



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, DECEMBER 20, 2005
Regular Meeting – 10:00 a.m.

MERCED COUNTY
ADMINISTRATION BUILDING
2222 "M" STREET
BOARD ROOM, THIRD FLOOR
MERCED, CALIFORNIA 95340
(209) 385-7366

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

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.*

SCHEDULED 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)

Phil Reiner speaks in support of the Riverside Motorsports Park

PRESENTATIONS

Merced/Mariposa Cattlemen of the Year Recognition
Sesquicentennial Recognition

REVIEW BOARD ORDER – SEE PAGE 7

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 12)

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS) REVIEW BOARD ORDER – SEE PAGE 7

10:30 A. M.

PUBLIC WORKS - PUBLIC HEARING

Certification of the Final EIR for the Campus Parkway Project and selection of the Preferred Alignment

RECOMMENDATION: Continue Public Hearing until January 10, 2006 at 10:30 a.m.

REVIEW BOARD ORDER – SEE PAGE 7 AND 8

PUBLIC WORKS - PUBLIC HEARING

Consider the Negative Declaration for the Merced County Flood Control Channel Maintenance and Bridge/Culvert Maintenance and Replacement Program

REVIEW BOARD ORDER – SEE PAGE 8

PUBLIC WORKS - PUBLIC HEARING

To consider Resolution revising the fees for the Franklin-Beachwood Bridge and Major Thoroughfare Area of Benefit

REVIEW BOARD ORDER – SEE PAGE 8 AND 9

PUBLIC WORKS - PUBLIC HEARING

To consider Resolution revising the fees for the Winton Bridge and Major Thoroughfare Area of Benefit

REVIEW BOARD ORDER – SEE PAGE 9

PUBLIC WORKS - PUBLIC HEARING

To consider Resolution revising the fees for the Santa Nella Bridge and Major Thoroughfare Area of Benefit

REVIEW BOARD ORDER – SEE PAGE 9

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 12)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Accept the Final Map for Quail Hollow Estates Phase 3 Subdivision in Winton.

Human Services Agency

2. Approve and authorize Chairman to sign Amendment to Contract No. 2000222 with Stuart Land Owners, LLC for Human Services Agency outstation due to insufficient space at Main Office.

3. Approve and authorize Chairman to sign Amendment to Contract No. 2005298 with Merced Community College for Child Care for Foster Parents in Training.

Executive Office

4. Approve and authorize Chairman to sign Renewal Contract No. 2004364 with Professional Benefit Services for Dental Claims Administration.
5. Approve and authorize Chairman to sign Renewal Contract No. 2004363 with Pacificare of California for Medicare HMO.
6. Act on Claims for Damages received from Gerry Baldwin (2005-45), Gregory Hassen (2005-59), Tyrone Morgan (2005-110) and Application for Leave to Present Late Claim from Emmanuel Gutierrez (2005-114).

Auditor

7. Set public hearing for January 10, 2006 at 10:30 a.m. to consider Amendment to County Clerk/Recorder Fees and Ordinance.

Board of Supervisors

8. Set public hearing for January 10, 2006 at 10:30 a.m. to consider Appeal received from Anthony Medeiros, Jr. to Minor Subdivision Application No. 05029.

Commerce, Aviation and Economic Development

9. Set joint public hearing for January 24, 2006 at 10:30 a.m. to consider the proposed Redevelopment Plan for the Castle Airport Aviation and Development Center Redevelopment Project.
10. Set public hearing for January 24, 2006 at 10:30 a.m. to consider proposed ordinance approving and adopting the Redevelopment Plan for the Castle Airport Aviation and Development Center Redevelopment Project.

Board Recognition

11. Authorize Certificate of Recognition to Chief Tony Dossetti in recognition of 30 years of dedicated service to the Merced Police Department.
12. Authorize Certificate of Recognition for Dan Machado and Scott Wickstrom for years of service to the Hilmar Unified School District Board of Trustees.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

13. Contract Amendment with Kitchell, Inc. for the Construction Management of the New Courts Building.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004048 AYES: ALL

14. Resolution authorizing Contract with Caltrans for Maintenance within State Highway Right-of-Way, State Route 140 between Post Mile 43.5 and Post Mile 44.1 in Planada.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005297 AND ADOPTED RESOLUTION NO. 2005-217 AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

15. Contract with American School of Aviation, Inc. for Castle Airport Sublease of Building No. 439 for temporary living quarters for flight school students.

REVIEW BOARD ORDER – SEE PAGE 9 AND 10

16. Contract with American School of Aviation, Inc. for Castle Airport Sublease of Building No. 438 for temporary living quarters for flight school students.

REVIEW BOARD ORDER – SEE PAGE 10

17. Accept the proposed policies for the Castle Airport Aviation and Development Center for FAA Grant preparation regarding the Castle Airport Master Plan and approval submittal of the Application to fund the Master Plan, Pavement Reconstruction and Maintenance Plan, Electrical/Security Analysis, Taxiway Lighting Upgrade/Replacement Design.

REVIEW BOARD ORDER – SEE PAGE 10

HUMAN SERVICES AGENCY

18. Contract Amendment with Community Action Board for Congregate Meals Program.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004189 AYES: ALL

19. Contract Amendment with Community Action Board for Home-Delivered Meals Program and approve the necessary budget transfer in the amount of \$41,796.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004188 AYES: ALL

20. Contract Amendment with Calif. Dept. of Aging for Health Insurance Counseling and Advocacy Program (HICAP) and approve the necessary budget transfer-\$100,963. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004249 AYES: ALL

21. Contract with Community Action Board for provision of Emergency Homeless-Cold Weather Shelter for indigent males and females.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005301 AYES: ALL

MENTAL HEALTH

22. Contract with Superior Court for services and reimbursement for Court Operations and approve the necessary budget transfer-\$16,250. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003282 AYES: ALL

23. Authorize preparation and release of Request for Proposal as part of the Mental Health Services Act-Community Services and Supports Three-Year Program, authorize negotiations with providers once the RFP has been finalized and return to the Board with recommendation and award.

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

24. Authorize the recommended firms to be placed on a list for On-Call Services for Environmental Review and Permit Processing Applications Consultants to be returned to the Board for final contract approval.

REVIEW BOARD ORDER – SEE PAGE 11

TREASURER-TAX COLLECTOR

25. Resolution delegating the Investment Authority to the County Treasurer under Government Code Section 27000.1 and 53607.

ADOPTED RESOLUTION NO. 2005-218 AS RECOMMENDED AYES: ALL

HEALTH

26. Contract with State Dept. of Health Services for implementation of the Emergency Medical Services Appropriation (SB2132/AB131) in the amount of \$161,712 for FY 2005-06 and approve necessary budget transfers-\$47,874 and \$9,838. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002243 AYES: ALL

HUMAN RESOURCES

27. Authorize Overhire as follows: one Legal Clerk I/II, Position #24, BU 20100 for a Limited Term Appointment until incumbent's retirement in March 2006 in Child Support Services; one Engineering Associate I/II/III, Position #008, BU 27400 for a Limited Term Appointment until incumbent's retirement in March 2006 for DPW-Professional Services; one Account Clerk III, Position #255, BU 41506, for a Limited Term Appointment not to exceed six months in Mental Health and one Staff Services Analyst, Position #163, BU 41506, for a Limited Term Appointment until incumbent's retirement in February 2006 in Mental Health.

APPROVED AS RECOMMENDED AYES: ALL

28. Approve Salary Adjustment of 0.4 range (approximately 2%) for Bargaining Units 3, 7 and Unrepresented Management effective December 26, 2005; approve amendment to Memorandum of Understanding (MOU) with Independent Employees of Merced County representing Bargaining Unit 3; approve amendment to Memorandum of Understanding with Merced County Attorney's Association representing Bargaining Unit 7 and adopt Resolution relating to Unrepresented Management (amends Resolution No. 2005-135).

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005079 FOR BARGAINING UNIT 7-MOU ATTORNEY'S ASSOCIATION AND NO. 2005076 FOR BARGAINING UNIT 3-MOU IEMC AND ADOPTED RESOLUTION NO. 2005-219 AYES: ALL

29. Approve Amendment to Memorandum of Understanding (MOU) with AFSCME Units 4, 5, 6 and 8 and adopt Resolution reflecting the bi-lingual/bi-literate pay differential for Units 4, 5, 6, 8 (amends Resolution No. 91-209).

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005077 FOR BARGAINING UNITS 4, 5, 6, AND 8-AFSCME AND ADOPTED RESOLUTION NO. 2005-220 AYES: ALL

BOARD OF SUPERVISORS

30. Authorize expenditure of \$20,000 from Special Board Project Funds-District Two to the Merced Rotary Club for completion of the Rotary Club Project at Lake Yosemite.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

31. Confirm the Appointment of Robert A. Lewis as Development Services Director.

APPROVED AS RECOMMENDED AYES: ALL

32. Resolution authorizing admission of the County of Los Angeles and any future counties requesting submission as members to the California County Tobacco Securitization Agency,

certain amendments to the Joint Powers Agreement relating to the operations of the Commission and authorizing Authorized Officers to do any and all things necessary to execute any documents necessary to carry out the intent of this resolution.

