



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, JANUARY 27, 2009
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
HUBERT "HUB" WALSH, JR....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
CHAIRMAN 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.*

Any material related to an item on this Agenda submitted to the Clerk after distribution of the Agenda packet is available for public inspection in the Office of the Clerk of the Board

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

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE
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.

THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA – TESTIMONY IS LIMITED TO FIVE MINUTES PER PERSON

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, Director-Commerce, Aviation and Economic Development pursuant to Government Code Section 54956.8 as follows: Castle Property

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO 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): 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): San Joaquin Raptor Rescue Center et al v. County of Merced, RMP, Real Party in Interest, Merced Superior Court Case No. 150013 and 150014 Cons.

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: Dept. of Workforce Investment Director

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 9:15 A.M. TO CONDUCT INTERVIEWS; RECESSED AT 9:50 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WAS NOTHING TO REPORT

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

9:15 A. M.

INTERVIEWS - HOUSING AUTHORITY OF THE COUNTY OF MERCED
Tenant Representatives, Two Positions Applicants: Deborah Albert, Cynthia Beavers, Julia M. Brehm, Evelyne Dorsey and Delia Garibay (Remainder of Interviews set for 1:30 p.m.)

REVIEW BOARD ORDER

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)

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Dept. of Admin. Services-\$11,400, Health-\$8,630 and Executive Office-\$121,400

REVIEW BOARD ORDER

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 15)

APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF ADMINISTRATIVE SERVICES - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider Proposed Ordinance titled: An Ordinance Amending the Local Business Purchasing Preference Policy (Amends County Code Chapter 5.12 and Ordinance No. 1678)

RECOMMENDATION: To waive further reading and adopt Ordinance

REVIEW BOARD ORDER

PLANNING - PUBLIC HEARING

To consider General Plan Amendment No. GPA08-002 to Amend the General Plan Circulation Map to include the SR152 Los Banos Bypass Alignment

RECOMMENDATION: To adopt the State Route 152 Bypass Project Final Environmental Impact Report in support of GPA08-002 and to make the intended decision to approve General Plan Amendment Application No. GPA08-002 and amend the General Plan by adopting an amendment to the Circulation Map showing the SR 152 Bypass alignment

REVIEW BOARD ORDER

PLANNING - PUBLIC HEARING

To consider Proposed Revisions to the Housing Acquisition Program Participation Guidelines

RECOMMENDATION: Adopt the Resolution approving the Modest Housing Acquisition Program Participation Guidelines

REVIEW BOARD ORDER

PLANNING - PUBLIC HEARING

To consider Application for Funding under the Community Development Block Grant (CDBG) Neighborhood Stabilization Program (NSP) allocation and seek policy direction whether to proceed with Option 1-submit Application independent of any other jurisdiction (Responsible Party would be County) or Option 2-submit Application and enter into JPA or MOU with Cities and submit Joint Application for Funding (County would be Lead Agency)

RECOMMENDATION: If Option 2 is selected, adopt Resolution; OR If Option 1 is selected, direct Staff to prepare an independent Application

REVIEW BOARD ORDER

10:00 A. M.

PLANNING - PUBLIC HEARING

To consider Environmental Findings of Fact and Statement of Overriding Considerations in Compliance with CEQA and make Final Confirmation of the Re-establishment of the Merced County Enterprise Zone

RECOMMENDATION: Adopt the CEQA Findings of Fact and Statement of Overriding Considerations for the Re-Establishment of the Enterprise Zone Environmental Impact Report and adopt Resolution; confirm the approval of the Re-Establishment of the Enterprise Zone within Merced County

REVIEW BOARD ORDER

REPORTS/BOARD DIRECTION

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

1:30 P. M.

CONTINUED INTERVIEWS - HOUSING AUTHORITY OF THE COUNTY OF MERCED

Tenant Representative, Two Positions Applicants: Karen Fisher Henderson, Jeanette Jankowski, Maria D. Carmen Lucio, Maria Mejia, Jose M. Resendez, Ortensia L. Vasquez and Margaret Warmack

REVIEW BOARD ORDER

CONSENT CALENDAR (Items #1 - 15)

APPROVED AS RECOMMENDED EXCEPT ITEM NO. 8 VOTED SEPARATELY
AYES: ALL

Public Works

1. Set public hearing for March 3, 2009 at 10:00 a.m. to consider Resolution of Necessity to commence eminent domain proceedings to acquire property for the Buhach/Ashby Intersection Project.

