 04015 - Ronald Martella. Application is to divide a 52.9 acre parcel into 2 parcels: Parcel 1=20 acres and Parcel 2=32.9 acres on property located north of Shaw Road 1/2 mile east of Buhach Road in Winton

REVIEW BOARD ORDER – SEE PAGE 8 AND 9

PLANNING - PUBLIC HEARING

Appeal of Planning Commission Denial of Minor Subdivision Application No. 04046- P. B. Iyer. Application is to divide an 87.1-acre parcel into three parcels: Parcel 1=31.49 acres, Parcel 2=22.45 acres and Parcel 3=31.74 acres on property located on the west side of Whitworth Road, approximately

4000 ft. north of Romero Road in Gustine

REVIEW BOARD ORDER – SEE PAGE 9 AND 10

1:30 P. M.

**JOINT MEETING - MERCED COUNTY BOARD OF SUPERVISORS AND
WORKFORCE INVESTMENT BOARD**

I. Workforce Investment Board Accomplishments/End of Year Report
(John Heading)

II. Workforce Investment Programs (Andrea Baker)

III. Future Direction of the Workforce Investment Board (John
Heading)

REVIEW BOARD ORDER – SEE PAGE 10 AND 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

Public Works

1. Adopt Resolution forming the Golden Bear Estates Street Lighting and Storm Drainage
Maintenance Zone of Benefit #332 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2004-198

2. Adopt Resolution forming the La Paloma and Rolfe Estates Storm Drainage and Landscape
Maintenance Zone of Benefit #266 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2004-199

3. Adopt Resolution annexing Green Acres Major Subdivision No. 03009 into the Willow Crest
Estates Street Lighting, Storm Drainage and Landscaping Zone of Benefit #263 in County
Service Area Number One.

ADOPTED RESOLUTION NO. 2004-200

4. Adopt Resolution annexing La Paloma and Rolfe Subdivision into the Winton Street Lighting
Maintenance Zone of Benefit #202 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2004-201

5. Accept the Final Map for La Paloma Subdivision in the Winton area.

6. Accept the Final Map for Rolfe Estates Subdivision in the Winton area.

7. Accept the Final Map for Golden Bear Estates Subdivision in the Merced area.

8. Accept the Final Map for Green Acres Subdivision in the Atwater area.

9. Adopt Resolution authorizing the installation of stop signs at two intersections, Parchy
Street approach to Lombardy Avenue and Park Avenue approach to Ballico Avenue, in the
Ballico area.

ADOPTED RESOLUTION NO. 2004-202

10. Adopt resolution accepting Grant Deed and Easement Deed from George and Patricia Kapor for additional road right-of-way and public utility easement purposes associated with Administrative Permit No. 02136 in Hilmar.

ADOPTED RESOLUTION NO. 2004-203

11. Adopt Resolution for the Summary Vacation of a non-access easement on Fire Wood Avenue in the Willow Crest Estate Subdivision.

ADOPTED RESOLUTION NO. 2004-204

Health

12. Approve and authorize Chairman to sign Renewal Contract No. 200087 with State Dept. of Health Services for Ryan White Care Act Program funding.

Risk Management

13. Act on Claims for Damages submitted by Madeline Bravo, Debra Speers, Martin Saenz and Monique Ortuno.

Mental Health

14. Set public hearing for November 9, 2004 at 10:30 a.m. to consider proposed ordinance to amend Mental Health Service Fees for 2004/2005.
15. Approve and authorize Chairman to sign Renewal Contract No. 2002220 with Tulare County Superintendent of Schools doing business as the California Friday Night Live Partnership for the Youth Mentoring Program.

UC Planning

16. Set Public Hearing for December 7, 2004 at 5:30 p.m. to consider the University Community General Plan Amendment and Final Environmental Impact Report and approve the Schedule for Consideration of the University Community Plan GPA/FEIR.

