



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, SEPTEMBER 13, 2005
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

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

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 Real Property Negotiator(s) John Fowler-Commerce, Aviation and Economic Development Director pursuant to Government Code Section 54956.8 as follows: Castle Property

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 Government Code Section 54956.9(b): Three 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 Government Code Section 54956.9(a):

San Joaquin Raptor, et al v. County of Merced, et al. Superior Court No. 147425

AFSCME Local 2703 v. County of Merced, Case No. SA-CE-343-M
David Corser v. County of Merced, et al, District Court No. 1:05-CV-00985-OWN-OLB

CLOSED SESSION:

It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Director of Public Health

It is the intention of the Board to meet in Closed Session pursuant to Government Code 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 8:00 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

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)

REVIEW BOARD ORDER – SEE PAGE 9

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 26)

APPROVED AS RECOMMENDED AYES: ALL

10:30 A. M.

PUBLIC WORKS - PUBLIC HEARING

To consider Road Name Change to change the name from Spring Valley Drive to Spring Valley Court East of Happy Valley Avenue in Atwater

REVIEW BOARD ORDER – SEE PAGE 9

10:30 A. M.

PLANNING – PUBLIC HEARING

APPEAL HAS BEEN WITHDRAWN

To consider Appeal of Planning Commission decision to Administrative Permit Application No. 05010 in the Merced area

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 26)

APPROVED AS RECOMMENDED PULLING ITEM #14 FROM CONSENT AGENDA

AYES: ALL

Public Works

1. Adopt Resolution annexing the Presidio Estates into the Esau Estates Street Lighting Zone of Benefit No. 243 in County Service Area Number One.
ADOPTED RESOLUTION NO. 2005-147A
2. Accepting the Final Map for Presidio Estates Subdivision in the Atwater area.
3. Approve and authorize Chairman to sign Amendment to Contract No. 2003230 with Calif. Dept. of Transportation for Traffic Control Signals and safety lighting improvements on State Route 165 and Bloss Avenue extending the date to facilitate the construction.
ADOPTED RESOLUTION NO. 2005-148A
4. Approve plans and specifications for Castle Airport Spaceport Entry Improvement Project contingent upon FAA approval, authorize Public Works to establish a bid opening date, advertise for competitive bids and conduct Public Bid Opening with recommendation on award of the contract to the lowest responsive bidder provided the lowest bid is within the established budget.

Mental Health

5. Approve and authorize Chairman to sign Renewal Contract No. 2004137 with Atwater Elementary School District for mental health services at the school district.
6. Approve and authorize Chairman to sign Renewal Contract No. 2003155 with Devereux-Southern California for services as organizational provider of mental health services.
7. Approve and authorize Chairman to sign Renewal Contract No. 2004110 with State Health and Human Services Agency for provision of local alcohol and drug services to reflect changes based on allocation of funds.
ADOPTED RESOLUTION NO. 2005-149A

Health

8. Approve and authorize Chairman to sign Renewal Contract No. 2005216 with District Attorney for Investigation of Fraud/Abuse within the Indigent Health Care Programs.

9. Approve and authorize Chairman to sign Renewal Contract No. 2001161 with State Dept. of Health Services for the automated filing of Death Certificate Registration.
10. Approve and authorize Chairman to sign Amendment to Contract No. 2001278 with California Forensic Medical Group (CFMG) for Correctional Health services.
11. Approve and authorize Chairman to sign Amendment to Contract No. 2004245 with State Dept. of Health Services for AIDS Program Master Agreement and adopt Resolution authorizing Director of Public Health John Volanti, M.P.H. to sign the MOU's.

ADOPTED RESOLUTION NO. 2005-150A

Sheriff

12. Approve and authorize Chairman to sign Renewal Contract No. 2004359 with Le Grand High School District for a part time contractual Deputy Sheriff.

Commerce, Aviation and Economic Development

13. Approve and authorize Chairman to sign Renewal Contract No. 2003194 with Wire One Communications, Inc. for FOCUS Program Procurement Vehicle services.
14. Approve and authorize Chairman to sign Sublease with American School of Aviation, Inc. for Castle Airport Aviation and Development Center Building 1322 for flight school.

REVIEW BOARD ORDER – SEE PAGE 9 AND 10

Human Services Agency

15. Approve and authorize Chairman to sign Renewal Contract No. 2004334 with State Dept. of Veterans Affairs for Medi-Cal Cost Avoidance Funds.
16. Approve and authorize Chairman to sign Renewal Contract No. 2004335 with State Dept. of Veterans Affairs for Veterans Services Program funds.

Clerk-Registrar of Voters

17. Approve consolidation of City of Merced, School Districts of: Atwater, Ballico/Cressey, El Nido, Livingston Union, Hilmar Unified, Merced City, Merced River, Merced Union High, Planada, Snelling Merced Falls, Turlock Unified, Weaver and Winton and the Special Districts of Le Grand Community Service, Winton Water and Sanitary and Merced Irrigation requesting to be consolidated with the Special Statewide Election on November 8, 2005.

Human Resources

18. Approve and authorize Chairman to sign Renewal Contract No. 2004311 with Liebert, Cassidy Whitmore, A Professional Corporation for Labor Relations and Legal Services.

