



MERCED COUNTY BOARD OF SUPERVISORS

SUMMARY ACTION MINUTES

Regular Meeting

TUESDAY, SEPTEMBER 11, 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 REAL PROPERTY

NEGOTIATOR: It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) Paul Fillebrown-Public Works Director pursuant to Section 54956.8 as follows:

Property/Reference: Castle Airport – Buildings 1560, 1529 and 1509
Negotiating Parties: Castlejet

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

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. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

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

INVOCATION

Yadira Taylor - Ariday Christian Women's Ministry

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 KATHLEEN CROOKHAM

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required)

Spring Fair-\$16,975 and Area Agency on Aging-\$600 (A-01)

APPROVED AS RECOMMENDED AYES: ALL

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

PULLED ITEM NO. 5 FOR SEPARATE DISCUSSION

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF COMMUNITY ACTION AGENCY CONSENT AGENDA CALENDAR (Items #12 - 20)

PULLED ITEM NO. 19 FOR SEPARATE DISCUSSION

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M. **PUBLIC WORKS – PUBLIC HEARING – PROPOSED ORDINANCE, POSSIBLE ADOPTION**

An Ordinance adopting the operation of water and sewer systems at Castle Airport Aviation and Development Center and Charges related thereto

REVIEW BOARD ORDER – SEE PAGE 9

APPROVED AND ADOPTED ORDINANCE NO. 1666 AYES: ALL

1:30 P. M.

CONTINUED JOINT STUDY SESSION

MERCED COUNTY PLANNING COMMISSION/BOARD OF SUPERVISORS

Overview of University Community Plan and Draft Environmental Impact Report

REVIEW BOARD ORDER – SEE PAGE 11

RECEIVED REPORT

REPORTS/BOARD DIRECTION

County Administrator

County Counsel

County Auditor

Board of Supervisors Members

LUNCH BREAK

CONSENT CALENDAR (Items #1 – 11a)

PULLED ITEM NO. 5 FOR SEPARATE DISCUSSION

APPROVED AS RECOMMENDED AYES: ALL

Travel Request

1. Approve Travel Request submitted by Sheriff and recommended by Administration.

Public Works

2. Accept Final Map for Harmony Ranch II Unit No. 1 Subdivision.
3. Award and authorize Chairman to sign Contract No. 2001189 with Teichert Construction for Construction of the Composting Pad at the Highway 59 Landfill subject to approval of Counsel.

Health

4. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 6929 with State Water Resources Control Board for the Underground Storage Tank Program.

ADOPTED RESOLUTION NO. 2001-171

Mental Health

5. Approve and authorize Chairman to sign Renewal Contract No. 200077 with Alameda County Behavioral Health Care for placement of adolescent in their facility.

PULLED FOR SEPARATE DISCUSSION

APPROVED AS RECOMMENDED

Human Services Agency

6. Approve and authorize Chairman to sign Renewal Contract No. 7550 with The United Way to fund two Extra Help Ombudsman Staff for FY 2001-2002.

7. Approve and authorize Chairman to sign Renewal Contract No. 10152 with John Rohrer Construction to provide Minor Home Repair and Maintenance Services for the Multipurpose Senior Services Program and Linkages Program clients.
8. Approve and authorize the Chairman to sign the Renewal Contract No. 7640 - Certificate of Compliance for Veteran's Services Medi-Cal Cost Avoidance Program Funds for FY 2001-2002.
9. Approve and authorize the Chairman to sign the Renewal Contract No. 99163 - Certificate of Compliance for Veteran's Services Program Funds for FY 2001-2002.

Private Industry Training Department

10. Approve and authorize Chairman to sign Amendment to Contract No. 2001108 with Kings View Work Experience Center to purchase embroidery equipment and marketing program using WIA-JTPA Incentive Funds.

