



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, JULY 12, 2005
Closed Session – 9:00 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

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

JOHN PEDROZO.....DISTRICT 1
KATHLEEN M. CROOKHAM.....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
DEIDRE F. KELSEY.....DISTRICT 4
CHAIRMAN JERRY O'BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

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

9:00 A. M.

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 (c) of Section 54956.9: San Joaquin Raptor Rescue Center et al v. Merced County, Case No. 147510; National Railroad Passenger Corporation v. Merced County, et al, United States District Court, Eastern District Case No. 1:05-CV-00807

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH SUPERVISOR CROOKHAM NOT 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

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: Kent McVey, Dept. of Admin. Services Director Paul Clanton and County Counsel Ruben Castillo

PRESENTATIONS

Castle Airport - Scott Malta, Castle Airport Manager recognition of earning the distinction of Accredited Airport Executives from the American Association

U. S. Fish and Wildlife Service - San Luis National Wildlife Refuge Complex (Grasslands Ecological Area) recognition, a Ramsar Site

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 37)

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

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING - PROPOSED ORDINANCE - FIRST READING, SET SECOND READING FOR JULY 19, 2005

An Ordinance approving and adopting the Redevelopment Plan Amendment for the Gateways Redevelopment Project

REVIEW BOARD ORDER – SEE PAGE 8 AND 9

10:30 A. M.

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

An Urgency Ordinance amending Charges for the use of Telecommunications Infrastructure at Castle Airport Aviation and Development Center (Amends Chapter 5.480.030(c) of the Merced County Code)

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 - 37)

APPROVED AS RECOMMENDED WITH MODIFICATION TO CONSENT ITEM #37

AYES: 1, 3, 4, 5 NOT PRESENT: 2

Public Works

1. Adopt Resolution designating the intersection of Sheffield Street and Shanks Road as part of Harmony Ranch III Subdivision as a Stop Intersection in Delhi and authorize installation of a stop sign on the Sheffield Street approach to the intersection located in Delhi.

ADOPTED RESOLUTION NO. 2005-130

2. Adopt Resolution designating the intersection of Darlington Street and Shanks Road as part of Harmony Ranch III Subdivision as a Stop Intersection in Delhi and authorize installation of a stop sign on Darlington Street approach to the intersection.

ADOPTED RESOLUTION NO. 2005-131

3. Adopt Resolution designating the intersection of Lancaster Street and Shanks Road as part of Harmony Ranch III Subdivision as a Stop Intersection in Delhi and authorize installation of a stop sign on Lancaster Street approach to the intersection.

ADOPTED RESOLUTION NO. 2005-132

Health

4. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2002223 with Valley Auto Wreckers for removal and disposal of abandoned vehicles.

ADOPTED RESOLUTION NO. 2005-133

5. Approve and authorize Chairman to sign Renewal Contract No. 2005160 with State Dept. of Health Services for Childhood Lead Poisoning Prevention Program.
6. Approve and authorize Chairman to sign Renewal No. 200248 with Butte County for Medical Administrative Activities/Targeted Case Management Program.
7. Approve and authorize Chairman to sign Renewal Contract No. 2005114 with Stephanie Russell, R.D. for Nutrition Consultant Services.

Sheriff

8. Accept the Gift of two M-Scope Portable Walk through Metal Detectors from Fisher M-Scope Metal Detectors-Fisher Research Laboratory for use by Sheriff at Family Court and Correctional Facility.

Mental Health

9. Approve and authorize Chairman to sign Renewal Contract No. 2000206 with 7th Avenue Center for Client Services.
10. Approve and authorize Chairman to sign Renewal Contract No. 2002217 with Aspira Counseling Services for Professional and Special Services.
11. Approve and authorize Chairman to sign Renewal Contract No. 2002122 with Delhi Unified School District for Mental Health Services.
12. Approve and authorize Chairman to sign Renewal Contract No. 2002184 with Merced City School District for educational program services for students referred to Merced County Alcohol and Drug services adolescent program.
13. Approve and authorize Chairman to sign Renewal Contract No. 2002182 with Winton School District for Mental Health Services.
14. Approve and authorize Chairman to sign Renewal Contract No. 2001183 with Dr. Elmer Ignacio for psychiatric services for the Saturday Meds Clinic.
15. Approve and authorize Chairman to sign Renewal Contract No. 2004347 with Victor Treatment Center for Residential Treatment Facility that provides specialty mental health services.