ADOPTED RESOLUTION NO. 2005-221 AS RECOMMENDED AYES: ALL

33. Authorize Travel Request submitted by Human Services Agency as recommended by Executive Office.

APPROVED AS RECOMMENDED AYES: ALL

34. Resolution implementing Government Code Section 31641.04 establishing an Early Retirement Plan and providing for additional retirement service credit of up to two years for eligible employees.

REVIEW BOARD ORDER – SEE PAGE 11

BOARD APPOINTMENTS

35. Law Library Board of Trustees for 2006 - Recommended Appointments.

APPOINTED JEFF KAUFMAN TO SERVE AS PRESIDENT AND BILL NEWMAN TO SERVE AS VICE PRESIDENT AS MEMBERS OF THE LAW LIBRARY BOARD OF TRUSTEES UNTIL JANUARY 1, 2007 AYES: ALL

36. San Joaquin Valley Rail Committee - Merced County Appointment.

APPOINTED ANGELO LAMAS TO REPRESENT MERCED COUNTY AS A MEMBER OF THE SAN JOAQUIN VALLEY RAIL COMMITTEE AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

37. State Public Utilities Commission re: Announcement, Telecommunications Grant Availability up to \$2,500,000 available per project in un-served low-income rural areas of California.
38. State Water Resources Control Board re: Efforts to Monitor Surface Water supported at Board Workshop.
39. Great Valley Center re: The State of the Great Central Valley: Assessing the Region via Indicators--The Environment 2000-2005. (On file with Clerk)

ADOPTED RESOLUTION IN MEMORY OF MEL HULTGREN AND ADJOURNED MEETING UNTIL JANUARY 10, 2006 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – DECEMBER 20, 2005

10:00 A.M. SCHEDULED ITEM

2005-12-20 PRESENTATION – Merced/Mariposa Cattlemen of the Year Recognition

Supervisor Kelsey presents Richard Ortiz and Carlos “Poncho” Ortiz with a Certificate of Recognition for receiving the Award of “Cattlemen of the Year” by the Merced/Mariposa Cattlemen’s Association.

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

10:00 A.M. SCHEDULED ITEM

2005-12-20 PRESENTATION – Sesquicentennial Recognition

Supervisor Kelsey presents Certificates of Recognition for dedicated participation in making the Merced County Sesquicentennial a success: Atwater, Dos Palos, Filipino-American, Gustine, Hilmar, Livingston, Snelling and Winton Historical Society(s), Milliken Museum, Jack Nelson, Merced County Sheriff’s Department, Donna Martin, Terri Cruickshanks, Leslie Lawson, Elaine Post and Sarah Lim on behalf of the Courthouse Museum.

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

10:00 A.M. ADDED AGENDA ITEM

2005-12-20 BOARD OF SUPERVISORS

Upon motion of Supervisor Pedrozo, seconded by Supervisor Crookham, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, to consider Special Board Projects expenditures and places the matter on the Agenda for Board consideration.

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

Upon motion of Supervisor Pedrozo, seconded by Supervisor Crookham, duly carried, the Board authorizes the following expenditures: Special Board Project Funds-District One in the amount of \$1,250, Special Board Project Funds-District Three in the amount of \$1,250, and Special Board Project Funds-District Four in the amount of \$1,250 to Merced Food Bank and approves the necessary budget transfer.

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

10:30 A.M. SCHEDULED ITEM

2005-12-20 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider the Certification of the Final EIR for the Campus Parkway Project and Selection of the Preferred Alignment submitted by the Public Works.

Public Works Director Paul Fillebrown provides a power point presentation for the Campus Parkway Project and recommends the item be continued to January 10, 2006.

The Chairman asks if there is anyone present wishing to speak.

The following speak: Jim Laird, Karen Fife, Government Relations Director for UC Merced-Larry Salinas, Larry McKendo, Sharon Hunt Dicker, Terry Bates, John Raggio, Frank Klick (submits letter dated December 20, 2005), Dennis Hanks, Mary Haygood (submits letter dated July 5, 2005), Tom Fife, John Price and Richard Bressler.

The Chairman reiterates the item before the Board is to continue the Public Hearing and there will be no action taken at this time.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board continues the Public Hearing on the Certification of the Final EIR for the Campus Parkway Project and Selection of the preferred Alignment to January 10, 2006 at 10:30 a.m.

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

10:30 A.M. SCHEDULED ITEM
2005-12-20 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider a Negative Declaration for the Merced County Flood Control Channel Maintenance and Bridge/Culvert Maintenance and Replacement Program submitted by the Public Works.

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 Crookham, seconded by Supervisor Pedrozo, duly carried, the Board makes a Finding based on the Record, including the initial study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and that the mitigated negative declaration reflects the County's independent judgment and analysis and adopts the Mitigated Negative Declaration for the Merced County Flood Control Channel Maintenance Program and Bridge/Culvert Replacement Program.

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

10:30 A.M. SCHEDULED ITEM
2005-12-20 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider a Resolution revising the fees for the Franklin-Beachwood Bridge and Major thoroughfare Area of Benefit submitted by Public Works.

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 Crookham, seconded by Supervisor Pedrozo, duly carried, the Board approves revision of the Fees for the Franklin-Beachwood Bridge and Major Thoroughfare Area of Benefit and adopts Resolution No. 2005-222.

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

10:30 A.M. SCHEDULED ITEM

2005-12-20 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider a Resolution revising the fees for the Winton Bridge and Major thoroughfare Area of Benefit submitted by Public Works.

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 Kelsey, seconded by Supervisor Crookham, duly carried, the Board approves revision of the Fees for the Winton Bridge and Major Thoroughfare Area of Benefit and adopts Resolution No. 2005-223.

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

10:30 A.M. SCHEDULED ITEM

2005-12-20 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider a Resolution revising the fees for the Santa Nella Bridge and Major thoroughfare Area of Benefit submitted by Public Works.

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 Kelsey, seconded by Supervisor Crookham, duly carried, the Board approves revision of the Fees for the Santa Nella Bridge and Major Thoroughfare Area of Benefit and adopts Resolution No. 2005-224.

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

ACTION ITEM NO. 15

2005-12-20 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

The Clerk announces the Contract with American School of Aviation, Inc. for Castle Airport Sublease of Building No. 439 for temporary living quarters for flight school students submitted by Commerce, Aviation and Economic Development is before the Board for consideration.

Supervisor Nelson reviews the screening and security process for entry of the foreign students into America and reviews the potential benefit for the County.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2005299 with American School of Aviation, Inc. for Building 439 for temporary living quarters for flight school students.
Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

ACTION ITEM NO. 16

2005-12-20 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

The Clerk announces the Contract with American School of Aviation, Inc. for Castle Airport Sublease of Building No. 438 for temporary living quarters for flight school students submitted by Commerce, Aviation and Economic Development is before the Board for consideration.

Supervisor Nelson reviews the screening and security process for entry of the foreign students into America and reviews the potential benefit for the County.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2005300 with American School of Aviation, Inc. for Building 438 for temporary living quarters for flight school students.
Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

ACTION ITEM NO. 17

2005-12-20 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

The Chairman announces the Castle Airport Aviation and Development Center Policies used in preparing the FAA Grant application for the Airport Master Plan and Design of FY 07 Airfield Projects submitted by Commerce, Aviation and Economic Development (CAED) is before the Board for consideration.

Commerce, Aviation and Economic Development Director John Fowler provides an overview stating it has been requested CAED submit two grants: one for the Master Plan Update and one for Pavement Repair and Maintenance Plan, Electrical/Security Analysis and Taxiway Lighting Replacement.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board accepts the proposed policies for FAA Grant preparation regarding the Castle Airport Master Plan to include: a) use of the January 2002 California Airport Land Use Planning Handbook as the basis for airport design and land use compatibility standards; b) developing the broadest forecast scenarios for all types of flight operations; and c) establishing the need for additional hangars, aviations airport facilities and infrastructures and approves the submittal of the FAA Grant Applications to fund the Master Plan Update and for Pavement Repair and Maintenance Plan, Electrical/Security Analysis and Taxiway Lighting Replacement and authorizes the Chairman to sign the necessary documents.

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

ACTION ITEM NO. 24

2005-12-20 PLANNING AND COMMUNITY DEVELOPMENT

The Clerk announces the Environmental Consulting Contracts for on-call services submitted by the Planning and Community Development Department is before the Board for consideration.

Following discussion, Planning and Community Development Director Bill Nicholson states the current list of consulting firms were chosen by an evaluation committee to perform on-call services to prepare environmental impact reports and other related CEQA documents and application processing tasks. Others could be considered and would need to participate with the review process.

Following further discussion and upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board approves the five environmental consulting firms to be used by the Planning and Community Development Department for on-call services and will return to the Board for contract approval.

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

ACTION ITEM NO. 34

2005-12-20 EXECUTIVE OFFICE

The Clerk announces the Resolution to implement Government Code Section 31641-04 establishing an Early Retirement Plan and providing for additional retirement service credit of up to two (2) years for eligible employees is before the Board for consideration.

County Executive Officer Dee Tatum reviews the Staff Report and recommends an actuarial study be completed to determine the advantages with the recommendation coming back to the Board for further consideration some time in July.

Supervisor Nelson suggests the study also include buy back time.

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board continues the matter on the Early Retirement Plan until later in July, 2006 to include an actuarial study as recommended by Executive Office understanding the study will include buy back time.

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