



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, NOVEMBER 07, 2006
Closed Session – 9:00 a.m.
Regular Meeting – 9:30 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
CHAIRMAN MICHAEL G. NELSON.....DISTRICT 3
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.

The Agenda is available online at www.co.merced.ca.us

Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the Board Chambers

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INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE**

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The Agenda is divided into three sections:

CONSENT CALENDAR – These matters include routine financial and administrative actions and are approved by a single majority vote.

SCHEDULED ITEMS – These items are noticed hearings, work sessions and public hearings.

REGULAR CALENDAR – These items include significant policy and administration actions. Immediately after approval of the CONSENT CALENDAR, if the time of the hearing of SCHEDULED ITEMS has not arrived, the REGULAR CALENDAR will be considered.

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 Government Code Section 54956.9(a): Case: Lopez v. County of Merced, et al., Case No: 1:06-cv-01526-OWW-DLB

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE IS NOTHING TO REPORT

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

REVIEW BOARD ORDER – SEE PAGE 6

9:30 A. M.

FIRE - Hazardous Materials Response Unit Display (Administration Building Parking Lot, 21st Street side)

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 (Testimony limited to five minutes per person)

REVIEW BOARD ORDER – SEE PAGE 6 AND 7

PRESENTATIONS

Fire: Display and Dedication of the new Hazardous Materials Response Unit for the Merced County Fire Department Castle Airport Fire Station

San Joaquin Valley Rail Committee: Introduction of Strategic Business Plan for the San Joaquin Rail Corridor

REVIEW BOARD ORDER – SEE PAGE 7

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Public Works-\$2,012

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 18)

APPROVED AS RECOMMENDED AYES: ALL

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 18)

APPROVED AS RECOMMENDED AYES: ALL

Human Services Agency

1. Approve and authorize Chairman to sign Amendment to Contract No. 2004142 with Airport Warehouse Rentals for Grogan Avenue Storage Space adding two additional storage units.
2. Approve and authorize Chairman to sign Renewal Contract No. 2006110 with Merced Lao Family Community, Inc. for Refugee Employment and Social Services Program.

Public Works

3. Approve and authorize Chairman to sign Amendment to Contract No. 2001160 with Shamrock "S" Pollination Service, Inc. for an additional three years to utilize approximately three acres in the southeasterly portion of the Sunset Drive Borrow Pit for the temporary storage and removal of beehives.
4. Set Public Hearing for December 5, 2006 at 10:00 a.m. to consider Proposed Ordinance adjusting Fees for Encroachment Permits (Amends Ordinance No. 1698 and County Code Section 13.30.030).
5. Set Public Hearing for December 5, 2006 at 10:00 a.m. to consider Proposed Resolution setting the Planning and Community Development Department Review Fees (Supercedes Resolution No. 2005-156).
6. Set Public Hearing for December 5, 2006 at 10:00 a.m. to consider Proposed Ordinance adjusting the County Surveyor's Fees (Amends Ordinance No. 1761 and County Code Section 17.04.020).
7. Set Public Hearing for December 5, 2006 at 10:00 a.m. to consider adjusting the Fees for Improvement Plan Review and Construction Inspection of Subdivision Projects and Miscellaneous Document Review and Processing (Amends Ordinance No. 1760 and County Code Section 16.080.030.D.3 and D.4).
8. Approve Budget Transfers in the amount of \$2,400 and \$896 as recommended by Executive Office.

Board of Supervisors

9. Approve and authorize Chairman to sign Renewal Contract No. 2006293 with Nancy Leuder Misra for the loan of the Merced County Courthouse Needlepoint to Merced County for the purpose of display.

Executive Office

10. Approve Travel Requests submitted by Sheriff as recommended by Executive Office.

Board Recognition

11. Authorize Certificate of Recognition to Greater Merced Chamber of Commerce for Grand Opening of new office.
12. Authorize Certificates of Recognition for attaining their General Education Degree to the following individuals from Los Banos: Karla Arroyo, David Cain, Crystal Capone, Gustavo De La Torre, Pete Dicochea, Marina Estrada, Rick Fernandez, Lilia Gonzales, Cade Hall, Juan Jaurez, Yvonne Lee, April Melendez, Annette Mercado, Lorraine Ortiz Burgos, Maria Razo, Miguel Rivera, Jessica Rivera, Aurora Rodriguez, Alejandra Rodriguez, Sabrina San Andreas, Martha Sandoval, Fabian Saucedo, Trisha Vasquez, Sebastian Wood, Shawna Guerrero and Jimmy Hernandez.
13. Authorize Certificate of Recognition to Lafayette Wiggins for years of dedicated service to Winton Municipal Advisory Council.
14. Authorize Certificates of Recognition to the individuals recognized as 2006 Working Women of the Year by Merced Business and Professional Women: Ernestine Woods/Working Woman of the Year, RoseMary Parga Duran/Working Woman of the Year, Dana Sanders/Working Woman of the Year and Elizabeth Chavez/Working Woman on the Go.
15. Authorize Certificates of Recognition to individuals recognized by A Woman's Place of Merced County for outstanding dedication, commitment and significant contributions to assist in domestic violence and in honor of Response with a Heart.

REVIEW BOARD ORDER – SEE PAGE 7
16. Authorize Certificates of Recognition for the 2006 Teacher of the Year Awards recognized by the Merced County Office of Education: Debbie Mesa/Livingston Middle School, Jennifer Slatten/MCOE Special Education Department, Lori Gomes/MCOE Regional Occupation Program, Patty Bettencourt/Gustine Elementary School, and Fernando Bugarin/Schendel School.
17. Authorize Certificate of Recognition to Andy Krotik for dedicated service as Atwater City Councilmember.
18. Authorize Certificates of Recognition to Los Banos Police Department and Volunteers and Los Banos Fire Department and Volunteers for being recognized by WalMart of Los Banos and Los Banos Elks Lodge for community dedication on National Drug and Safety Day.

