



MERCED COUNTY
BOARD OF SUPERVISORS

SUMMARY ACTION MINUTES

Regular Meeting
TUESDAY, MARCH 20, 2001
Closed Session – 8:30 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

CHAIR GLORIA CORTEZ KEENE.....DISTRICT 1
KATHLEEN M. CROOKHAM....DISTRICT 2
JOE RIVERO.....DISTRICT 3
DEIDRE F. KELSEY....DISTRICT 4
JERRY O'BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM
ACTING COUNTY ADMINISTRATIVE OFFICER

DENNIS MYERS
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

8:30 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 Subdivision (b) of Section 54956.9: One Case

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATOR: It is the intention of the Board to meet in Closed Session pursuant to Section 54957.8 concerning a Conference with County of Merced Staff negotiators concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6, and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers' Association, Unit 7 and Merced County Sheriff Employee Association (MCSEA), Unit 2

8:30 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 Subdivision (a) of Section 54956.9:
Name of Case(s):

- 1) Jordan vs. County of Merced;
- 2) Ruff vs. County of Merced;
- 3) Bryant et al vs. County of Merced

THE BOARD RECONVENED AT 10:00 A.M. AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

10:00 A. M.

PLEDGE OF ALLEGIANCE

Peterson Elementary School, 3rd Grade Class

INVOCATION

Pastor Mark Hollingsworth, Community Presbyterian Church-Gustine

RETIREMENT PRESENTATION – Grover Omyer, H.S.A. Director

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)

UC MERCED PROJECT - Liaison Report

RECEIVED REPORT FROM UC LIAISON REPRESENTATIVE KATHLEEN CROOKHAM

BUDGET TRANSFERS FROM REVENUE (4/5 Vote Required)

Public Works (#042)

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 – 11)

APPROVED AS RECOMMENDED AYES: ALL

MINUTES SUBMITTED FOR APPROVAL: AUGUST 8, 10, 22 AND 29; SEPTEMBER 12, 19 AND 26; AND OCTOBER 3, 17 AND 31, 2000

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

SAN LUIS WATER DISTRICT – PUBLIC HEARING

To consider Resolution confirming and approving Proceedings and Assessment for San Luis Water District pursuant to California Water District Law and recording Findings of Board of Supervisors

REVIEW BOARD ORDER – SEE PAGE 8

ADOPTED RESOLUTION NO. 2001-51 SETTING ASSESSMENT RATES FOR DISTRICT AYES: 1, 2, 3, 5 NOT PRESENT: 4

10:30 A. M.

PLANNING – PUBLIC HEARING – INTENDED APPROVAL

General Plan Amendment No. 00004 and Conditional Use Application No. 00025 – Abel Cazor

To amend the Merced County General Plan from Merced Specific Urban Development Plan (SUDP) Industrial to Merced SUDP Commercial and allow a restaurant and night club on property located on the east side of Santa Fe Drive approximately 4/5 of a mile north of Highway 59 in the Merced area

REVIEW BOARD ORDER – SEE PAGE 8 AND 9

WENT ON RECORD OF INTENDED APPROVAL OF GENERAL PLAN AMENDMENT NO. 00004 AND APPROVED CONDITIONAL USE APPLICATION NO. 00025 SUBJECT TO CONDITIONS AYES: ALL

REPORTS/BOARD DIRECTION

County Administrator
County Counsel
County Auditor
Board of Supervisors Members

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 11)

APPROVED AS RECOMMENDED PULLING ITEM NO. 7 FOR SEPARATE CONSIDERATION

AYES: ALL

Risk Management

1. Act on Claims for Damages received from Frances Barrientos, Maria Veronica Mendoza/ Olga Alvarez, John Rocha and Deborah Scruggs.

Public Works

2. Adopt Resolution authorizing the installation of a Stop Sign on Sandy Court at its intersection with Herrod Avenue in the Atwater area.

ADOPTED RESOLUTION NO. 2001-52

3. Approve and authorize Chairman to sign Contract No. 200153 with Yummy Hot Dogs to operate a mobile food vending cart in Courthouse Park until December 31, 2001.

Health

4. Adopt Resolution authorizing Amendment to Contract No. 99183 with State Dept. of Health Services for Public Water System Source Assessments in the amount of \$37,050 for the period of June 1, 1999 – December 31, 2002.

