

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, MAY 20, 2008
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

JOHN PEDROZO.....DISTRICT 1
CHAIRMAN KATHLEEN M. CROOKHAM.....DISTRICT 2
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

JAMES N. FINCHER
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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TESTIMONY IS LIMITED TO FIVE MINUTES PER PERSON
THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA

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 - 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): (1) Bull Field, LLC v. County of Merced et. al, Merced County Superior Court Case No. 150549; (2) San Joaquin Raptor Rescue Center et al. v. County of Merced - Riverside Motorsports Park Real Party in Interest, Merced County Superior Court Case No. 150013 & 150014 Consolidated; (3) San Joaquin Raptor Rescue Center et al. v. County of Merced - Black Diamond Inc. Real Party in Interest, Merced Superior Court Case No. 150017; (4) Davis v. County of Merced, Eastern District Court Case No. CV-07-0180

THE BOARD RECESSED AT 9:10 A.M. AND RECONVENED AT 10:20 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WAS NOTHING TO REPORT

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 (Testimony limited to five minutes per person)

REVIEW BOARD ORDER – SEE PAGE 11

PRESENTATIONS

- (1) California High Speed Rail Project - Update
- (2) MCAG - Overview of the San Joaquin Valley Blueprint

REVIEW BOARD ORDER – SEE PAGE 11 AND 12

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10:00 A. M. **BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Public Works-\$14,000 and Fire-\$61,726
APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1-34)
APPROVED AS RECOMMENDED AYES: ALL

10:00 A. M. **COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT – PUBLIC HEARING - PROPOSED ORDINANCE, POSSIBLE ADOPTION**
To consider proposed ordinance: An Ordinance Establishing Commerce, Aviation and Economic Development Loan Program Fees and Related Charges and Revisions to Agricultural Waste Management Loan Committee Guidelines

REVIEW BOARD ORDER – SEE PAGE 12

AUDITOR-CONTROLLER - PUBLIC HEARING - PROPOSED ORDINANCE, POSSIBLE ADOPTION

To consider proposed ordinance: An Ordinance adopting the Merced County Revenue and Reimbursement Fee Schedule (Amends Ordinance No. 1709)

REVIEW BOARD ORDER – SEE PAGE 12

PUBLIC WORKS - PUBLIC HEARING

To consider Sole Sourcing an Energy and Water Conservation Retrofit Contract with Siemens Building Technologies, Inc. for Fifteen Merced County Facilities - **Recommendation is to continue the Public Hearing to July 22, 2008 at 10:00 a.m.**

CONTINUED TO JULY 22, 2008 BOARD MEETING

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 34)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution annexing Minor Subdivision No. 06029 into the Salles Manor Street Lighting Zone of Benefit No. 213 in County Service Area No. 1.
ADOPTED RESOLUTION NO. 2008-72
2. Adopt Resolution annexing Minor Subdivision No. 06040 into the Winton Street Lighting Zone of Benefit No. 202 in County Service Area No. 1.
ADOPTED RESOLUTION NO. 2008-73
3. Adopt Resolution annexing Minor Subdivision No. 06052 into the Merced Falls Road Lighting Zone of Benefit No. 126 in County Service Area No. 1.
ADOPTED RESOLUTION NO. 2008-74

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4. Approve and authorize Chairman to sign Amendment to Contract No. 2007293 with John Rohrer Construction in an amount not to exceed \$8,874 for the repairs to the equipment bay door at the Snelling Fire Station, approve increasing the budget for a new total project budget of \$110,874 and approve the necessary budget transfer.
5. PULLED

Mental Health

6. Approve and authorize Chairman to sign Amendment to Contract No. 2007005 with State Dept. of Mental Health for Mental Health Services Act.