Board Recognition

17. Authorize Certificate honoring and in memory of Officer Stephan Gray who was killed in the line of duty on April 15, 2004.
18. Authorize Certificate of Recognition to Children in Crisis (CIC) in appreciation of the commendable services rendered to the families in Winton.
19. Authorize Certificate of Recognition to Larry Whitney in honor of his dedicated service as a member of the Merced County Planning Commissioner representing District Three.
20. Authorize Certificate of Recognition to Henry Strength in honor of his dedicated service as a member of the Merced County Spring Fair Board for period of 2000-2004.
21. Authorize Certificate of Recognition to A Woman's Place of Merced County in honor of the Fifth Annual Los Banos "Take Back the Night" Candlelight Vigil for Domestic Violence.
22. Authorize Certificate of Recognition to Dos Palos Sun in celebration of 10th Anniversary and to the Publisher and Editor for dedicated service in bringing the community together.

Executive Office

23. Approve Travel Request submitted by Spring Fair as recommended by Executive Office.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

24. Authorize circulation of Request for Proposal (RFP) for a consultant to conduct a traffic analysis and develop a Circulation Plan for the community of Le Grand and authorize Public Works to review and rank proposals with Contract to come back to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

25. Authorize circulation of Request for Proposal (RFP) for a civil engineering firm to design the upgrading of the domestic water systems at Lake Yosemite, Henderson and Hagaman Parks and convert the manual irrigation system to an automatic system at Lake Yosemite, authorize Public Works to review and rank proposals to come back to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

26. Award Contract to construct the Household Hazardous Waste Facilities Improvements at Highway 59 and Billy Wright Landfills to Lockwood General Engineering, Inc. and approve the necessary budget transfer in the amount of \$21, 730. (#014)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004352 AYES: ALL

AG. COMMISSION

27. Contract with California Dept. of Food and Agriculture for Sudden Oak Death Emergency Response Activities in Merced County.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004342 AND ADOPTS RESOLUTION NO. 2004-205 AYES: ALL

28. Contract with California Dept. of Food and Agriculture for manufacturing compliance agreement to formulate Rodenticides Registered by CDFA.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004343 AYES: ALL

SHERIFF

29. Contract with Weaver Unified School District for a contractual Deputy Sheriff.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004344 AYES: ALL

30. Authorize the purchase of three Law Enforcement Motorcycles with Standard Law Markings and equipment and approve the necessary budget transfer.

PULLED FROM AGENDA – NO ACTION TAKEN

PUBLIC DEFENDER

31. Contracts for Public Defender Investigative Services with the following: Williams and Company, Anaya Investigations, Colleen Tucker Investigations, Hassen Investigations and Eunice Brown Investigations.

AUTHORIZED CHAIRMAN TO SIGN THE FOLLOWING CONTRACT NOS: 2004337 with Anaya Investigations, 2004338 with Williams & Co., 2004339 with Colleen Tucker Investigations, 2004340 with Hassen Investigations, 2004341 with Brown Investigations AYES: ALL

H.S.A-AREA AGENCY ON AGING

32. Contract with Sheriff Department to provide security and support to Social Workers safety and support in at risk situations.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004345 AYES: ALL

33. Authorize the re-release of the Request for Proposal for the Culinary Training and Elderly Nutrition (CTEN) services and authorize negotiations with Comcast Spotlight for an advertising contract to come back to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

COUNTY COUNSEL

34. Contract with Silveira, Mattos and Lewis for professional and special services in civil litigation matters.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004346 AYES: ALL

MENTAL HEALTH

35. Contract with Victor Treatment Center for Residential Treatment Facility services for provision to youth.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004347 AYES: ALL

HEALTH

36. Contract with GeoComm Corporation for Consultant Services for the development of a consolidated dispatch and emergency operations center in connection with the 2004 Office of Domestic Preparedness/Homeland Security Grant.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004348 AYES: ALL

TREASURER-TAX COLLECTOR

37. Notice of Intent to sell Tax-Defaulted Properties and authorize the Tax Collector to reduce the minimum bid price if no bids are received or approve the re-offer of unsold parcels at the same day or next scheduled auction within 90 days with parties of interest notification.