Health

2. Approve and authorize Chairman to sign Amendment to Contract No. 2003162 with Riggs Ambulance Service for Ambulance Provider services.
3. Approve and authorize Chairman to sign Renewal Contract No. 2007203 with Calif. Dept. of Public Health for Local Maternal, Child and Adolescent Health Program.

Ag. Commissioner

4. Approve and authorize Chairman to sign Amendment to Contract No. 2004047 with Calif. Dept. of Boating and Waterways for Water Hyacinth Control on Merced County Waterways and adopt Resolution.

ADOPTED RESOLUTION

Sheriff

5. Approve and authorize Chairman to sign Renewal Contract No. 2007109 with Turlock Irrigation District for a full time Deputy to patrol the TID Canal District.

Planning

6. Set February 3, 2009 at 2:00 p.m. for the Joint General Plan Update Study Session with the Planning Commission.

Executive Office

7. Approve Budget Transfers from Public Works-\$5,500, \$2,000 and \$-0- as recommended by Executive Office.

Board of Supervisors Office

8. Approval of Minutes of August 19, September 2 and September 16, 2008 as submitted.

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 ABSTAIN: 2

Board Recognition

9. Adopt Resolution commending Mary Souza for her service to the Community of Snelling.
10. Authorize Certificates of Recognition to the outgoing Mariposa County Board of Supervisors Members: Bob Pickard and Dianne Fritz.
11. Authorize Plaque in recognition of service to outgoing Tulare County Supervisor Connie Conway.
12. Authorize Plaques to Ralph Busby, LeRoy Gilsdorf and David Baker for their service to the Merced County Employees Retirement Board.
13. Authorize Plaque and Certificate of Recognition in memory of Joe Rivero for his dedicated and outstanding service to the Merced County Board of Supervisors as Supervisor District Three from January, 1995 to December, 2002, serving as Chairman in 1997 and 2002.
14. Authorize Certificates of Recognition for dedicated service to Alveda Parreira, Mary Jane Borchardt and Tom Hammond as Outgoing Director and Connie Lindblom as Outgoing Historian and Frank Parreira as Outgoing Vice President on the Los Banos Golden Agers Club, Inc.
15. Authorize Certificate of Recognition in celebration of Ken and Midge Rigg's 72nd Wedding Anniversary.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

16. Approve Plans and Specifications for the Highway 152 at Volta Road Channelization Project and direct Public Works to return with Informational Item advising of actions taken.
APPROVED AS RECOMMENDED AYES: ALL
17. Contract with Regents of the University of California for use of Le Grand Canal embankment as an emergency evacuation route from UC Merced.
APPROVED AS RECOMMENDED AYES: ALL
18. Authorize payment in the amount of \$12,900 to the National Fish and Wildlife Foundation to mitigate the loss of 0.086 acres of seasonal wetlands impacted by Phase 2 of the Campus

Parkway Project.

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

19. Contract with Madera County Behavioral Health Services for the provision of Inpatient Services at the Marie Green Facility for an estimated revenue of \$75,000.

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 ABSTAIN: 2

HUMAN SERVICES AGENCY

20. Authorize negotiation of Sole Source Contract with Merced Lao Family Community, Inc. to provide services to elderly refugees of Merced County and return to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

21. Approve Calif. Dept. of Public Health for California Healthcare of Indigents Program Proposed Expenditures and approve and authorize the Chairman to sign the Application and Contract and approve the necessary Budget Transfers. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

AG. COMMISSION

22. Contract with Calif. Dept. of Pesticide Regulation for Electronic Pesticide Use Reporting Program update and adopt Resolution.

ADOPTED RESOLUTION AND APPROVED AS RECOMMENDED AYES: ALL

23. Contract with California Dept. of Food and Agriculture for Pest Exclusion County Seed Inspections and authorize the Ag. Commissioner to sign the California Seed Law MOU.

APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN. SERVICES

24. Declare Miscellaneous Equipment and Vehicles as Surplus Property and authorize its disposal and Chairman to sign Contract with Nelson Auctions for Auctioneer Services and authorize Public Auction to be held between February 1 and March 31, 2009.

APPROVED AS RECOMMENDED AYES: ALL

25. Declare Miscellaneous Office Furniture and Miscellaneous Office Equipment as Surplus Property and authorize its disposal and Internet Public Auction.