Human Services Agency

7. Approve and authorize Chairman to sign Renewal Contract No. 2007048 with Mental Health for counseling.
8. Approve and authorize Chairman to sign Renewal Contract No. 2005171 with Merced County Office of Education for childcare services.
9. Approve and authorize Chairman to sign Renewal Contract No. 2004143 with Merced Union High School District for Adult Education and Training Services.
10. Approve and authorize Chairman to sign Renewal Contract No. 2006111 with Merced Lao Family for Employment and Training Services.
11. Approve and authorize Chairman to sign Renewal Contract No. 2004141 with Dept. of Workforce Investment for Employment Services.
12. Approve and authorize Chairman to sign Renewal Contract No. 2002123 with Merced College for Learning Disabilities Evaluations.
13. Approve and authorize Chairman to sign Renewal Contract No. 2004188 with Community Action Board for Home Delivered Meals Program.
14. Approve and authorize Chairman to sign Renewal Contract No. 2004189 with Community Action Board for Congregate Meals Program.
15. Proclaim June, 2008 as "All Dads Matter Month" in Merced County.
16. Approve and authorize Chairman to sign Amendment to Contract No. 2004278 with Merced Lao Family Community, Inc. for Home Visitor services.
17. Approve and authorize Chairman to sign Renewal Contract No. 2007125 with Merced County Office of Education for Community Development and Support.

Health

18. Approve and authorize Chairman to sign Amendment to Contract No. 2004009 with Decade Software Company for support of Envision Software.

Dept. of Workforce Investment

19. Approve and authorize Chairman to sign Amendment to Contract No. 2001103 with Calif. State Dept. of Rehabilitation for One Stop Partner services.

Ag. Commissioner

20. Approve and authorize Chairman to sign Renewal Contract No. 2004158 with USDA-APHIS-Wildlife Service for Predatory Animal Control in Merced County.

Executive Office

21. Approve Budget Transfer submitted by Executive Office-Advertising in the amount of \$11,449.00 as recommended by Executive Office.
22. PULLED

Board Recognition

23. Authorize plaque for Leslie W. Clark, Jr. in recognition and appreciation of many years of contributions to the Oil Producers Agency and for the 2008 Ray Bradley/Tom Woodward Lifetime Achievement Award.
24. Authorize Certificates of Recognition to Los Banos Memorial Hospital in recognition of National Volunteers Week and Mary Harris for her selection as 2008 Volunteer of the Year.
25. Authorize Certificates of Recognition for the 2008 Year Awards to: Chris De Melo, Reserve Atwater Firefighter; Kevin Blake, Deputy Patrol Officer-Sheriff Department; Allen Russell, Volunteer-Atwater Police; David Walker, Officer-Atwater Police; Officer Sam Spangler, Correctional Officer-Sheriff Dept. and Captain Brian McDonald, Career Firefighter-Atwater Fire.
26. Authorize Certificate of Recognition to individuals honored of attaining 85 Years of Age and 50 years of Residency in the County of Merced.

REVIEW BOARD ORDER – SEE PAGE 13

27. Authorize Certificates of Recognition to the Dispatcher of the Year Awards for: Kathy Mathis, Sheriff Department; Holly Duivenoorden, California Highway Patrol; Leza Meraz, Los Banos Police; Stacy Stout, Atwater Police; Alicia Hugie, Riggs Ambulance and Karen Roberts, University of California-Merced.
28. Authorize Certificates of Recognition to Pastor Duane Driver, Daniel Johnson, Janet Passarino, Terry Passarino and Janelle Scheper in recognition of swearing in as a Ballico Neighborhood Watch Volunteer.
29. Authorize Certificate of Recognition to Mary Oney for receiving the Dos Palos Good Samaritan Award and for recognition of Day of Prayer in Dos Palos.
30. Authorize Certificate of Recognition to Migliazzo Dairy for the DHI-PROVO Award from the Central Counties Dairy Herd Improvement Association.
31. Authorize Certificates of Recognition to Janet Hiles, Kandy Biscay, Roxann Garcia and Yolanda Neal in recognition for being selected by The Week of the Young Child Committee for dedication to the care and education of children in our community.
32. Authorize Certificate of Recognition to Winton CLEO in celebration of 13 years of service to Winton community.
33. Authorize Certificate of Recognition to Sean Murphy-Mitchell Senior Elementary, Zuleika Cervantes-Bellevue Elementary and James Bray-Peggy Heller; Lori and Gino Rizzonelli-Entrepreneur of the Quarter; Fernando Perales-Volunteer of the Quarter; Bertelli's Drugs-Business of the Quarter as selected by the Atwater Chamber of Commerce.

34. Authorize Certificate of Recognition to Fernando Rodriguez-Carniceria Vallarta, Inc. 2008 Minority Small Business Champion of the Year as recognized by the U.S. Small Business Administration.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

35. Contract with American Legion Post 668 to manage and operate the Ballico Veterans Building. (4/5 Vote Required)

REVIEW BOARD ORDER – SEE PAGE 13

36. Reject all bids and authorize Public Works to re-bid the Planada Deep Pit at the Planada Park; authorize solicitation of competitive bids for this project and issuance of Purchase Order to the lowest bidder if within the previously approved Budget and direct Public Works to return with action taken.

REVIEW BOARD ORDER – SEE PAGE 14

37. Authorize payment of refund of impact fees from cancelled building permits to Ranchwood Homes and authorize Public Works Director to sign Indemnity Agreement with Ranchwood Homes.

REVIEW BOARD ORDER – SEE PAGE 14

38. Resolution authorizing Chairman to sign Federal Apportionment Exchange and State Match Program Contract to exchange Federal Funds with Non-Federal State Highway Account Funds.

AUTHORIZED CONTRACT NO. 2008102 AND ADOPTED RESOLUTION NO. 2008-75 AYES: ALL

39. Authorize Sole Source Purchase to supply and install one Sanitary Washdown System for the New Animal Control Facility from SMT Spray Master Technologies and Dog Kennels made by T-Kennals, Inc. for the New Animal Control Facility and authorize issuance of Purchase Order for equipment.

APPROVED AS RECOMMENDED AYES: ALL

40. Resolution authorizing Chairman to sign Grant Deed with Merced Irrigation District (MID) for the Castle Airport Passenger Terminal Building for an Easement from an electrical pole at the southwest corner of East Perimeter Avenue and Turbine Drive up to the southwest corner of the Passenger Terminal Building.

ADOPTED RESOLUTION NO. 2008-76 AS RECOMMENDED AYES: ALL

41. Contract and Settlement Agreement to purchase Real Property with Roger A. Fragua for acquisition of Right-of-Way for the Avenue Two Project, APN 005-080-009 and approve the Temporary Construction License to provide supplementary access to the project site during construction, adopt Resolution accepting Grant Deed and Easement Deed and approve payment to Fidelity Title Company for the appraised value of property plus escrow and any other transaction fees.

AUTHORIZED CONTRACT NOS. 2008093-SETTLEMENT AND 2008094-TEMPORARY CONSTRUCTION LICENSE AND ADOPTED RESOLUTION NO. 2008-77, GRANT DEED AND 2008-78, EASEMENT DEED AYES: ALL

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42. Contract and Settlement Agreement to purchase Real Property with Thelma A. Fragulia Remus, Trustee for acquisition of right-of-way for the Avenue Two Project (APN 005-080-008) and approve the Temporary Construction License to provide supplementary access to the project site during construction, adopt Resolution accepting Grant Deed and approve payment to Fidelity Title Company for the appraised value of property plus escrow and any other transaction fees.

AUTHORIZED CONTRACT NOS. 2008095-SETTLEMENT AND 2008096-TEMPORARY CONSTRUCTION LICENSE AND ADOPTED RESOLUTION NO. 2008-79
AYES: ALL

43. Contract and Settlement Agreement to purchase Real Property with Thelma M. Fragulia Remus, Trustee for acquisition of right-of-way for the Avenue Two Project (APN 005-08-005) and approve the Temporary Construction License to provide supplementary access to the project site during construction, adopt Resolution accepting Grant Deed and Easement Deed and approve payment to Fidelity Title Company for the appraised value of property plus escrow and any other transaction fees.