Administration

11. Deletion of non-utilized classifications and addendum to Final Budget Personnel Issues as follows: Delete one vacant Engineering Technician I/II/III and add one Engineering Associate I/II/III in DPW-Prof. Serv.; establish the classification of Child Support Special Program Coordinator-Range 60.6, delete one vacant Marketing/Public Relations Specialist, add one Child Support Special Program Coordinator, allocate six additional bilingual designations in Family Support; change one Deputy Probation Officer I/II/III-(Misc) to a Deputy Probation Officer I/II/III-(Safety) in Probation and adopt necessary Resolutions.

ADOPTED RESOLUTION NO. 2001-172

Board Recognition

- 11a. Authorize Certificate of Recognition to Hilmar High School Homecoming.

COMMUNITY ACTION AGENCY CONSENT CALENDAR (Items #12 - 20)

PULLED ITEM NO. 19 FOR SEPARATE DISCUSSION

APPROVED AS RECOMMENDED AYES: ALL

12. Approve and authorize CAB Chair to sign Contract with State Dept. of Education for Funding to be used for repair and renovation of the Merced Child Development Facility.
13. Adopt Resolution and authorize CAB Chair to sign Contract with Madera County Community Action Agency for California Low Income Home Energy Assistance Program (LIHEAP) Weatherization Funding services in the service area of Madera County.
ADOPTED RESOLUTION NO. 2001-173
14. Approve and authorize CAB Chair to sign Renewal Contract with Self-Help Enterprises for Planada (Plainsburg) Head Start Facility.
15. Approve and authorize CAB Chair to sign Contract with Merced County Office of Education for Livingston Head Start Facility located at Schelby School.
16. Approve and authorize CAB Chair to sign Contract with Casitas del Sol Partners for the Livingston Head Start Facility located at "B" Street.

17. Adopt Resolution and authorize CAB Chair to sign Contract with State Dept. of Community Services and Development for a Capacity/Building Grant to be used to purchase two Pickup Trucks and One Box Van to be used by the Weatherization crew.

ADOPTED RESOLUTION NO. 2001-174

18. Approve and authorize CAB Chair and CAA Executive Director to sign the Letter of Agreement with St. Alban's Episcopal Church for the Los Banos CHERISH Parish Hall.

19. Approve and authorize CAA Executive Director to receive Wells Fargo Bank loan and grant to operate the Revolving Loan Fund (RLF) with Merced Micro-entrepreneur's Support Association (MESA).

REVIEW BOARD ORDER – SEE PAGE 9

APPROVED AS RECOMMENDED AYES: ALL

20. Accept and place the CAA Information, Staff and Committee Reports on file.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS-CASTLE

21. Accept Federal Aviation Administration Grant Agreement Offer (Project No. 3-06-0364-03) to rehabilitate approximately 2,500 feet of Castle's Runway and to install a Precision Approach Path Indicator lighting system at both ends of the Runway and sign the Grant Agreement Offer.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001194

AYES: ALL

- 21a. Approve Merced Community Action Network request to use portions of Courthouse Park to host the Third Annual Central Valley Blues Festival subject to conditions and requirements and authorize the Chairman to sign Contract with Merced Community Action Network for use of Courthouse Park and Library Ground Floor.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001195

AYES: ALL

PLANNING

22. Response to the Operational and Permitting Audit of the Planning and Community Development Department by Zucker Systems.

REVIEW BOARD ORDER – SEE PAGE 9 AND 10

APPROVED RECOMMENDATION AND ADOPTED RESOLUTION NO. 2001-175

AYES: ALL

PROBATION

23. Contract with Dos Palos/Ora Loma Unified School District to station a Deputy Probation Officer at Dos Palos High School.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001196

AYES: ALL

HEALTH

24. Contract with Stanislaus County Health Services Agency for provision of Public Health Laboratory services by Merced County.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001197

AYES: ALL

SHERIFF

25. Authorize Chairman to sign Federal Annual Certification Reports for the Federal Forfeiture Program for the 1999/2000 and 2000/2001 Fiscal Years.

HELD OVER – NO ACTION TAKEN

26. Authorize competitive bids from Federal Firearms License that possess a current Calif. Business License to conduct the purchase and sale of firearms and make the sale of the (hand gun) weapons to the highest bidder with proceeds to be placed in Trust Fund 2622-Sheriff Confiscated Property.

HELD OVER – NO ACTION TAKEN

BUSINESS-ECONOMIC OPPORTUNITIES

27. Approve and authorize Chairman to sign FOCUS Request for Joint Venture Proposal (RFJVP) No. 5658 Contract Award for Categories A.1–6 to LRN, The Legal Knowledge Company.

REVIEW BOARD ORDER – SEE PAGE 10

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001198

AYES: ALL

28. Approve and authorize Chairman to sign FOCUS Request for Joint Venture Proposal (RFJVP) No. 5658 Contract Award for Categories A. 1-5 to EYP Mission Critical Facilities®, Inc.; the Board finds, based on evidenced in the record, that the provision of special services described in the proposed contracts will not adversely impact the provisions

REVIEW BOARD ORDER – SEE PAGE 10

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001199

AYES: ALL

29. Approve and authorize Chairman to sign FOCUS Request for Joint Venture Proposal (RFJVP) No. 5658 Contract Award for Categories A. 1-5 to eGuanzi, Inc.

REVIEW BOARD ORDER – SEE PAGE 10 AND 11

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001200

AYES: ALL

30. Approve Standard SubAgreement between Business-Economic Opportunities (BEO) and businesses (business client) and Memorandum of Understanding between BEO and businesses (training provider) for Employment Training Panel Services.

APPROVED AS RECOMMENDED AYES: ALL

AREA AGENCY ON AGING

31. Authorize release of Request for Proposal for the Family Caregiver Support Program and authorize General Services, in cooperation with Area Agency on Aging to prepare the

Request for Proposal, solicit and select potential vendors and negotiate the preparation of the necessary agreements for Board approval.

APPROVED AS RECOMMENDED AYES: ALL

32. Contract with Calif. Dept. of Aging for Title III E Grant Funds to provide for a Family Caregiver Support Program for period to begin July 1, 2001 through June 30, 2002; authorize Area Agency on Aging Director, upon Counsel and Auditor review to sign subsequent amendments to contract for change within contract budget.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001201 AND ADOPTED RESOLUTION NO. 2001-176 AYES: ALL

PRIVATE INDUSTRY TRAINING DEPARTMENT

33. Amended MOU between Workforce Investment Board (WIB) and One-Stop Operator (PITD) to include a resource and cost-sharing Agreement.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200039 AYES: ALL

34. Authorize withdrawal of April 19, 2000 Request for Proposal #5663 to solicit proposals for a Client Case Management System and authorize the withdrawal of contract award to Data Systems International (DSI).

APPROVED AS RECOMMENDED AYES: ALL

35. Ratify the Bylaws of the Workforce Investment Board (WIB) of Merced County.

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

36. Amendment to Contract No. 99181 with State Dept. of Alcohol and Drug Programs for Drug Partnership Grant to support operation of the Drug Court Program.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT AND ADOPTED RESOLUTION NO. 2001-177 AYES: ALL

37. Authorize retroactive pay from Pay Period 1 through Pay Period 14 for one employee in Mental Health and authorize Chairman to sign Transmittal Form.