Child Support Services

19. Approve and authorize Chairman to sign Renewal Contract No. 200171 with Print N Mail, Inc. for bulk mail processing.

Board of Supervisors Office

20. Set public hearing for October 4, 2005 at 10:30 a.m. to consider an Appeal submitted by Stillman Family Trust to Planning Commission decision on Minor Subdivision Application No. 05021.

Board Recognition

21. Authorize Certificate of Recognition to TDL Aero and Medi-Flight for Open House.
22. Authorize Certificates of Recognition to the Merced Volunteers Baseball Team members for winning California State Championship and for placement in the Regionals Legion Competition.

REVIEW BOARD ORDER – SEE PAGE 10

23. Authorize Certificate of Recognition to Merced Community College in recognition of the Grand Opening of the Bill and Dorothy Bizzini Interdisciplinary Academic Center.
24. Authorize Certificate of Recognition to County of Madera for new Madera County Government Center and Parking Structure Groundbreaking Ceremony.
25. Authorize Certificate of Recognition for Emil and Jeanette Alberti on celebration of their 60th Wedding Anniversary.

Executive Office

26. Approve Budget Transfer submitted by Public Works (DPW-003) in the amount of \$1,000 as recommended by Executive Office.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

27. Contract with RouteMatch Software, Inc. for Automated Routing and Paratransit Software for Merced County Transit and approve the necessary Budget Transfer-\$18,654.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005202 AYES: ALL

28. Contract with Community Action Board for use of Del Hale Community Recreation Building for senior nutrition programs. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005203 AYES: ALL

29. Contract with Hilmar Unified School District for the purchase, installation, maintenance and operation of two lighted crosswalks, one each in front of Hilmar High School and Elim Elementary School on Lander Avenue in Hilmar.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005204 AYES: ALL

30. Authorization for Budget Transfer from Trust Fund #02497 (Parkland Dedication Fees and Interest) from the Hilmar fees to replace irrigation pump/motor at Hagaman Park. (4/5 Vote Required)

NO ACTION TAKEN – PULLED FROM THE AGENDA

31. Contract with University Sports and Cycle to operate a bicycle, roller skate, kayak, canoe and kite rental concession at Lake Yosemite Park from September 13, 2005 to September 17, 2006. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005205 AYES: ALL

32. Contract with Merced Community Action Network for exclusive use of Courthouse Park between 20th and 21st Streets between M, N and O Streets and portions of the Library Ground Floor for the Seventh Annual Central Valley Blues Festival 'n Cruise Style Car Show for period of October 6 - 10, 2005, waive the restriction on the use of amplified sound

equipment for musical entertainment and approve the sale of alcoholic beverages.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005206 AYES: ALL

33. Contract with Merced County Association of Governments for Beverage Container Recycling and Litter Reduction Programs.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005207 AYES: ALL

34. Contract with California Waste Associates for Countywide Waste Diversion/Generation Study.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005208 AYES: ALL

MENTAL HEALTH

35. Authorization County Planning, Counsel and Mental Health to review, revise and/or develop ordinances in the areas of business and commercial regulations, residential regulations and public places/events to better manage alcohol and drug risk environments and support development of county ordinances in these areas which are consistent as possible with ordinances being developed by the City of Merced with recommendations to be brought to the Board for review and possible adoption.

APPROVED AS RECOMMENDED AYES: ALL

36. Authorization to release a Request for Proposal for the LPS Meds Program, Patient Assistance Program which provides low income clients with free psychotropic medications obtained from pharmaceutical companies at no cost to the clients, and return to the Board with final recommendation for approval.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

37. Contract with Planada Elementary School District for a part time contractual Deputy Sheriff.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005209 AYES: ALL

38. Contract with Le Grand Elementary School District for part time contractual Deputy Sheriff.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005210 AYES: ALL

39. Accept the 2005 Edward Byrne Memorial Justice Grant Award from the U.S. Dept. of Justice and authorize the County Executive Officer to sign the Award documents.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005260 AYES: ALL

HEALTH

40. Approve and authorize Chairman to sign Renewal Contract No. 2000175 with State Dept. of Health Services for Housing Opportunities for People with AIDS (HOPWA) and approve necessary budget transfer-\$974. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

41. Resolution supporting a waiver of State Waste Discharge requirements of Animal Confinement Facilities in Merced County.