AUTHORIZED CONTRACT NOS. 2008097-SETTLEMENT AND 2008098-TEMPORARY CONSTRUCTION LICENSE AND ADOPTED RESOLUTION NO. 2008-80, GRANT DEED AND 2008-81, EASEMENT DEED **AYES: ALL**

MENTAL HEALTH

44. Authorize preparation and release of Request for Proposal (RFP) for men's and women's residential alcohol and other drug treatment services, select the most responsive provider to perform such services and return to the Board with recommendation and final contract.

PULLED FROM THE AGENDA – NO ACTION TAKEN

45. Contract with ATC Healthcare for nursing services in the amount of \$10,000 annually.

AUTHORIZED CONTRACT NO. 2008103 AS RECOMMENDED **AYES: ALL**

46. Contract with Elmer Ignacio, M.D. for the provision of psychiatric services at the Saturday Meds Clinic.

AUTHORIZED CONTRACT NO. 2008104 AS RECOMMENDED **AYES: ALL**

47. Authorize to research space available in the Los Banos area for the Mental Health Department for Mental Health Services, Alcohol and Drug Outpatient Services and the Wellness Center and return to the Board with the final contract.

APPROVED AS RECOMMENDED **AYES: ALL**

48. Authorize Dept. of Admin. Services to negotiate a Sole Source Purchase Order with The Phone Connection for the network infrastructure improvements at mental health facilities at an estimated cost of \$25,000.

APPROVED AS RECOMMENDED **AYES: ALL**

HUMAN SERVICES AGENCY

49. Authorize submission of Application to Department of Health and Human Services Administration on Children, Youth and Families, Children's Bureau National Institutes for up to \$400,000 and authorize Director to sign Grant Application with final authorization to be returned for final Board approval, if awarded.

APPROVED AS RECOMMENDED **AYES: ALL**

50. Affirm recommendation of Non-Renewal of Contract No. 2004028 (State Contract #TV0809-31) with Calif. Dept. of Aging in the amount of \$128,887 for Senior Community Services

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Employment Program and authorize notification to the California Dept. of Aging.

APPROVED AS RECOMMENDED AYES: ALL

51. Authorize closure of Kinship Support Services Program RFP 6313 and authorize issuance of new Request for Proposal for the Kinship Program; accept the recommendation from the Evaluation Committee for the Kinship Support Services Program and authorize contract to be returned to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

52. Authorize closure of Home Visitor Service Request for Proposal No. 6330 and authorize issuance of new RFP for the Home Visitor Service and accept recommendation from evaluation committee for Home Visitor Services with contract to be returned for Board approval.

APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF ADMINISTRATIVE SERVICES

53. Abandon the Request for Proposal process for the Graffiti Abatement Program and grant authority to Dept. of Administrative Services to negotiate a Contract to be returned to the Board for final approval.

REVIEW BOARD ORDER – SEE PAGE 15

AG. COMMISSION

54. Ratify the Letter of Request sent to the Governor's Office of Emergency Services on May 14, 2008 requesting Merced County Disaster Declaration due to rangeland crop loss from lack of rainfall.

APPROVED AS RECOMMENDED AYES: ALL

FIRE

55. Authorize Merced County Office of Emergency Services to participate in the Public Safety Interoperable Communications Grant Program (PSIC) in coordination with the Central Valley Planning Area facilitated by the City of Fresno Urban Areas Security Initiative understanding if awarded the Grant, Emergency Services will return to the Board for further action and direction.

APPROVED AS RECOMMENDED AYES: ALL

56. Appoint Fire Battalion Chief Glenda Leonard as the Merced County Office of Emergency Services Deputy Director-Administration pursuant to Ordinance No. 1567 and designate and identify authorized agents for the Merced County Office of Emergency Services by Resolution.

ADOPTED RESOLUTION NO. 2008-82 AS RECOMMENDED AYES: ALL

57. Authorize Merced County Office of Emergency Services to apply for the 2008 Governor's Office of Emergency Services Emergency Management Performance Grant and designate staff to act on behalf of the Merced County Operational Area in obtaining federal financial assistance provided by the Federal Dept. of Homeland Security and sub-granted through the State of California understanding Emergency Services will return to the Board if awarded said Grant.