APPROVED AS RECOMMENDED AYES: ALL

FIRE

38. Authorize release of Request for Proposal for a consultant to design and conduct a County-wide full scale Weapons of Mass Destruction Training Exercise and select the most responsive provider to perform the services and to return to the Board with the final contract in connection with the Office of Domestic Preparedness Homeland Security Grant.

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

39. Contract with EMC Planning Group for preparing the Stevinson Ranch Community Plan/SUDP Expansion and related EIR and processing the Stevinson Ranch Specific Plan and approve the necessary budget transfer. (4/5 Vote Required)

PULLED FROM AGENDA – NO ACTION TAKEN

40. Contract Amendment with Stevinson Ranch - Savannah, G.P. for preparation of Stevinson Ranch Community Plan/SUDP Expansion and related EIR and processing the Stevinson Ranch Specific Plan.

PULLED FROM AGENDA – NO ACTION TAKEN

BOARD OF SUPERVISORS

41. Authorize the Clerk to complete the 2004 Local Agency Biennial Notice and Conflict of Interest Code update of the Special Districts (which includes Cemetery Districts, Community Service Districts, Drainage Districts, Irrigation Districts, Resource Conservation Districts, School Districts and Water Districts) in the County of Merced to the Fair Political Practices Commission.

ACCEPTED AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

42. Notice of Resignation of Helen Sullivan from the Workforce Investment Board.

ACCEPTED AS RECOMMENDED AYES: ALL

43. Notice of Resignation of Mike Boardman from the Workforce Investment Board.

ACCEPTED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AS RECOMMENDED AYES: ALL

44. Public Works re: Award of Contract to Wickum Construction for Walnut Avenue at Center Street Intersection Improvements.

AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2004321

45. Dept. of Workforce Investment re: 2004/2005 WIA Subgrant Agreement, Modification with State Employment Development Department.

46. Construction Materials Association of California re: Copy of Highway Transportation Funding Facts emphasizing the importance of highway transportation funding for California.

ADOPTED RESOLUTIONS IN MEMORY OF JEANNIE MACEDO AND RICHARD GEARY AND ADJOURNED THE MEETING UNTIL NOVEMBER 2, 2004 AT 10:30 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 26, 2004

10:30 A.M. SCHEDULED ITEM

2004-10-26 PLANNING AND COMMUNITY DEVELOPMENT – PUBLIC HEARING

The time and date previously set for the public hearing to consider an Appeal of the Planning Commission Denial of Minor Subdivision Application No. 04015 submitted by Ronald Martella to divide a 52.9 acre parcel into 2 parcels: Parcel 1=20 acres and Parcel 2=32.9 acres on property located north of Shaw Road 1/2 mile east of Buhach Road in Winton.

Planner III Bob King reviews the Staff Report stating the Planning Commission is recommending denial of the application.

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

David Gonzales requests denial of the appeal.

Rosemary Moore-Haskett states her father bought the land in 1950 and understands homes will be built if the project is approved and requests the Board deny the appeal.

Chuck Finster states opposition due to negative impacts to ag. land and water. He asks the Board to deny the appeal.

James Chandler states concerns with the subject project advising there are other properties available.

Property Owners Kenneth Stone, Dale Wilson and Alan Sabotino requests the Board deny the appeal.

Dave Heinrick, representing the applicant Ron Martella, states the County Road will continue to be maintained and the land is irrigated and will continue to be irrigated.

Farm Bureau Representative Diana Westmoreland Pedrozo requests the Board abide by the General Plan or update the General Plan and review the subdivisions impacts over the past ten years.

Applicant Ron Martella appears before the Board and reviews the current status of the property and the proposal before the Board.

Following a lengthy discussion, Supervisor Cortez Keene moves, seconded by Supervisor O'Banion, to uphold the appeal and overturn the determination of the Planning Commission and approve Minor Subdivision Application No. 04015, exempt the Applicant from CEQA and approves the Application based on Findings and subject to the following Conditions:

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the Planning Commissions approval date as required by the Subdivision Map Act and Merced County Subdivision Code.

2. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the property is in the vicinity of active farming operations and residents may be subject to inconveniences or discomforts resulting from the pursuit of agricultural operation, consistent with Ordinance No. 1213.
3. The owners shall dedicate to the County of Merced, annotated on the parcel map, an additional 10-foot width of road right-of-way, along the entire frontage of Shaw Avenue. As an option, the applicant may apply for "Termination of Maintenance of County Highways" or "Vacation of Public Street, Highways and Service Easements," that must include the entire portion of Shaw Avenue from Buhach Road to the easterly end of Shaw Avenue, following the procedures prescribed in Merced County Code Chapter 13.06. If successful, said dedication will not be required. However, if parcel map is to be recorded prior to successfully terminating the maintenance of Shaw Avenue or vacating Shaw Avenue, dedication will be required.
4. The applicant shall provide for the delivery of irrigation water to each proposed parcel by providing easements that allow for the effective service of each parcel from the existing irrigation delivery gate or pipeline that serves the whole property such. Such easement shall be identified on the parcel map.

The Chairman calls for the Vote on the Motion.

Supervisor Kelsey votes "no". Motion carries.

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

Noes: Kelsey

10:30 A.M. SCHEDULED ITEM

2004-10-26 PLANNING AND COMMUNITY DEVELOPMENT – PUBLIC HEARING

The time and date previously set for the public hearing to consider an Appeal of the Planning Commission Denial of Minor Subdivision Application No. 04046 submitted by P. B. Iyer to divide an 87.1-acre parcel into three parcels: Parcel 1=31.49 acres, Parcel 2=22.45 acres and Parcel 3=31.74 acres on property located on the west side of Whitworth Road, approximately 4000 ft. north of Romero Road in Gustine.

Planner III Bob King reviews the Staff Report stating a motion was made and seconded but it did not pass at the Planning Commission Hearing with only three Planning Commissioners present.

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

Larry Bowers, representing the applicant, is present if the Board has any questions.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board upholds the appeal and overturns the determination of the Planning Commission and approves the Application, exempts the Application from CEQA and approves the Minor Subdivision Application No. 04015 based on Findings and the following Conditions:

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the Planning Commission approval date as required by the Subdivision Map Act and Merced County Subdivision Code.
 2. The project shall comply with the standard conditions of approval as adopted in Planning Commission Resolution No. 97-1.
 3. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the subject property is in the vicinity of active farming operations and residents may be subject to inconveniences or discomforts resulting from the pursuit of agricultural operation.
 4. The applicant shall comply with all County, State and Federal regulations.
 5. Existing State drainage facilities shall not be significantly impacted by the project.
- Ayes: Kelsey, Cortez Keene, Crookham, Nelson, O'Banion

1:30 P. M. SCHEDULED ITEM

2004-10-26 JOINT MEETING - WORKFORCE INVESTMENT BOARD

The time and date previously set for a Joint Meeting between the Merced County Board of Supervisors and the Workforce Investment Board.

Department of Workforce Investment Director Andrea Baker submits and reviews the Workforce Investment Agenda and introduces John Headding, Chairman of the Workforce Investment Board (WIB).

Workforce Investment Board Chairman John Headding reviews the Workforce Investment Board Accomplishments/End of the Year Report and comments on the following:

- WIB History
- WIB Purpose
- WIB Vision Statement
- WIB Composition
- WIB Functions
- WIB Highlights
- WIB Improvements

In conclusion, Chairman Headding states WIB went through a forming stage and now is moving forward with major improvements in the system and tackling issues. He advises the entire Workforce Investment Board is present and turns the presentation over to Director Baker for the Operations Report.

Director Andrea Baker reviews the following:

- WIB Accomplishments
- Fiscal Reports
- Participant Data
- Customer Satisfaction Data

- Jobs by Sector
- Programs and Operations
- Partnership

The Board Members acknowledge and thank the WIB Members for their dedication, hard work and service as volunteer members to the community. The presentation concludes at 2:10 p.m.

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