16. Approve and authorize Chairman to sign Renewal Contract No. 2002218 with Sierra Vista Child and Family Services for provider of specialty mental health services for children placed out-of-County.
17. Approve and authorize Chairman to sign Renewal Contract No. 2000150 with Residential Care Homes of Merced for residential care for consumers 65 years of age and older.
18. Approve and authorize Chairman to sign Renewal No. 2003274 with Lifestyle Management Company for First Offender Drinking Driver Program.
19. Approve and authorize Chairman to sign Renewal Contract No. 2004168 with Lifestyle Management, Inc. to provide Multiple Offender Drinking Driver Program services.
20. Approve and authorize Chairman to sign Renewal Contract No. 2004243 with Bertelli's Drug Store for Pharmacy services.
21. Approve and authorize Chairman to sign Renewal Contract No. 2004059 with Los Banos Drug for Pharmacy services for mental health clients.
22. Approve and authorize Chairman to sign Renewal Contract No. 200227 with Probation for Substance Abuse and Crime Prevention Act of 2000 (SACPA).
23. Accept contributions from Pacific Gas and Electric employees as part of the "2003 Campaign for the Community" in the amount of \$348.60 and authorize funds to be used for consumer needs and activities.

Child Support Services

24. Approve and authorize Chairman to sign Renewal Contract No. 2003115 with Long Beach Genetics for Genetic Testing for Paternity.

Human Services Agency

25. Approve and authorize Chairman to sign Amendment to Contract No. 2004279 with Merced Lao Family Community, Inc. for Home Visitor Services.
26. Approve and authorize Chairman to sign Renewal Contract No. 2004153 with McWilliams Mailliard Technology Group for Adult Protective Services software.
27. Approve and authorize Chairman to sign Renewal Contract No. 2004155 with CareAccess for Aging Programs software.
28. Approve and authorize Chairman to sign Renewal Contract No. 2004189 with Community Action Board for Congregate Meals Program.
29. Approve and authorize Chairman to sign Renewal Contract No. 2004188 with Community Action Board for Home-Delivered Meals Program.

Planning

30. Set public hearing for July 26, 2005 at 10:30 a.m. to consider past Community Development Block Grant performance and review the Annual Grantee Performance Report.
31. Approve and authorize Chairman to sign Amendment to Contract No. 2005113 with Self Help Enterprises to implement and administer the 2004 HOME Grant to be used for First Time Homebuyer Countywide.

Public Defender

32. Set public hearing for July 26, 2005 at 10:30 a.m. to consider Proposed Ordinance to Establish Fees for Processing Change of Plea or Dismissal of Charges under Penal Code Section 1203.4.

Auditor

33. Set public hearing for July 26, 2005 at 10:30 a.m. to consider proposed ordinance to incorporate Auditor-Controller Fees into Title 5, Revenue and Finance, Chapter 5.60 of Merced County Code.

Executive Office

34. Act on Claims for Damages received from Kelly Scott Locke (2005-46) and State Farm as Subrogee for Merle Huber (2005-23) as recommended by Risk Management.
35. Approve and authorize Chairman to sign Amendment to Contract No. 2004086 with CSAC Excess Insurance Authority JPA for insurance programs.

Board of Supervisors Office

36. Set public hearing for August 16, 2005 at 10:30 a.m. to consider Appeal to Minor Subdivision Application No. 05016 submitted by William and Carolyn Ahlem.
37. Set public hearing for September 13, 2005 at 10:30 a.m. to consider an Appeal to Administrative Application No. 05010 submitted by Gary and Terry Souza.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

38. Contract Award for Castle Airport Water Systems Upgrade to Rolfe Construction, Inc. contingent upon approval by the Federal Aviation Administration (FAA).
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005158 AYES: 1, 3, 4, 5 NOT PRESENT: 2
39. Contract Award for Special Inspection and Testing for the Merced Municipal Airport Runway Resurfacing Project to Inspection Services, Inc.
AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2005159 AYES: 1, 3, 4, 5 NOT PRESENT: 2
40. Authorize installation of Roof Access Ladders at the Iris Garrett Juvenile Justice Complex for an estimated cost of \$25,000 utilizing remaining construction funds from the Juvenile Justice Correctional Complex Budget and authorize Public Works to circulate Plans and Specifications to contractors with recommendations to come back to the Board for completion of the project.
APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2
41. Accept the Analysis Review Report of Teter Architectural and Engineering for Addition of Compressed Natural Gas (CNG) Shop Bays to the existing Heavy Equipment Shop for maintenance of CNG powered buses and authorize negotiation of Project Supplement upon review of Counsel to provide design and construction documents, and direct Public Works to

come back to the Board for approval of the completed construction documents and to allow the establishment of a public bid opening to select the lowest responsible bidding contractor and authorize contract with Teter a+e for project supplement upon review of Counsel and authorize removing the pre-authorized \$75,000 cap per supplement for this supplement only.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200278 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

HEALTH

42. Contract with Healthy House Within a MATCH Coalition for Public Health Nursing Services to provide holistic case management services for newly arriving Hmong elders.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005161 AYES: 1, 3, 4, 5 NOT PRESENT: 2

MENTAL HEALTH

43. Authorize Mental Health to identify available space and to negotiate a lease to house an alcohol and drug program in Merced to be returned to the Board for final approval.