ADOPTED RESOLUTION NO. 2005-152A AS RECOMMENDED AYES: ALL

AG. COMMISSIONER

42. Contract with Mariposa County for Euthanasia and disposal of stray animals.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005211 AYES: ALL

43. Contract with City of Los Banos for pick up, euthanasia and disposal of stray animals.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005212 AYES: ALL

- 44. Contract with City of Gustine for pick up, euthanasia and disposal of stray animals.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005213 AYES: ALL
- 45. Contract with City of Livingston for pick up, euthanasia and disposal of stray animals.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005214 AYES: ALL
- 46. Contract with City of Dos Palos for pick up, euthanasia and disposal of stray animals.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005215 AYES: ALL

BOARD APPOINTMENTS

- 47. Planada Municipal Advisory Council - District One.
APPOINTED MARTHA MAYO AND RICHARD PULIDO TO SERVE AS MEMBERS OF THE PLANADA MUNICIPAL ADVISORY COUNCIL UNTIL MARCH 31, 2007 AYES: ALL
- 48. Advisory Board on Alcohol and Other Drug Problems.
APPOINTED CINDY HEATON REPRESENTING EDUCATION AND CHIEF RICHARD HAWTHORNE REPRESENTING CRIMINAL JUSTICE TO SERVE AS MEMBERS OF THE ADVISORY BOARD ON ALCOHOL AND OTHER DRUG PROBLEMS SERVING AT THE PLEASURE OF THE BOARD AYES: ALL
- 49. Housing Advisory and Building Code Board of Appeals.
REAPPOINTED DON SPIVA, REPRESENTING BUILDING OFFICIALS, AND JIM TOLLADAY, REPRESENTING ENGINEERS, AND APPOINTED MARLYS FLORES REPRESENTING GENERAL PUBLIC TO SERVE AS MEMBERS OF THE HOUSING ADVISORY AND BUILDING CODE BOARD OF APPEALS UNTIL MARCH 26, 2006 AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

- 50. San Joaquin Valley Air Pollution Control District re: Notice of Public Hearing on Amendments to the 2004 Extreme Ozone Attainment Demonstration Plan for the San Joaquin Valley Air Basin.
- 51. San Joaquin Valley Water Coalition re: Notification of Board vote to change its Bylaws to eliminate the Coalition Council Standing Advisory Committee.
- 52. Assemblyman Dave Cogdill re: Letter in receipt of opposition to SB 999 (Machado).
- 53. Central Valley Regional Water Quality Control Board re: Meeting Notice of September 15, 2005 and September 16, 2005.
- 54. Calif. Infrastructure and Economic Development Bank re: Meeting notice for September 14, 2005.
- 55. State Office of the Director-Governor's Office of Emergency Services re: Notice U.S. Dept. of Agriculture granted a Secretarial disaster designation for the County of Stanislaus and the contiguous counties of Alameda, Calaveras Mariposa, Merced, San Joaquin, Santa Clara and Tuolumne due to agriculture losses caused by excessive rainfall and hail that occurred April 20 through May 15, 2005.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF EILEEN CARSON AND JOSE CRUZ RAMIREZ UNTIL TUESDAY, SEPTEMBER 20, 2005 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – SEPTEMBER 13, 2005

10:00 A.M. SCHEDULED ITEM

2005-09-13 PUBLIC OPPORTUNITY

Director of Public Health John Volanti provides an update on the current status in Merced County aiding the victims of Hurricane Katrina.

Veronica Franey speaks regarding Board's decision of the August 30, 2005 action relative to Planned Parenthood Grant Funding and expresses disagreement in the decision to grant funds to Planned Parenthood and states she believes the funds could be better spent on other County programs.

Present: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

10:30 A.M. SCHEDULED ITEM

2005-09-13 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider changing the name of Spring Valley Drive to Spring Valley Court East of Happy Valley Avenue in the Atwater area as submitted by Public Works.

The Chairman asks if there is anyone from the public that wishes to speak. No one speaks.

Public Works Director Paul Fillebrown reviews the staff report and recommendations.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board changes the Road Name from Spring Valley Drive East to Spring Valley Court in the Atwater RRC #1 area and authorizes maintenance of new road name signs by Public Works-Road Division and adopts Resolution No. 2005-151A.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

CONSENT ITEM NO. 14

2005-09-13 COMMERCE, AVIATION AND ECONOMIC DEVELOPEMENT

The Clerk announces the Contract with American School Aviation, Inc. at Castle Airport Aviation and Development Center is before the Board for consideration.

Supervisor Crookham requests all options concerning the sublease of Building 1322 at Castle Airport Aviation and Development Center be explored and recommends the matter come back to the Board at a later date after further review of all options.

Following discussion Supervisor Crookham moves, seconded by Supervisor Pedrozo, the matter be continued to October 4, 2005, to address concerns regarding the sublease of Building 1322 and to look at options.

The Chairman calls for a Vote on the Motion.

Supervisors Nelson and O'Banion vote "no". Motion carries.

Ayes: Crookham, Pedrozo, Kelsey

Noes: O'Banion, Nelson

CONSENT ITEM NO. 22

2005-09-13 BOARD OF SUPERVISORS

Upon motion of Supervisor Pedrozo, seconded by Supervisor Crookham, duly carried, the Board authorizes Certificates of Recognition to the Merced Volunteers Baseball Team for winning the California State Championship and for placement in the Regionals Legion Competition as follows:

Head Coach Rollo Adams, Assistant Coach Michael Solis, Assistant Coach Brendan Behn, Team Members: Gregory Euker, Andrew Bone, Tommy Bone, Wesley Borba, David Coronado, Brock Floro, Louis Guerrero, Austin Lockhart, Marcello Martinelli, James Ohki, Curtis Partch, Israel Resendez, Adam Urnberg, Kory Vitato and Michael Wyrick.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey