



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, DECEMBER 13, 2005  
Closed Session – 3:30 p.m.  
Regular Meeting – 5:00 p.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

3:30 P. 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

**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 (c) 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 pursuant to Government Code Section 54956.9(a):

County of Merced v. City of Atwater, et al., Case No. 148361;  
Charmaine Lashley v. County of Merced, Case No. 148183;  
Mesa v. County of Merced, Case No. 148864;  
Nunes v. County of Merced, Case No. 350239

**THE BOARD RECESSED AT 3:30 P.M. WITH ALL MEMBERS PRESENT AND RECONVENED AT 5:00 P.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF**

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

5:00 P. 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 5**

**PRESENTATION - MERCY MEDICAL CENTER MERCED REPORT**

**REVIEW BOARD ORDER – SEE PAGE 5**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Sheriff-\$20,000**

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 3)**

**APPROVED AS RECOMMENDED AYES: ALL**

**REPORTS/BOARD DIRECTION**

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

**CONSENT CALENDAR (Items #1 - 3)**

**APPROVED AS RECOMMENDED AYES: ALL**

**Public Works**

1. Approve plans and specifications for the Human Services Agency-Los Banos Reception Remodel and authorize bid opening with report to come back to the Board for final award.

Executive Office

2. Act on Claims for Damages received from Bertha Torres (2005-43), Jesus Chavez (2005-56), Eduardo Delgado (2005-78), Jerman Orozco (2005-86), Rudy Lopez (2005-87), Glen Chesser (2005-92), Jason Stewart (2005-99), Amy Jackson (2005-105), Jenna Dal Porto (2005-106), CSAA as subrogee for Jose Sanchez (2005-117).
3. Approve Budget Transfers for Sheriff-\$39,447 and Public Works-\$500 and \$13,000 as recommended by Executive Office.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

4. Storm Water Drainage Contract with Central California Irrigation District for shared cost and responsibility provisions in accordance with requirements by the California Regional Water Quality Control Board.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005295 AYES: ALL**
5. Accept the Final Map for Cotton Glen Subdivision in Dos Palos.  
**APPROVED AS RECOMMENDED AYES: ALL**
6. Resolution forming the Cotton Glen Estates Subdivision Storm Drainage and Landscape Maintenance Zone of Benefit No. 421 in County Service Area Number One.  
**ADOPTED RESOLUTION NO. 2005-214 AS RECOMMENDED AYES: ALL**
7. Resolution annexing the Cotton Glen Estates Subdivision No. 04002 into the Blossom Street Lighting Maintenance Zone of Benefit Number 402 in County Service Area Number One.  
**ADOPTED RESOLUTION NO. 2005-215 AS RECOMMENDED AYES: ALL**
8. Authorize Contract with Dreyfus and Blackford as Project Architect for Human Services Agency Building No. 5 for a total fixed fee of \$1,327,510 with the stipulation that only \$140,285 is authorized for expenditure at this time; authorize proceeding with the Needs Assessment through Conceptual Design Phases for a fee of \$140,285.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005296 AYES: ALL**

HUMAN SERVICES AGENCY

9. Authorize increase of Child Welfare Services Receiving Home Bed Rates from \$150 to \$275 per month per bed.  
**APPROVED AS RECOMMENDED AYES: ALL**

PLANNING

10. Consider extending the Public Comment Period for the Riverside Motorsports Park Draft EIR from December 23, 2005 to January 6, 2006.  
**REVIEW BOARD ORDER – SEE PAGE 5 AND 6**

EXECUTIVE OFFICE

11. Authorize issuance of Request for Proposal for a consultant to assist with the development of a General Plan Update and prepare an Environmental Impact Report for Merced County and recommend selection of the most responsive bidder to perform services for Board approval and final action.

**APPROVED AS RECOMMENDED      AYES: ALL**

12. Approve the Budget Calendar for FY 2006/07.

**APPROVED AS RECOMMENDED      AYES: ALL**

13. Consider Resolution in support of continued funding for federal safety net payments (HR 517 and S 267) of PL 106-393 in the Federal Budget and direct staff to send the Resolution to the appropriate legislative representatives.

**ADOPTED RESOLUTION NO. 2005-216 AS RECOMMENDED      AYES: ALL**

LIBRARY

14. Authorize revised hours of operation for the Livingston, Stevinson and Winton Branch Libraries as recommended.

**APPROVED AS RECOMMENDED      AYES: ALL**

BOARD APPOINTMENTS

15. PULLED

BOARD INFORMATION & POSSIBLE ACTION

**ACCEPTED AND PLACED ON FILE      AYES: ALL**

16. City of Merced re: Resolution in support of Highway 99 Task Force efforts.
17. California Environmental Protection Agency re: Central Valley Regional Water Quality Control Board re: Central Valley Board renews Irrigated Lands Conditional Waivers for six months.
18. Federal Emergency Management Agency re: Revised Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) Materials.
19. State Water Resources Control Board re: Regional Water Board gets OK to hold Hearings on Watershed Permits for PALCO.

**ADJOURNED MEETING UNTIL TUESDAY, DECEMBER 20, 2005 AT 10:30 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – DECEMBER 13, 2005**

**5:00 P.M. SCHEDULED ITEM**

**2005-12-13 PUBLIC OPPORTUNITY**

Tom Grave appears and questions when the public should comment on the consideration of the extension of the Riverside Motorsports Park, EIR.

The Chairman states that comments can and should be made now at the Public Opportunity period as the item is not a scheduled public hearing item.

Candace Adam-Medefind and Ron Webster speak on behalf of a 90 day extension opposed to the 60 day extension stating they believe there are unusual circumstances to warrant a 90 day extension.

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

**5:00 P.M. SCHEDULED ITEM**

**2005-12-13 PRESENTATION – MERCY MEDICAL CENTER MERCED**

President of Mercy Medical Center Merced David Dunham provides a power point presentation on the update of Mercy Medical Center Merced and reviews status reports on Hospital Financial Performance, Emergency Services, Physician Recruitment, Net Services-Wound Care Center, Marketing and the new Hospital.

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

**ACTION ITEM NO. 10**

**2005-12-13 PLANNING**

The Clerk announces consideration of extending the Public Comment Period for the Riverside Motorsports Park Draft EIR from December 23, 2005 to January 6, 2006 submitted by Planning is before the Board.

Supervisor Crookham moves, seconded by Supervisor Pedrozo, to extend the Public Comment Period for the Riverside Motorsports Park Draft EIR from December 23, 2005 to January 6, 2006.

Supervisor Kelsey states based on the size of the Draft EIR, she would like to recommend the extension be longer.

The Chairman asks for clarification from Counsel.

Deputy County Counsel James Fincher states that 60 days is a maximum extension except for unusual circumstances, than it is possible for a 90 day extension and states he does not believe this matter falls under that ruling.

Supervisor Kelsey states she feels findings could substantiate usual circumstances to allow the extension and is not convinced the public has had enough time to review the Draft EIR.

Supervisor Kelsey recommends the Board hold a study session with Planning Commission and would like to amend the motion to include the Study Session.

Supervisor Kelsey moves, seconded by Supervisor Crookham, to amend the Motion to extend the comment period as stated to include a Study Session between the Board and Planning Commission.

Supervisor Kelsey states she would also like the Public Opportunity be held for members of the audience to comment further on the matter.

The Chairman states earlier today it was clearly stated that public comments were to be taken at the 5:00 p.m. Public Opportunity to Speak. The Chairman re-opens the Public Opportunity.

The following speak in favor: Mark Osborn, Lisa Kaiser-Grant, Cameron Doyel, Foster Farms Representative Jim Marriotti, Annette Allsup, Melissa Kelley Ortega and John Grant.

Riverside Motorsports Park Vice President Mark Melville comments and states the Draft EIR circulation and comment period fully meets the law and RMP fully recognizes the public benefit of the extension. He further states it is their opinion that an extension that would exceed the 60 days is totally unwarranted advising a substantial amount of time and money has been invested.

Following discussion, the Chairman states the Motion before the Board is to extend the Public Comment Period on the Draft EIR for 60 days to close on January 6, 2006 and will include a Study Session with the Board and Planning Commission.

Following further discussion, Supervisor Kelsey moves to amend her previous motion, to include extending the Public Comment Period to 90 days instead of 60 days from the time of issuance.

The Chairman calls for a vote on the Amendment to the Motion. Motion dies for lack of second.

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

Following discussion, the Chairman calls for a vote on the Motion on the Floor as follows:

Extend the Public Comment Period for the Riverside Motorsports Park Draft EIR from December 23, 2005 to January 6, 2006 understanding there will be a Study Session with the Merced County Planning Commission.

Motions carries.

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