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

PLANNING

44. Contract with Don Chapin Company, Inc. for Reimbursement of costs related to Conditional Use Application Permit No. 04003 proposing to allow sand and gravel extraction from property located west of I-5 and south of SR 152.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005162 AYES: 1, 3, 4, 5 NOT PRESENT: 2

45. Contract with Resource Design Technology, Inc. for special services to assist in the processing of the Chapin 33 Mine project.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005163 AYES: 1, 3, 4, 5 NOT PRESENT: 2

AUDITOR

46. Authorize approval of the Disaster Recovery Plan for the Merced County Recorder's Office and expand existing Contract for shared hardware and software with Exigent Computer Group, Inc. and authorize Administrative Services to issue the Purchase Order for the services.

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

FIRE

47. Authorize submission of Grant Application with U.S. Dept. of Homeland Security for Staffing for Adequate Fire and Emergency Response (SAFER) Grant and direct Fire to return with results prior to accepting award.

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

48. Contract with Governor's Office of Emergency Services for the Weapons of Mass Destruction full scale exercise.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005164 AYES: 1, 3, 4, 5 NOT PRESENT: 2

EXECUTIVE OFFICE

49. **PULLED**

50. Resolution amending Section II, B, Management Leave for Unrepresented Management (Resolution No. 2005-56) relating to any employee hired or promoted into a position covered by the Management Leave on or after July 1, 2005.

ADOPTED RESOLUTION NO. 2005-135 AYES: 1, 3, 4, 5 NOT PRESENT: 2

BOARD OF SUPERVISORS

51. District Five - Proposed Resolution requesting support for the San Joaquin Valley River flow and release issues raised in a recent U.S. District Court Ruling and authorize letter of support to legislators.

ADOPTED RESOLUTION NO. 2005-136 AYES: 1, 3, 4, 5 NOT PRESENT: 2

BOARD APPOINTMENTS

BOARD INFORMATION & POSSIBLE ACTION

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

52. U.S. Dept. of the Interior re: Critical Habitat for 15 Vernal Pool Species - Draft Economic Analysis and Reopening of Comment Period.
53. City of Merced Redevelopment Agency re: Final Supplemental Environmental Impact Report, Gateways Redevelopment Plan Amendment SCH#200021079.

ADOPTED RESOLUTIONS IN MEMORY OF DR. LES BARGER, LINDA RADAR, WILLIAM PLATE AND WILMA KEOKUK AND ADJOURNED THE MEETING UNTIL TUESDAY, JULY 19, 2005 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JULY 12, 2005

10:00 A.M. SCHEDULED ITEM

2005-07-12 COMMERCE AVIATION ECONOMIC DEVELOPMENT – PUBLIC HEARING

The time and date previously set for a public hearing to consider and conduct First Reading of Proposed Ordinance approving and adopting the Redevelopment Plan Amendment for the Gateways Redevelopment Project submitted by Commerce, Aviation and Economic Development.

The Clerk reads the Ordinance by title only: An Ordinance Approving and Adopting the Redevelopment Plan Amendment for the Gateways Redevelopment Project.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading of the Proposed Ordinance titled An Ordinance Approving and Adopting the Redevelopment Plan Amendment for the Gateways Redevelopment Project submitted by Commerce, Aviation and Economic Development.

Ayes: O'Banion, Pedrozo, Nelson, Kelsey

Not Present: Crookham

Commerce, Aviation and Economic Development Director John Fowler reviews the Staff Report stating this is the First Reading of the Proposed Ordinance with the Second Ordinance Reading set for July 19, 2005.

City of Merced Economic Development Director Bill Cahill reviews background information on the proposed ordinance stating this is required Public Hearing for the public to comment. There are four areas involved in the Redevelopment in the areas outside Merced's City limits and they are:

1. Areas near the Airport Industrial Park on West Avenue and South R Street.
2. The commercial strip area on South Highway 59, south of Childs Avenue.
3. Areas on East Childs Avenue, near Highway 99, which are currently occupied by lower-value industrial uses and some automobile wrecking yards.
4. Areas on the north side of Yosemite Park Way at the Parsons Avenue intersection, extending north to Stretch Road.

Quad-Knopf, Inc. Consultant Steven Beck reviews the Findings which included unsafe buildings because of age that would not meet building codes, 65% of irregularly shaped parcels has some sort of defects, 18.3% of regular shaped parcels have some sort of defect, residential overcrowding – 40% of housing overcrowded, 35% crime rate which is higher than in the City or County, 93% of the area is urbanized and states this information is provided in the ordinance.

Supervisor O'Banion states the eminent domain is not included in this project.

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

Carl Pollard, Merced resident, states this tool will bring supermarkets into the area which has been concerns to the residents.

Bob Kenney, Greater Merced Chamber of Commerce, speaks in favor of this item.

Eldon Minor requests clarification on eminent domain for current residents.

John Price speaks in support of the Redevelopment Plan Amendment.

Lane Puckett strongly recommends adoption of the ordinance.

Kathleen Lopez, speaking on behalf of her mother Sally Simmerman, advises her mother is afraid of losing her home along with the other elderly residents in the neighborhood and questions the Eminent Domain process.

The Chairman closes the public hearing.

Supervisor O'Banion reads for the Record the following Exhibits to the Gateways Redevelopment Plan Amendment into the record as follows:

- Exhibit 1 – Affidavits of Publication in County Times and Merced Sun-Star.
- Exhibit 2 – Copy of mailed notice of assesses and residents.
- Exhibit 3 – Copy of mailed notices to taxing jurisdictions.
- Exhibit 4 – County General Plan and its associated EIR are hereby incorporated by reference. On file and available at the Merced County Planning Department.
- Exhibit 5 – Final EIR for General Plan and Housing Element Amendment; Final EIR for Gateways Amendment.
- Exhibit 6 – Planning Commission Resolutions (City and County)
- Exhibit 7 – Compact disk including photography of Added Areas.
- Exhibit 8 – Final Report to Council and Board of Supervisors.
- Exhibit 9 – Redevelopment Plan Amendment is comprised of: Gateways Preliminary Plan Report to City Council and County Board of Supervisors. The final Amendment is executed by Ordinance.
- Exhibit 10 – Merced County Ordinance Delegating Redevelopment Authority.
- Exhibit 11 – Agency Owner Participant Rules.
- Exhibit 12 – Agency Relocation Plan.
- Exhibit 13 – Written Comments.

City of Merced Economic Development Director Bill Cahill reiterates there is no eminent domain in the new recommended redevelopment area. The Eminent Domain Authority was established in 1996 and has a 12 year time limit which expires in 2008. He states that to date nothing has taken place in eminent domains in redevelopment plans.

Supervisor O'Banion states the second reading for this Ordinance will be Tuesday, July 19, 2005 at 10:00 a.m.

Present: O'Banion, Pedrozo, Nelson, Kelsey

Not Present: Crookham

10:30 A.M. SCHEDULED ITEM

2005-07-12 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT – Ordinance No. 1755

The time and date previously set to consider an Urgency Ordinance Amending Chapter 5.480.030(c) of the Merced County Code relating to Charges for the Use of Telecommunications Infrastructure at Castle Airport Aviation and Development Center submitted by Commerce, Aviation and Economic Development.

The Clerk reads the Ordinance by title only: An Urgency Ordinance Amending Chapter 5.480.030(c) of the Merced County Code Relating to Charges for the Use of Telecommunications infrastructure at Castle Airport Aviation and Development Center.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading of the Proposed Ordinance titled An Urgency Ordinance Amending Chapter 5.48.030(c) of the Merced County Code Relating to Charges for the Use of Telecommunications Infrastructure at Castle Airport Aviation and Development Center.

Ayes: O'Banion, Pedrozo, Nelson, Kelsey
Not Present: Crookham

Commerce, Aviation and Economic Development Director John Fowler reviews the Staff Report stating Ordinance No. 1731 sets the charges for the use of telecommunications infrastructure at Castle. The cost of maintaining existing communications infrastructure at Castle is the responsibility of the County and such costs are not accounted for in existing leases. Currently, there is an immediate need to accommodate University of California-Merced pressing need for space and communications. This urgency ordinance will amend to allow the connection rate to be reduced when the fiber is used on a temporary basis only and Staff is recommending approval.

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

Following discussion and upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board adopts Ordinance No. 1755 as recommended.

Ayes: O'Banion, Pedrozo, Nelson, Kelsey
Not Present: Crookham