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

26. Contract with Jim Brisco Enterprises, Inc. for the reimbursement of consultant services costs provided by PBS&J for the preparation of an Initial Study for Conditional Use Permit No. CUP08-015 for the Delhi Sand Mine Project and approve the necessary budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

27. Contract No. 2008054 with Don Chapin, Contractor on behalf of George Simmons, Property Owner for consultant services provided by Michael Brandman Associates to prepare a Traffic Study for an Initial Study for Minor Subdivision No. MS07-027 and Conditional Use Permit No. CUP07-015 in Volta and approve the necessary budget transfer. (4/5 Vote

Required)

APPROVED AS RECOMMENDED AYES: ALL

FIRE

28. Authorize Office of Emergency Services to apply for the FY 2009 FEMA Emergency Operations Center Grant Program to be used for the construction of a local Emergency Operations Center (EOC) with report back to the Board on the results of the award.

APPROVED AS RECOMMENDED AYES: ALL

AUDITOR

29. Approve a Cash Flow Loan to the Countywide Transit Enterprise Fund from the County General Fund of up to \$1.5 million bearing an interest rate equal to the rate the Merced County Treasury earns, to be repaid to the County General Fund by October 31, 2009.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

30. Contract with Superior Court of California for Services and Reimbursement for Court Operations and approve the necessary budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

31. Authorize Human Resources in conjunction with Administrative Services to initiate the procurement of an executive search firm to perform recruitment services for the County Executive Officer position for Merced County and return to the Board with the Contract for selection and approval.

APPROVED AS RECOMMENDED AYES: ALL

32. Authorize Letter of Support to the Eastern Sierra Transit Authority, the Yosemite Area Regional Transportation System, Congressman Cardoza, Senator Boxer and Senator Feinstein on the creation of a formula-based operations funding stream to the current Sarbanes transit program and authorize the Chairman to sign.

APPROVED AS RECOMMENDED AYES: ALL

33. Adopt Rosenberg's Rules of Order (as amended) to govern the Merced County Board of Supervisors Meetings and operate as the Rules of Order.

REVIEW BOARD ORDER

34. Authorize Special Board Project Funds-District Four in the amount of \$1,500 be forwarded to the City of Gustine to assist with the cost to purchase chairs for the Gustine Community Room.

APPROVED AS RECOMMENDED AYES: ALL

35. Authorize Special Board Project Funds-District Five in the amount of \$2,500 to be forwarded to the Dos Palos Youth Baseball to assist with the cost to purchase a scoreboard.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

36. Los Banos Area Recreation Commission - Appointment.

APPROVED AS RECOMMENDED AYES: ALL

37. Mental Health Advisory Board - Appointment.

APPROVED AS RECOMMENDED AYES: ALL

38. Merced County Local Child Care and Development Planning Council - Reappointments.

APPROVED AS RECOMMENDED AYES: ALL

39. Emergency Medical Care Committee - Appointment.

APPROVED AS RECOMMENDED AYES: ALL

40. Housing Authority of the County of Merced - Tenant Appointments: Appoint up to two At-Large Tenant Members of the Housing Authority of the County of Merced, based on the high scores of candidates, above the 70% threshold; should fewer than two candidates be selected, direct the Clerk of the Board to continue to receive applications for any position that remain.

REVIEW BOARD ORDER

41. 2009 - Board Committee Assignments.

REVIEW BOARD ORDER

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

42. Contract with Bill Butterman for lease for Building 1327 (approximately 1,200 sq. ft.) for antique car storage only at Castle Airport.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

43. Public Works re: Merced County did not apply for the U.S. Dept. of Agricultural funding for the Winton Veteran's/Community Hall Building.

44. Public Works re: Notice of Contract Award to Teichert Construction for Campus Parkway Phase I Construction Project.

AWARDED CONTRACT

45. Auditor re: Redevelopment Agency Financial Statements and Required Communication Letter for the Year Ended June 30, 2008 and Independent Auditor's Report and Basic Financial Statements for the Fiscal Year Ended June 30, 2008.

46. State Wildlife Conservation Board re: Minutes of August 28, 2008. (On file with Clerk)

ADOPTED RESOLUTIONS IN MEMORY OF DELORES ROSE, JOHN PARREIRA, JR. AND STANLEY COTTA AND ADJOURNED MEETING UNTIL TUESDAY, FEBRUARY 3, 2009 AT 10:00 A.M.