ADOPTED RESOLUTION NO. 2008-83 AS RECOMMENDED AYES: ALL

PLANNING

58. Contract with Central Valley Concrete, on behalf of Chris Sumpter, Property Owner for the reimbursement of costs related to consultant costs for preparation of an Initial Study for Conditional Use Permit CUP07-023 of required CEQA environmental documents.

AUTHORIZED CONTRACT NO. 2008099 AS RECOMMENDED AYES: ALL

HEALTH

59. Contract with the Abaris Group to provide Consultant Services for the development of Emergency Preparedness Planning project.

AUTHORIZED CONTRACT NO. 2008105 AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

60. Authorize Grant Application for the Small Community Air Service Development Program to Department of Transportation and direct CAED to return for Board approval, if awarded.

REVIEW BOARD ORDER – SEE PAGE 15

BOARD OF SUPERVISORS

61. Authorize \$250,000 of Special Board Project Funds-District Two to be forwarded to the Merced Theater Foundation as a match for grant for restoration of the Merced Theater and approve the necessary budget transfer. (HELD OVER FROM MAY 13, 2008)

PULLED FROM THE AGENDA – NO ACTION TAKEN

COUNSEL

62. Contract with Hanson Bridgett, LLP for professional consulting services in the area of retirement and employee benefits with Robert Blum, a principal with the firm.

AUTHORIZED CONTRACT NO. 2008106 AS RECOMMENDED AYES: ALL

LIBRARY

63. Accept donation in the amount of \$5,000 from Rotary International to be used toward developing a non-profit Literacy Coalition and authorize deposit in the Trust Fund #02646.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

64. Ballico Recreation Committee - Appointment.

APPOINTED TROYCE METCALF TO SERVE UNTIL NOVEMBER 1, 2011

AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILED AYES: ALL

65. Executive Office re: Notice of Homicide Trial Costs Reimbursement in the amount of \$612,339 from the California State Controller's Office for costs relative to the People v. Cuitlahuac Tahua "Tao" Rivera Case.

66. Los Angeles County Quality and Productivity Commission re: 2007 Quality and Productivity Commission - Annual Report. (On file with Clerk)

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67. State Water Resources Control Board re: Notice of Opportunity for public comment: Proposed approval of an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate a total maximum daily load (TMDL) for bacteria in the Harbor Beaches of Ventura County (Kiddie Beach and Hobie Beach).
68. State Water Resources Control Board re: Petitions for Reconsideration of Order WR 2008-0014-Lower Yuba River in Yuba County.
69. State Water Resources Control Board re: Notice of Workshop/California Environmental Quality Act Scoping Meeting - Statewide General Permit for Landscape Irrigation Uses of Recycled Water set for June 18, 2008 in Sacramento.
70. State Water Resources Control Board re: Notice of Opportunity for public comment: Proposed approval of an amendment to the Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) Amending Mercury Water Quality Objectives in Walker Creek and Soulajule Reservoir and their Tributaries and Establishing a total maximum daily load and implementation plan to reduce mercury in the Walker Creek Watershed.

ADJOURNED MEETING UNTIL TUESDAY, JUNE 10, 2008, AT 5:00 P.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 20, 2008

10:00 A.M. SCHEDULED ITEM

2008-05-20 PUBLIC OPPORTUNITY

Human Services Agency Director Ana Pagan appears and thanks the Board for the All Dads Matter Proclamation for June, 2006 and introduces Lamar Henderson and James Keandy from Fatherhood Program and Mr. Henderson reviews June 7, 2008 events for Fathers Day and distributes hats and T-shirts.

Grant Wilson states concerns with Proposition 215 SB420 and the permanent band on medical marijuana, states he should not have to travel out of the area and requests further information on the comments that were directed to him at the last Board meeting.

Supervisor Nelson readdresses comments for the public advising the Board responded on the Propositions requirements, the bill does not require medical marijuana dispensaries and that the Board has met all requirements and has provided medical marijuana cards.

Mr. Wilson further states his comments still are not addressed and if the Board does not address the medical marijuana issue, he will sue each individual Board member.