ADOPTED RESOLUTION NO. 2001-53

Mental Health

5. Approve and authorize Chairman to sign Renewal Contract No. 99181 with State Dept. of Alcohol and Drug Programs for the Drug Court Partnership Program to support operation of the Drug Court Program for Fiscal Year 2000/2001.

General Services

- 6. Approve and authorize Chairman to sign Amendment to Contract No. 200012 with Steve/Joan Tinetti and Peter/Marilyn Tinetti for expansion of Mental Health Administrative Office space.

Agricultural Commissioner

- 7. Approve and authorize Chairman to sign Amendment to Contract No. 6518 with D & D Disposal, Inc. for Animal Control Services for the remainder of Fiscal Year 2000/2001 and Fiscal Year 2001/2002.

PULLED FOR SEPARATE CONSIDERATION

APPROVED AS RECOMMENDED AYES: ALL

Planning

- 8. Set public hearing for March 27, 2001 at 10:30 a.m. to consider an Application for a General and Native American Housing Activities Grant from the Community Development Block Grant Program (CDBG) to be utilized for housing rehabilitation activities in the unincorporated Community of Winton.

Board Recognition

- 9. Authorize Certificate of Recognition honoring United States Fish and Wildlife Service in honor of "100th Anniversary of the National Wildlife Refuge" and to Karen R. Hollingsworth in honor of the "50th Anniversary of the Merced National Wildlife Refuge".
- 10. Authorize Certificate of Recognition to Bill Weir in recognition of the "Finalist Award" selection by Friends of Agricultural Extension for Outstanding Achievements in Program 'Narrow Row and Ultra Narrow Cotton' which has brought honor and recognition to the County of Merced.
- 11. Authorize Certificate of Recognition honoring the "89th Anniversary" of the Girl Scouts of the USA.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 12. Authorization to proceed with complying with mitigation measure of replanting the landscape buffer and implementing an ongoing maintenance plan through the installation of an irrigation system for the landscaping utilizing the Annual Retained Landscape Architect and approve necessary budget transfer (#030). (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

- 13. Approve plans and specifications for the New Main Entry Vestibule with automatic doors at the Public Health Center, estimated budget of \$51,024 and authorize competitive bids advertisement and Public Works Director to award and sign contract with report back to the Board and approve necessary budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

14. Authorize Public Works to solicit Request for Proposal to interested firms to provide Professional Consulting Services related to Airport Planning and Design Services under an Annual Retainer Contract with a \$125,000 per Project Limit and no per Fiscal Year maximum for a period from execution of a contract and continue until June 30, 2003.

APPROVED AS RECOMMENDED AYES: ALL

15. U.C. Merced Facility Repair, Maintenance and Minor Remodeling of Building 1200 at Castle Airport – Construction Management Consultant - authorize Amendment to Contract with Regents of the University of California in to deposit \$769,000 and Contract with Luster National, Inc. for management services provided the fee does not exceed \$50,000; authorize Public Works Director to sign Amendment with Regents of the University of California; authorize Public Works and General Services to bid and secure Contractors to perform work concerning maintenance/ repair issues; authorize Public Works to advertise for bids, award and sign a Construction Contract for the repair of carpet, painting, ceiling, cabling, exiting and ADA issues and minor remodeling as long as within established budget with report back to the Board and approve the necessary budget transfer.

REVIEW BOARD ORDER – SEE PAGE 9

APPROVED AS RECOMMENDED AYES: ALL

16. Approve plans and specifications for Relocation of Doors and other related works at the Assessor's Office located on the 2nd Floor of the Administration Building with estimated project budget of \$17,690 and authorize competitive bid advertisement and Public Works Director to award and sign contract/purchase order with the lowest responsible bidder within the approved budget with report back to the Board and approve necessary budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

PUBLIC WORKS – CASTLE

17. Accept Castle Airport 10–Year Capital Improvement Projects Program listing.

APPROVED AS RECOMMENDED AYES: ALL

- ~~18. Approve Airport Sublease Document #01-03 for Buildings 1541 and 1543 between Merced County and Norm Partridge.~~

DISTRICT ATTORNEY

19. Authorize purchase of four PC's for Family Support Customer Care Unit and approve necessary budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

20. Authorize acceptance of offer and purchase of Vehicle from Foster Farms Company in the amount of \$500 for use in criminal investigations and authorize Property Tax number from Auditor's Office.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

21. Contract with Private Industry Training Department to assist CalWORKs participants in becoming self-sufficient by providing funding for the removal of tattoos that present a significant barrier to employment.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200157
AYES: ALL

SHERIFF

22. Accept gift from Delhi Unified School District in the amount of \$15,000 to the Sheriff Department for purchase of a used vehicle and related equipment that will meet the needs of the assigned School Resource Officer and the department and approve necessary budget transfer.

APPROVED AS RECOMMENDED **AYES: ALL**

MENTAL HEALTH

- ~~23. Contract with Calif. School of Professional Psychology for the Psychology Intern Program at the mental health facilities.~~

PRIVATE INDUSTRY TRAINING DEPARTMENT

24. Contract with Employment Development Department (EDD) for office space for PITD staff at the EDD Building to co-locate the PITD Job Development Unit to prevent duplication of services and be more cohesive and responsive to client needs.

APPROVED AND AUTHORIZED THE CHAIRMAN TO SIGN CONTRACT NO. 200160
AYES: ALL

PROBATION

25. Adopt Amendments to Job Specifications for Juvenile Institutions Officer I, II and III; Supervising Juvenile Institutions Officer; Deputy Probation Officer I, II, III; Supervising Probation Officer; Probation Division Director and Assistant Chief Probation Officer.

APPROVED AS RECOMMENDED **AYES: ALL**

UC MERCED PROJECT

26. Letter to Governor's Office of Planning and Research concerning a future Comprehensive Update of the County's General Plan.

REVIEW BOARD ORDER – SEE PAGE 10

MODIFIED RECOMMENDATION REQUESTING TWO SEPARATE LETTERS
ADDRESSING UC RECAP AND THE GENERAL PLAN UPDATE **AYES: ALL**

ADMINISTRATION

27. Contract with Grover Omyer for Temporary Oversight of the Human Services Agency.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200161 FOR
CONSULTANT SERVICES **AYES: ALL**

BOARD OF SUPERVISORS OFFICE

28. Approve Amendments to Conflict of Interest Codes for the Special Districts as submitted in accordance with the Fair Political Practices Commission Biennial Notices.

APPROVED AS RECOMMENDED AYES: ALL

APPOINTMENTS

29. Board of Supervisors re: Committees/Commissions and Board Recommendations.

Delhi Municipal Advisory Council

APPOINTED RANDY BEARD UNTIL JANUARY 3, 2002 AND KENNETH MYERS UNTIL JANUARY 3, 2003 TO SERVE AS MEMBERS OF THE DELHI MUNICIPAL ADVISORY COUNCIL AYES: ALL

BOARD INFORMATION AND POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

30. Mental Health re: Update on research office space availability for the Drug Court Program.
31. Business-Economic Opportunities re: Central Valley Cable (CVC) TV, LLC notification of transfer of the cable system serving Le Grand and Planada from Northland Cable Properties, Inc. completed on February 9, 2001.
32. U.S. Dept. of Commerce re: Letter of congratulations on approval of application for Economic Development Administration Public Works Grant in the amount of \$4,680,983 to construct telecommunications infrastructure and a video/teleconferencing center and to demolish unusable buildings at the former Castle Air Force Base.
33. Federal Emergency Management Agency re: Notification of Letter of Map Revision based on fill determination document (removal).
34. Calif. Dept. of Child Support Services re: Local Child Support Agency Customer Service Plans.
35. State Dept. of Industrial Relations re: Notice of ultimate goal of AB 574 is to assist public agencies in their effort to construct public works projects "of the highest quality for the lowest costs" and pre-qualification manual. (On file with Clerk)

ADOPTED RESOLUTION AND ADJOURNED MEETING IN MEMORY OF BRUCE LEVEY UNTIL MARCH 27, 2001 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 20, 2001

10:30 A.M. SCHEDULED ITEM

2001-03-20 SAN LUIS WATER DISTRICT – PUBLIC HEARING

The time and date previously set for a public hearing and for the purpose of hearing and determining any objections if any to the assessments made and levied upon each parcel of land contained within the San Luis Water District and to consider Resolution confirming and approving Proceedings and Assessment for said District.

Jess Telles, Attorney for San Luis Water District, appears before the Board and requests the Board adopt the Resolution, submits the Statement of Assessor of San Luis Water District and request it be part of the record.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Rivero, duly carried, the Board approves the recommendation to set the Assessment Rates for the San Luis Water District pursuant to California Water District Law as follows: Improvement District No. 1-\$5,881,200.00; Improvement District No. 2-\$1,710,021.00 and Improvement District No. 3-\$3,293,766.00 and adopts Resolution No. 2001-51.

Ayes: Cortez Keene, Crookham, Rivero, O'Banion

Not Present: Kelsey

The Board presents a Merced County plaque to Jess Telles, Jr. in recognition of his outstanding and dedicated contributions to the San Luis Water District as the General Counsel since its founding for the period of February, 1951 to March 2, 2001.

Present: Cortez Keene, Crookham, Rivero, O'Banion

Not Present: Kelsey

10:30 A.M. SCHEDULED ITEM

2001-03-20 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider General Plan Amendment No. 00004 and Conditional Use Permit No. 00025 submitted by Abel Cauzor to amend the Merced County General Plan from Merced Specific Urban Development Plan (SUDP) Industrial to Merced SUDP Commercial and allow a restaurant and night club on property located on property on the east side of Santa Fe Drive approximately 4/5 of a mile north of Highway 59 in the Merced area.

Planner Bob King provides the Staff Report and advises the Planning Commission recommends approval of General Plan Amendment 00004 and Conditional Use Permit No. 00025 subject to conditions.

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

Based on findings and upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board finds the project exempt from CEQA; goes on record of its intended decision to approve General Plan Amendment No. 00004 and approves Conditional Use Permit No. 00025 subject to the following Conditions:

1. Conditional Use Permit No. 00025 is approved to re-open an existing restaurant and the night club.
2. The project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
3. The project shall be developed in accordance with the submitted site plan and to include a minimum of 43 parking spaces.
4. The applicant shall comply with all requirements and regulations of the Merced County Departments of Health and Public Works.
5. The applicant shall comply with all state and federal requirements, including but not limited to, the on-site sale and consumption of alcoholic beverages.
6. The applicant shall obtain and comply with all necessary regulation and requirements as enforced by the County Sheriff.
7. A monitoring fee of \$62.00 shall be paid to the Planning Department within 30 days of approval of the conditional use permit and prior to re-opening of the restaurant.
8. The applicant shall obtain a "can and will serve" letter from the Meadowbrook Water Company.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

ACTION ITEM NO. 15

2001-03-20 UC MERCED / PUBLIC WORKS

Upon motion of Supervisor Crookham, seconded by Supervisor Rivero, duly carried, the Board authorizes Merced County to negotiate an Amendment and authorizes Public Works Director to sign Amendment to Contract No. 200163 with Regents of the University of California to deposit \$769,000 for design services, project management services and issuance of purchase orders in the repair, maintenance and minor remodeling of Building 1200 at Castle Airport; authorizes Public Works to negotiate a fee and sign Contract No. 200167 with Luster National, Inc. to perform Construction Management Services for the maintenance, repair and remodeling work of Building 1200 at Castle Airport for occupancy by the U.C. Merced for office space provided the fee does not exceed \$50,000; authorizes Public Works and General Services to bid and secure Contractors to perform work concerning maintenance and repair issues utilizing the Purchase Order Process; authorizes Public Works, upon completion of plans and specifications by Marks Bloxom Architects, to advertise for bids, award and sign construction contract for the repair of carpet, painting, ceiling, cabling, exiting and ADA issues and minor remodeling of Building 1200 at Castle Airport, so long as they are within the established U.C. Merced Budget and return to the Board informing them of actions taken; approve Budget Transfer in the amount of \$689,000 and change Fixed Asset name.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

ACTION ITEM NO. 26

2001-03-20 UC MERCED PROJECT

Supervisor Crookham moves, seconded by Supervisor Rivero, the Board authorize the UC Development Office Planning Director and the Acting County Planning and Community Development Director to submit a Letter to the Governor's Office of Planning and Research concerning a future Comprehensive Update of the County General Plan.

Following a lengthy discussion, Supervisor Kelsey moves an Amendment to the Motion, seconded by Supervisor Rivero, to authorize submission of two separate letters with one letter identifying the update to the General Plan to be signed by the UC Planning Director and the second letter addressing the development/recap of UC Merced to be signed by County Administration.

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

Motion carries.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion