



MERCED COUNTY BOARD OF SUPERVISORS

SUMMARY ACTION MINUTES

Regular Meeting
TUESDAY, AUGUST 21, 2001
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

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

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 Subdivision (b) of Section 54956.9: 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 Subdivision (a) of Section 54956.9:
Name of Case(s): Maggie Fisher vs. County of Merced
Riggs Ambulance vs. County of Merced

9:00 A. M. **CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Subdivision (e) of Section 54957:
PUBLIC EMPLOYEE APPOINTMENT
Title: County Administrator
THE BOARD RECONVENED AT 10:00 A.M. AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

10:00 A. M. **PLEDGE OF ALLEGIANCE**

INVOCATION

Bishop Deanna Rohrbaugh – Ariel Dear Family Church, Atwater

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)

REVIEW BOARD ORDER – SEE PAGE 8

The following speak: Harold Heyer and Bob Martratt from VFW Post 83-Merced

UC MERCED PROJECT - Liaison Report

RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM

MINUTES OF MAY 1, 15, 22 AND JUNE 5, 19 AND 26, 2001 SUBMITTED FOR APPROVAL

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 – 16)

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

ADDED AGENDA ITEM:

REVIEW BOARD ORDER – SEE PAGE 8

THE BOARD FINDS THE NEED, SUBSEQUENT TO THE POSTING OF THE AGENDA, TO CONSIDER CLOSED SESSION CONCERNING EXISTING LITIGATION PURSUANT TO SUBDIVISION OF SECTION 54956.9 – NAME OF CASE, RUFF VS. COUNTY, SUPERIOR COURT NO. 142845

AYES: ALL

10:30 A. M. **PLANNING – PUBLIC HEARING (Continued by Planning Commission)**
PUBLIC HEARING HAS BEEN CONTINUED TO SEPTEMBER 18, 2001 AT 10:30 A.M.

To consider General Plan Amendment No. 01002 and Parallel Zone Change No. 01003 – Le Grand Union High School District

REVIEW BOARD ORDER – SEE PAGE 8 AND 9

CONTINUED TO SEPTEMBER 18, 2001 AT 10:30 A.M. AYES: ALL

10:30 A. M. **REPORTS/BOARD DIRECTION**
County Administrator
County Counsel
County Auditor
Board of Supervisors Members

LUNCH BREAK

1:30 P. M. **JOINT MEETING - PRESENTATION**
MERCED COUNTY PLANNING COMMISSION/BOARD OF SUPERVISORS
OVERVIEW OF UNIVERSITY COMMUNITY PLAN AND EIR
REVIEW BOARD ORDER – SEE PAGE 9 AND 10
RECEIVED REPORT AND OVERVIEW OF THE UNIVERSITY COMMUNITY
PLAN AND CONTINUED FURTHER DISCUSSION ON THE EIR
PRESENT: ALL

CONSENT CALENDAR (Items #1 – 16)
APPROVED AS RECOMMENDED AYES: ALL

Claims for Damages

1. Act on Claims for Damages submitted by Derrick Flournoy, Earl Jones, Jason and Kelly Simmons, Delfina Mendoza as recommended by Risk Management.

Public Works

2. Authorize Lake Yosemite Sailing Association, Inc. to install a covered race committee area and floating docks to accommodate additional sailboat slips at Lake Yosemite and authorize the Public Works Director to work with the Association so that installation complies with all building codes.
3. Adopt Resolution of Commendation for James Nutt for outstanding service to the County of Merced.

Health

4. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 7825 with State Integrated Waste Management Board for Solid Waste Enforcement Assistance Grant for FY 2001/2002.
ADOPTED RESOLUTION NO. 2001-153
5. Approve and authorize Chairman to sign Amendment to Contract No. 200124 with Vital Signs Nursing Services, Inc. for temporary nursing staff in the Jail Health Program.
6. Approve and authorize Chairman to sign Renewal Contract No. 2000225 with Mental Health for Alcohol and Drug Counselor services in conjunction with First Steps Project.

Sheriff

7. Approve and authorize Chairman to sign Renewal Contract No. 8571 with Merced Irrigation District for Patrol Services to be provided by the Sheriff.
8. Authorize one Overhire for Correctional Officer for a period of six months.
9. Authorize one Underfill of Deputy Sheriff I/II for a vacant Commander position.

Administration

10. Approve and authorize Chairman to sign Amendment to Contract No. 200172 with Neilsen, Merksame, Parrinello, Mueller & Naylor, LLP for Special Redistricting Counsel Services.

Area Agency on Aging

11. Approve and authorize Chairman to sign Renewal Contract No. 5434 with Calif. Dept. of Aging for Title V Funding.
ADOPTED RESOLUTION NO. 2001-154

Private Industry Training Department

12. Approve and authorize Chairman to sign Amendment to Contract No. 2000151 with Merced College for Building Trades Pre-Apprentice Services.

District Attorney

13. Proclaim August, 2001 as "Child Support Awareness Month" in Merced County.

Board Recognition

14. Authorize presentation of plaque to Delhi Post Office for Open House and Dedication for 80 years of service to the community.
15. Authorize Certificate of Recognition to Timothy B. Adams as being selected as Fire Shift Captain.
16. Authorize Certificate of Recognition and Plaque to Margaret Huizar for 39 years of dedicated service to the County of Merced.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

17. Adopt Resolution for Summary Vacation of a Public Utility Easement and a portion of the Right of Way from Franklin Road located in the Franklin Beachwood SUDP.
APPROVED AND ADOPTED RESOLUTION NO. 2001-155 **AYES: ALL**
18. Contract with Bob Holl Sheet Metal, Inc. for HVAC Replacement at Coroner's Office.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001180 **AYES: ALL**

PUBLIC WORKS-CASTLE

19. Annual Retainer Contract for Professional Services related to Airport Planning and Design Services with understanding that no single service will exceed \$125,000 or be in excess of the amount budgeted for that specific service with URS/BRW for Consulting Services.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001171 AYES: ALL
20. Facility Use Agreement for Building 1230 with The Regents of the University of California.
AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2001181
AYES: ALL
21. Castle Airport Sublease Agreement for 1.5 acres of land between Merced County and Pro-Flame, Inc.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001182 AYES: ALL

MENTAL HEALTH

22. Contract with Dr. Elmer Ignacio for provision of psychiatric services at \$75.00/per hour and adopt Resolution.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001183 AND ADOPTED RESOLUTION NO. 2001-156 AYES: ALL

ADMINISTRATION

23. Authorize extension of Contract with Acclamation Insurance Management Services (AIMS) no later than January 31, 2002 and approve issuance of Request for Proposal by General Services no later than October 15, 2001 and to return to the Board upon completion of RFP process with a recommended provider.
APPROVED AS RECOMMENDED AYES: ALL
24. Waive further reading (first reading) of Proposed Ordinance entitled An Ordinance to establish Compensation for the Board of Supervisors of the County of Merced (Replaces Ordinance No. 1647) and set second reading and possible adoption for August 28, 2001 at 10:30 a.m.
PULLED – NO ACTION TAKEN

BUSINESS-ECONOMIC OPPORTUNITIES

25. Approve a Joint Venture Proposal No. 5658 Contract Award for Categories A. 1-5 and authorize Chairman to sign Contract No. 2001184 with Bear River Associates, Inc. finding that, based on evidence in the record, that the provision of special services described in the proposed contracts will not adversely impact the provision of similar services by private sector companies or individuals within the County; authorize the Chairman to sign FOCUS Contract Award Announcement Letter and authorize General Services to utilize such services/products as defined under this FOCUS contract when in the best interest of the County, without the necessity for any further bid process.
APPROVED AS RECOMMENDED AYES: ALL

26. Accept the California Housing and Community Development Department Jobs/Housing Balance Grant and authorize the use of \$10,000 from the existing Merced County Economic Development Corporation (MCEDCO) Contract as unrestricted dollars for the Grant's local match and authorize the President/CEO of MCEDCO to sign the Final Grant Acceptance and associated documents.

**APPROVED RECOMMENDATION AND AUTHORIZED ELAINE TREVINO,
PRESIDENT/CEO OF MERCED CO. EDC TO SIGN CONTRACT NO. 2001185**

AYES: ALL

HUMAN SERVICES AGENCY

27. Contract with Merced County Office of Education for funding of 8th Grade Leadership Conferences for 14 middle schools in Merced County and authorize H.S.A. Director to sign subsequent amendments within the contract budget amount.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001186 AYES: ALL

28. Contract with Community Action Board for provision of micro-enterprise training for TANF and CalWORKs participants and authorize H.S.A. Director to sign subsequent amendments within the contract budget amount.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001187 AYES: ALL

29. Designate the Human Services Agency as the Public Agency to administer the Child Abuse Prevention, Intervention and Treatment Program funds and authorize the Chair to sign the County's Letter of Intent to receive, allocate and contract for Child Abuse Prevention, Intervention and Treatment Program.

APPROVED AS RECOMMENDED AYES: ALL

UC MERCED PROJECT

30. Authorize UC Development Office to submit a Joint Application for Fill Permit with the University of California to the U.S. Army Corps of Engineers in support of the development of UC Merced and the adjacent community.

APPROVED AS RECOMMENDED AYES: ALL

31. Contract with Ochoa and Sillas for special services in securing funds for University of Merced related expenses.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001188 AYES: ALL

- 31a. Authorize release of Request for Proposals for the Natural Communities Conservation Plan and authorize negotiation of necessary agreements to be returned for Board approval.

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

PROBATION

- 31b. Authorize the County Administrator to Grant an Extension of the Administrative Leave with Pay for 15 calendar days to continue to conduct a full investigation of a personnel issue in Probation.

APPROVED AS RECOMMENDED AYES: ALL

APPOINTMENTS

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

BOARD INFORMATION AND POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

33. Public Works re: Notice of Award of Contract to Kerr Rug Company for Recarpeting of the Agricultural Center ASCS Lease Space.
AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2001157
34. State Wildlife Conservation Board re: Notice of consideration of acquisition of East Merced Vernal Pool Grassland Preserve, Expansions 2 and 3 – conservation easement over a total of 2,067.9+/- acres of wildlife habitat (APN 053-200-005, 008, 009, 018, 019, 028 and 029; 053-220-018 and 021 and 053-200-034.
35. State Wildlife Conservation Board re: Notice of Meeting set for August 30, 2001.
36. State Water Resources Control Board re: Permits 13856 and 13858 (Applications 18085 and 18087) temporary change involving the transfer of up to 20,000 acre-feet of water to CalFed's Environmental Water Account Administered by the Dept. of Water Resources under Placer County Water Agency's Water Right.
37. State Water Resources Control Board re: Notice of Petition for Temporary Change involving the Transfer of up to 25,000 acre-feet of water to the CalFed Environmental Water Account under Merced Irrigation District's License 11395 (Application 16186)
38. State Water Resources Control Board re: Application 17512 – Order approving Petition for Temporary Transfer of up to 35,428 Water to the Del Puerto Water District, Panoche Water District, San Benito County Water District, San Luis Water District and Tranquility Water District.
39. State Fish and Game Commission re: Notice of Meeting to be held August 23, 2001.
40. Calif. State Library re: Notice of California Public Library Construction and Renovation Board meeting – set for September 6, 2001.
41. State Board of Corrections re: Information Bulletin #2 – County Juvenile Facility and Jail Construction Grants – Draft Elements of Request for Proposals – August 23, 2001.
42. State Board of Equalization re: A Report on Budgets, Workloads and Assessment Appeals Activities in California Assessor's Offices – 1999/2000.
43. State Dept. of Housing and Community Development re: Preliminary Notice of 2001 Home Notice of Funding Availability on August 28, 2001.

ADJOURNED MEETING UNTIL TUESDAY, AUGUST 28, 2001 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – AUGUST 21, 2001

10:00 A. M. SCHEDULED ITEM **2001-08-21 PUBLIC OPPORTUNITY**

Mr. Harold Heyer from Merced VFW Legion Post 83 appears before the Board and questions the status of a request to place names on bridges and Courthouse Park. He also reviews their concerns with the electrical costs of the Memorial Building located at 939 West Main Street, Merced.

Supervisor O'Banion suggests the existing agreement be reviewed for accountability of costs and that Public Works be consulted prior to the matter being returned to the Board.

Supervisor Kelsey requests the issue of renaming the Courthouse Park be followed through as requested and it not be ignored.

Bob Martratt, Commander of VFW Post 83, speaks in support of the Veterans Memorial Park and whatever it takes to designate a memorial park.

The Chairman requests Administration look into the matter and report back to the Board.
Present: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

10:00 A. M. ADDED AGENDA ITEM **2001-08-21 ADMINISTRATION**

Upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, for immediate consideration pursuant to Government Code Section 54956.9: Existing Litigation-Conference with Counsel, One Existing Case Ruff v. County of Merced, Superior Court No. 142845.

The Board reconvenes at 10:20 a.m. and the Chairman advises Staff was given direction.
Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

10:30 A. M. SCHEDULED ITEM **2001-08-21 PLANNING – PUBLIC HEARING**

The time and date previously set for a Public Hearing to consider General Plan Amendment No. 01002 and Parallel Zone Change No. 01003 submitted by Le Grand Union High School District.

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board continues the Public Hearing to September 18, 2001 at 10:30 a.m.
Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

1:30 P. M. SCHEDULED ITEM
2001-08-21 JOINT MEETING – PRESENTATION – Overview of University Community Plan and EIR

The time and date previously set for a Joint Meeting and Study Session between the Merced County Planning Commission and the Merced County Board of Supervisors to receive the Draft University Community Plan and Draft Environmental Impact Report.

Members Present:

Planning Commissioners – Steve Sloan-Chair (District 5), Lynn Tanner (District 2), David Wager (District 1), Larry Whitney (District 3) and Kimberely Clauss (District 4).
Board of Supervisors Members – Gloria Cortez Keene-Chair, Kathleen Crookham, Joe Rivero, Deidre F. Kelsey and Jerry O'Banion.

UC Planning Director Bob Smith begins the overview of the Draft University Community Plan and Draft E.I.R. that was released concurrently with the University Long Range Plan and Draft EIR on August 13, 2001. He states in this overview the key elements will be highlighted to the Community Plan and E.I.R. and allow the Board and Planning Commission Members to request input from staff.

Mr. Smith provides the introduction and public involvement stating the Community Plan Advisory Committee held 28 meetings, the Community Workshops held 4 Planning Fairs, the Website has had 16,000 hits as of July 5 in addition to other presentations and communications with individuals, groups and organizations.

Mr. Smith reviews the role of the University Community Plan and the role of the E.I.R.

Woodie Tescher, Director of Urban Planning and Design, provides the overview reviewing state law requirements, the university community plan organization, planning objectives, the Visions, land use designations, specific plans, land uses and provides an illustrative residential diagram. He briefly reviews the housing, economic development and transportation.

Brian Boxer, Regional Vice President for EIP Associates, reviews the integrated water related infrastructure systems, plant and animal policies and ag. resources policies.

The Board recesses at 2:30 p.m. and reconvenes at 2:40 p.m.

Mr. Smith reviews the area plan relationship.

Mr. Tescher reviews the implementation of the master development process, governance, public improvements plan and public services plan.

Mr. Smith states the draft community plan review is completed and based on Board discussion, Staff will work with the Clerk to identify possible dates for further discussion of the Draft E.I.R.

The Board discusses Merced County's role and the services that are needed to be provided. The Board comments on the water recycling and confirms that the area will be double-piped to provide primary water for drinking and secondary water for irrigation. The Board further discusses the specific plans for sub areas, future study land area, ag. conservation mitigation program participation time commitments, creation of new housing element, community plan and traffic impacts.

Supervisor Rivero speaks in support of the Atwater Sewage Plant rather than impacting the Merced area.

Supervisor Cortez Keene requests a look into Bonding for infrastructure costs.

Supervisor Kelsey requests the circulation plan be looked at closely in order to accommodate the traveling of farming equipment.

The Chairman states the Continued Joint Meeting and Study Session for further discussion and review of the Draft EIR will be rescheduled at a later date and time to be coordinated with the Clerk and Staff.

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