Bryant Owens questions if his emails have been received by the Board and reviews his concerns with the Felix Torres Conditional Use Permit modification advising this project is in violation of the General Plan policies and farmland conservation and requests the Board review the conditions of the property subdivision.

Fire Chief Scott Newman introduces Glenda Leonard new Battalion Chief-Merced Division and Deputy Director of OES.

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

10:00 A.M. SCHEDULED ITEM

2008-05-20 PRESENTATION

State Assemblymember Cathleen Galgiani provides an update on the High Speed Rail Bond.

California High Speed Rail Authority Deputy Director Carrie Pourvahidi provides a brief overview of the California High Speed Train System and submits packets titled: Moving California Forward-California's High-Speed Train System, California High-Speed Trains for the Central Valley, Analysis of AB 3034 and Mock up of Amendments to AB 3034.

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

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10:00 A.M. SCHEDULED ITEM

2008-05-20 PRESENTATION

MCAG Executive Director Jess Brown reviews and provides a powerpoint presentation titled: Get Involved with the San Joaquin Valley, Blueprint to build our own future.
Present: Crookham, Pedrozo, Nelson, Kelsey, O'Banion

10:00 A.M. SCHEDULED ITEM

2008-05-20 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT – PUBLIC HEARING – ORDINANCE NO. 1837

The time and date previous set for a public hearing to consider Proposed Ordinance entitled: An Ordinance Establishing Commerce, Aviation and Economic Development Loan Program Fees and Related Charges and consideration of revises to the to the Agricultural Waste Management Loan Program Guidelines submitted by Commerce, Aviation and Economic Development.

Commerce, Aviation and Economic Development Director John Fowler reviews the Staff Report.

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

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board approves the revised Agricultural Waste Management Loan Committee Guidelines and waives further reading and adopts Ordinance No. 1837.

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

10:00 A.M. SCHEDULED ITEM

2008-05-20 AUDITOR/CONTROLLER – PUBLIC HEARING – ORDINANCE NO. 1838

The time and date previous set for a public hearing to consider Proposed Ordinance entitled: An Ordinance Adopting the Merced County Revenue and Reimbursement Fee Schedule (Amends Ordinance No. 1709) submitted by the Auditor-Controller/Recorder/Clerk.

Auditor/Controller Steve Jones 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 O'Banion, duly carried, the Board waives further reading and adopts Ordinance No. 1838 adopting the Merced County Revenue and Reimbursement Fee Schedule (Amends Ordinance No. 1709).

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

CONSENT ITEM NO. 26

2008-05-20 BOARD RECOGNITION

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board authorizes Certificates of Recognition in honor of attaining 85 years of age and 50 years of residency in the County of Merced to the following: Frank Alonzo, Joe F. Alvernaz, Clifford Anderson, Henry Arancibia, Wilma Arnold, Helen Baker, Alden Banks, Angelina Barbosa-Pelayo, Mary Berklich, Jacqueline Boyle, Carmelita Branco, Arthur Bright, Lillian Bright, Mary Theresa Cardoza-Pimentel, Johnnie Dean Carter, Jane Christen, William Christensen, Winifred Mary Ciuffo, Onis Cline, Evelyn Contreras, Oneta B. Dodd, Elbert Dodson, Harold Dutra, Dorthea Eldredge, Veta Ewing, Dana Exum, Tom Fagundes, Robert M. Falasco, Ruth Friesen, Lucille Friesen, David G. Friesen, Millie Grenier, Lucille Gresham, Anne Halverson, Keith Halverson, Rose Pacheco Woods-Hamilton, Merle Hamilton-Willett, Ernest Hewlett, Steve Joseph, Mary Lamoglia, Thelma Leedy, Earl Lloyd, Tesse Mazzina, Theresa Melillo, Tony Melillo, Irene Miano, Richard Murphy, Roy Murphy, Mary Friesen Murphy, Charlie Pafford, Louise Patton, Don Payne, Albert Pedrelli, Peter Pedrelli, Martha Sawyer, Susie Scarberry, Donald Sorg, Anthony Soria, Don Stewart, Vernal Tornquist, and Frances Zeindler.

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

ACTION ITEM NO. 35

2008-05-20 PUBLIC WORKS

The Clerk announces the American Legion Post 668, Ballico Veterans Building Management Agreement submitted by Public Works is before the Board for consideration.

Public Works Director Paul Fillebrown reviews the staff report advising the Legion has been taken care of by a volunteer and a formal contract is now recommended.

Bryant Owens requests that the Board pull Action Items 35, 36 and 37 to be discussed together.

Chairman Crookham states the Board members will determine the agenda items to be pulled, however, Mr. Owens can address the items.

Mr. Owens comments on the operation of the Ballico Veterans Building and expresses concerns with the Planada Community Center operation asking the Board to reconsider actions on the building operation.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2008100 with the American Legion Post 668 for the Ballico Veteran's Building management.

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

ACTION ITEM NO. 36

2008-05-20 PUBLIC WORKS

The Clerk announces the Planada Deep Pit Repairs at the Planada Park submitted by Public Works is before the Board for consideration.

Public Works Director Paul Fillebrown reviews the staff report.

Bryant Owens requests that the Board pull Action Items 35, 36 and 37 to be discussed together.

Chairman Crookham states the Board members will determine the agenda items to be pulled, however, Mr. Owens can address the items.

Mr. Owens comments on the operation of the Ballico Veterans Building and expresses concerns with the Planada Community Center operation asking the Board to reconsider actions on the building operation.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board rejects all bids submitted for the Planada Deep Pit Repairs at the Planada Park and authorizes the re-bidding of the Planada Deep Pit Repairs and authorizes solicitation of competitive bids and issuance of a Purchase Order to the lowest bidder if within the previously approved budget and direct Public Works to return to the Board with the Bid Results and actions taken as an Informational Item.

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

ACTION ITEM NO. 37

2008-05-20 PUBLIC WORKS

The Clerk announces the request to refund Impact Fees on abandoned projects and from cancelled building permits to Ranchwood Homes submitted by Public Works is before the Board for consideration.

Public Works Director Paul Fillebrown reviews the staff report.

Bryant Owens requests that the Board pull Action Items 35, 36 and 37 to be discussed together.

Chairman Crookham states the Board members will determine the agenda items to be pulled, however, Mr. Owens can address the items.

Mr. Owens comments on the operation of the Ballico Veterans Building and expresses concerns with the Planada Community Center operation asking the Board to reconsider actions on the building operation.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board approves payment and refund of Impact Fees from cancelled building permits to Ranchwood Homes and authorizes Public Works to sign Contract No. 2008101, Indemnity Agreement with Ranchwood Homes.

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

ACTION ITEM NO. 53

2008-05-20 DEPT. OF ADMINISTRATIVE SERVICES

The Clerk announces the recommendation to rescind the Request for Proposal process for the Graffiti Abatement Program submitted by Dept. of Administrative Services is before the Board for consideration.

County Executive Officer Demitrios Tatum provides an overview of the Graffiti Abatement Grant advising Supervisor Kelsey budgeted for the purchase of the painting machine and Chief Probation Officer Brian Cooley will supply the manpower of individuals on probation.

Supervisor Kelsey clarifies her equipment request was pulled from the agenda based on special board project funding uses.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board rescinds the Request for Proposal process for the Graffiti Abatement Program and to grant authority to the Department of Administrative Services.

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

ACTION ITEM NO. 60

2008-05-20 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

The Clerk announces the recommendation to Castle Airport proposal to California Dept. of Transportation for Small Community Air Service Development Program submitted by Commerce, Aviation and Economic Development is before the Board for consideration.

Following discussion, Commerce, Aviation and Economic Development Director John Fowler provides an update stating Castle has not received any subsidies, however, grant funds do exist and he will continue to request authorization to submit and apply for the Castle Airport.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board approves and authorizes Commerce, Aviation and Economic Director to sign and submit Grant Application to the Department of Transportation for the Small Community Air Service Development Program and directs CAED to return to the Board for final approval if awarded.

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