APPROVED AS RECOMMENDED AYES: ALL

FIRE

38. Authorize Merced County Fire Chief to collect and analyze data and to explore all service delivery options associated with the Beachwood/Franklin Fire Protection Study.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

39. Appointment of County Administrator.

APPOINTED DEMITRIOS O. TATUM AS COUNTY ADMINISTRATIVE OFFICER, ADOPTED RESOLUTION NO. 2001-178 AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001202 - LETTER OF AGREEMENT AYES: ALL

APPOINTMENTS

40. Board of Supervisors re: Committees/Commissions and Board Recommendations.
Hilmar Municipal Advisory Council

REAPPOINT ROBERT D. KELLEY TO SERVE AS A MEMBER OF THE HILMAR MUNICIPAL ADVISORY COUNCIL UNTIL MAY 3, 2005 AYES: ALL

BOARD INFORMATION AND POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

41. Private Industry Training Department re: PITD Report dated Sept/October 2001.
42. Building Industry Association of Central California re: Formal statement that the Board of Directors of the Merced BIA support the UC Merced as it is outlined in the Draft Environmental Impact Report.
43. Comite Pro-Fiestas Patrias Mexicanas re: Invitation to participate in official Flag Raising Ceremony as part of the 16th of September, Mexican Independence Day Celebration to be held on September 13, 2001.
44. Merced County Counsel re: Response to request for information on the California State Lands Commission Public Hearing request from the United States Bureau of Prisons.
45. State Dept. of Housing and Community Development re: Warm-Weather Tips for your Home.
46. State Division of Community Affairs re: Notice of funding availability – Home Investment Partnerships (HOME) Program.
47. State Division of Housing Policy Development re: Draft 2000/2001 Consolidated Annual Performance & Evaluation Report (CAPER) of the State of California's Consolidated Plan and Issues for the Annual Update.
48. Central California Citizens Against Lawsuit Abuse re: Request for proclamation declaring September 17-21, 2001 as Lawsuit Abuse Awareness Week.
49. State Dept. of Rehabilitation re: Notice of Proposed Rulemaking Amendments.
50. California Building Standards Commission re: Notice of Public Hearing and Proposed Changes in Building Standards of the Office of Statewide Health Planning and Development regarding Senate Bill 2006 Mandate – building standards related to the seismic evaluation of hospitals.
51. State Controller re: Notification of warrant issued to Merced County in the amount of \$298,004 which represents a loan for the State-County Property Tax Administration Program, in accordance with Chapter 602, Statutes of 2000 authorized by contractual agreement.

ADOPTED RESOLUTION AND ADJOURNED MEETING UNTIL TUESDAY, SEPTEMBER 18, 2001 AT 8:00 A.M. IN MEMORY OF RUTH SIMMONS

BOARD ORDERS – SUMMARY ACTION MINUTES – SEPTEMBER 11, 2001

10:30 A. M. SCHEDULED ITEM

2001-09-11 PUBLIC WORKS – Public Hearing

The time and date previously set for a public hearing to consider proposed establishment of sewer and water use and connection fees at Castle Airport, Aviation and Development Center as submitted by Public Works.

Public Works Director Paul Fillebrown reviews the Staff Report and proposed ordinance.

The Chairman asks if there is anyone present that wishes to speak in favor or opposition. No one speaks.

Following discussion and upon motion of Supervisor Rivero, seconded by Supervisor Kelsey, duly carried, the Board waives further reading and adopts Ordinance No. 1666 – An Ordinance adopting the Operation of Water and Sewer Systems at Castle Airport Aviation and Development Center and Charges Related thereto.

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

CAA CONSENT ITEM NO. 19

2001-09-11 COMMUNITY ACTION AGENCY

Community Action Agency Executive Director Harry Dull appears before the Board and amends the value on the Grant from \$10,000 to \$15,000 that is received to operate the Revolving Loan Fund.

Upon motion of Supervisor Crookham, seconded by Supervisor Rivero, duly carried, the Board approves and authorizes the Merced County Community Action Agency's Executive Director to receive Wells Fargo funding and operate the Merced Micro-Entrepreneur's Support Association (MESA) Revolving Loan Fund.

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

ACTION ITEM NO. 22

2001-09-11 PLANNING

Planning and Community Development Director Bill Nicholson reviews the Staff Report submitted in Response to the Operational and permitting Audit of the Planning and Community Development Department by Zucker Systems.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Rivero, duly carried, the Board accepts the Response Report from Planning and approves the following recommendations: change one vacant Environmental Coordinator (Pos. #22), Range 66.7 to one Code Compliance Specialist I/II, Range 58.9/60.9, authorizes the Planning Department

to proceed with the departmental functional responsibilities as proposed to the Board, authorizes General Services to release the Permit Tracking System RFP and adopts Resolution No. 2001-175.

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

ACTION ITEM NO. 27

2001-09-11 BUSINESS-ECONOMIC OPPORTUNITIES

Upon motion of Supervisor Crookham, seconded by Supervisor Rivero, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2001198 awarding the Request for Joint Venture Proposal (RFJVP) No. 5658 Contract for Categories A. I5 to LRN, the Legal Knowledge Company; the Board finds, 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 for LRN and authorize General Services to utilize such services/products as defined under this FOCUS contract, or any other County FOCUS contract offering similar services/products, when in the best interest of the County, without the necessity for any further bid process.

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

ACTION ITEM NO. 28

2001-09-11 BUSINESS-ECONOMIC OPPORTUNITIES

Upon motion of Supervisor Crookham, seconded by Supervisor Rivero, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2001199 awarding the Request for Joint Venture Proposal (RFJVP) No. 5658 Contract for Categories A. I5 to EYP Mission Critical Facilities®, Inc.; the Board finds, 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 for EYP Mission Critical Facilities®, Inc. and authorizes General Services to utilize such services/products as defined under this FOCUS contract, or any other County FOCUS contract offering similar services/products, when in the best interest of the County, without the necessity for any further bid process.

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

ACTION ITEM NO. 29

2001-09-11 BUSINESS-ECONOMIC OPPORTUNITIES

Upon motion of Supervisor Crookham, seconded by Supervisor Rivero, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2001200 awarding the Request for Joint Venture Proposal (RFJVP) No. 5658 Contract for Categories A. I5 to eGuanxi, Inc.; the Board finds, 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 for eGuanxi, Inc. and authorizes General Services to utilize such services/products as defined under this FOCUS contract, or any other County FOCUS contract offering similar services/products, when in the best interest of the County, without the necessity for any further bid process.

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

1:30 P. M. SCHEDULED ITEM

2001-09-11 JOINT MEETING – PRESENTATION – Overview of University Community Plan and EIR

The time and date previously set for a Continued 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 submitted by the UC Merced Development Office.

Members Present:

Planning Commissioners – Steve Sloan-Chair (District 5), Lynn Tanner (District 2), David Wager (District 1), Larry Whitney (District 3) and Kimberly Clauss (District 4).

Board of Supervisors Members – Gloria Cortez Keene-Chair, Kathleen Crookham, Joe Rivero, Deidre F. Kelsey and Jerry O'Banion.

UC Merced Development Office Planning Director Bob Smith states the review of the Draft EIR was not completed at the first Joint Meeting held on August 21, 2001 and Staff will address this area today.

Woodie Tescher, Director of Urban Planning and Design, briefly highlights the EIR requirements and reviews the Draft Environmental Impact Report for the County of Merced University Community Plan dated August 2001.

Supervisor Rivero discusses the City of Merced Wastewater Facility and the UC growth and needs. He further states he cannot understand why it is not understood that the City of Atwater is the best alternative.

UC Planning Development Office Planning Director Bob Smith responds that the specifics on the water delivery will be addressed during the community plan discussion.

The Board discusses the mandatory requirements on domestic water, road impacts in the Highway 59 and Merced Falls Road area.

UC Merced Development Office Planning Director Bob Smith advises this public meeting was an opportunity for the Board to receive a presentation from County Staff and the consultants who prepared these documents, EIP Associates. There will be six public hearings scheduled over the next several months to provide public input and the first public hearing before the Board of Supervisors will be held on Tuesday, October 30, 2001 at 10:30 a.m.

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