REGULAR CALENDAR

BOARD ACTION

MENTAL HEALTH

19. Amendment to Contract with BHC Sierra Vista Hospital increasing the Contract Amount to \$35,000 through June 30, 2007 and approve the necessary budget transfer-\$20,000. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2003026 AS RECOMMENDED AYES: ALL

COUNTY CLERK/REGISTRAR OF VOTERS

20. Authorize Special Election to be held in the City of Dos Palos on March 6, 2007 to fill a city council seat created by a vacancy.

APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN. SERVICES

21. Contract with Public Surplus, LLC for the sale of Miscellaneous Property.

AUTHORIZED CONTRACT NO. 2006294 AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

22. Resolution authorizing the Revolving Loan Fund Plan Certification as required by the U.S. Dept. of Commerce, Economic Development Administration.

ADOPTED RESOLUTION NO. 2006-200 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

23. PULLED FROM AGENDA – NO ACTION.

BOARD APPOINTMENTS

24. Advisory Board on Alcohol and Other Drug Problems – Appoint May Moua representing Education serving at the Pleasure of the Board.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

25. State Water Resources Control Board re: Notice of Status Report Workshop and Public Scoping Meeting, Sediment Quality Objectives for Enclosed Bays and Estuaries of California set for November 28, 2006.
26. State Water Resources Control Board re: Notice of availability of "The California Runoff Rundown" Fall, 2006 Edition Newsletter.

ADOPTED RESOLUTIONS IN MEMORY OF DARLENE HAGUE AND GEORGENA GOMES FRANZEN AND ADJOURNED MEETING UNTIL NOVEMBER 14, 2006 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 7, 2006

9:00 A.M. ADDED AGENDA ITEM

2006-11-07 SCHEDULED ITEMS – LATE AGENDA ITEM

Later in the day and following discussion on the Riverside Motorsports Park Project, Supervisor Kelsey moves, seconded by Supervisor Pedrozo, to add an evening public hearing on November 14, 2006 to consider the Riverside Motorsports Park Project noting that this need to discuss arose subsequent to the posting of the November 7, 2006 Agenda.

Following discussion, the Chairman calls for a Vote on the Motion.

Supervisors Crookham, Nelson, O'Banion vote "no". Motion fails.

Ayes: Pedrozo, Kelsey

Noes: Nelson, Crookham, O'Banion

10:00 A.M. SCHEDULED ITEM

2006-11-07 PUBLIC OPPORTUNITY

Harold DePalma representing Ballico American Legion appears before the Board stating concerns with the asbestos removal in the floors at the Legion Hall and inquires when the removal may occur.

Public Works Director Paul Fillebrown responds stating many Legion Halls repair work requests are on file and there is a priority order for repairs based on funds.

Wayne Hine, Merced, speaks on the Old High School Library and presents a Resolution adopted by the California Legislature to the Historic High School Hostel in Merced dated June 1987 for the official records.

Susan Walsh, League of Women Voters representative, encourages a night meeting on the Riverside Motorsports project.

Stacey Machado, Winton, speaks against the Riverside Motorsports Park, the Planning Commission treatment of the public at their public hearing, encourages a night meeting for the Riverside Motorsports Park project and submits documents.

Lisa Kayser-Grant requests a night meeting on the Riverside Motorsports Park project, states concerns with parking during the hearing and questions the Planning Commission job role.

Jean Okuye commends Supervisor Crookham for the Merced Sun Star article regarding Merced schools.

Tom Graves speaks against the Riverside Motorsports Park and states concerns with the project.

Judy Doucette, Atwater, speaks against the Riverside Motorsports Park stating she feels the public has not been informed and is not being treated fairly.

Charles Magneson speaks against the Riverside Motorsports Park, states concerns with the project, public information and submits a Modesto Bee article on global warming.

The Chairman addresses concerns regarding public notification for the Riverside Motorsports Park hearing and opportunities for the public to be involved.

Supervisor Kelsey states she would like the Board to hold a night meeting giving the public an opportunity to attend and discuss the Riverside Motorsports Park.

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

10:00 A.M. SCHEDULED ITEM

2006-11-07 PRESENTATION – FIRE DEPARTMENT

Fire Division Chief Doug Hicks provides an overview of the Hazardous Materials Response Unit for the Merced County Fire Department stationed at Castle Airport Fire Station.

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

10:00 A.M. SCHEDULED ITEM

2006-11-07 PRESENTATION – San Joaquin Valley Rail Committee

Dominic Spaethling and Robin Owens provide a powerpoint presentation on the San Joaquin Corridor Strategic Business Plan and submit brochures regarding train travel.

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

CONSENT ITEM NO. 15

2006-11-07 BOARD OF SUPERVISORS

Upon motion of Supervisor Pedrozo, seconded by Supervisor Crookham, duly carried, the Board authorizes Certificates of Recognition to the following individuals recognized by A Woman's Place of Merced County for their outstanding dedication, commitment and significant contributions to assist in Domestic Violence and in honor of "Response with a Heart": Officer Dave Sarginson-Atwater Police Department, Corporal Bryon Elness-Gustine Police Department, Office Jesus Parras-Los Banos Police Department, Officer Krista Stokes-Merced Police Department, Deputy Terry Hays-Sheriff's Department, Deputy District Attorney Christa Gonzalez, Supervising Probation Officer James Rochester, Detective Hector Ortiz-Merced Police Department/Most Progress Law Enforcement Officer of the Year, and Chief Richard Hawthorne-Atwater Police Department/Most Progressive Law Enforcement Leader of the Year.

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