



# MERCED COUNTY BOARD OF SUPERVISORS

## SUMMARY ACTION MINUTES

Regular Meeting

TUESDAY, SEPTEMBER 18, 2001

Closed Session – 8:00 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  
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

8:00 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: APN 52-30-11, 52-30-8, 52-30-12, Castle property  
Negotiating Parties: University of California

Property/Reference: Castle Building 411  
Negotiating Parties: Filipino Farmers & Merchants Cooperative Inc and Vita Bella Group Homes

10:00 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: Human Services Agency Director

**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  
**THE BOARD RECONVENED AT 11:05 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF**

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

**INVOCATION – Dr. Chang**

**PRESENTATION – Recognition of Palmer “Chip” Jenkins, Chief of Strategic Planning for Yosemite National Park – Recognition of Service to YARTS**

**Presented by Supervisor Kelsey**

**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)**

Public Works-Castle, \$19,825 (#001)

**APPROVED AS RECOMMENDED        AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 – 10)**

**APPROVED AS RECOMMENDED        AYES: ALL**

**GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)**

10:30 A. M.            **PLANNING – PUBLIC HEARING – INTENDED DECISION**  
**General Plan Amendment No. 01003 and Zone Change Application No. 01004 - Madden, Madden and Snyder**

To amend the General Plan land use designation from Volta Specific Urban Development Plan (SUDP) Residential to Agricultural and change the zone from R-1 (Single-Family Residential) to A-1 (General Agricultural) of 5.63 acres on the west side of Volta Road at the corner of Grand Avenue in Volta

**REVIEW BOARD ORDER – SEE PAGE 9**

**THE BOARD GOES ON RECORD OF ITS INTENDED APPROVAL OF GENERAL PLAN AMENDMENT NO. 01003 AND ZONE CHANGE APPLICATION NO. 01004 AYES: ALL**

**PLANNING - PUBLIC HEARING – INTENDED DECISION**

**General Plan Amendment No. 01002 and Zone Change Application No. 01003 – Le Grand Union High School District**

To amend the General Plan land use designation from Agricultural to Le Grand Specific Urban Development Plan (SUDP) Institutional and change the zone from A-1 (General Agricultural) to R-1 (Single Family Residential) for 18 acres on the south side of Le Grand Road, 550 feet west of McKee Road in Le Grand

**REVIEW BOARD ORDER – SEE PAGE 9 AND 10**

**THE BOARD GOES ON RECORD OF ITS INTENDED APPROVAL OF GENERAL PLAN AMENDMENT NO. 01002 AND ZONE CHANGE APPLICATION NO. 01003 AYES: ALL**

**REPORTS/BOARD DIRECTION**

County Administrator  
County Counsel  
County Auditor  
Board of Supervisors Members

**LUNCH BREAK**

**CONSENT CALENDAR (Items #1 - 10)**

**APPROVED AS RECOMMENDED AYES: ALL**

**Travel Requests**

1. Approve Travel Request submitted by Mental Health and Private Industry Training Department as recommended by Administration.

**Budget Transfers**

2. Approve Budget Transfer submitted by Public Works-\$5,656 (#004) and \$3,000 (#007) as recommended by Administration.

**Public Works**

3. Approve plans and specifications for the placement of Asphaltic Emulsion Scrub Seals on Various Roadways in Merced County and return to the Board with bid results.
4. Adopt Resolution annexing the Harmony Ranch II Subdivision into the Delhi Street Lighting Maintenance Zone of Benefit #102 in County Service Area Number One.

**ADOPTED RESOLUTION NO. 2001-180**

5. Adopt Resolution annexing the Harmony Ranch II Subdivision into the Harmony Ranch Park and Storm Drainage Maintenance Zone of Benefit 121 in County Service Area Number One.  
**ADOPTED RESOLUTION NO. 2001-181**

Planning/BEO

6. Set public hearing for October 16, 2001 at 10:30 a.m. to consider the County of Merced Community Development Block Grant (CDBG) Annual Grantee Performance Report.

Board Recognition

7. Authorize Certificates of Recognition to official Charter Kiwanis Supper Club of Merced.
8. Authorize Certificate of Recognition to Richwood Meat Company for their service to the County of Merced.
9. Authorize presentation of Plaques to Carl Garbini and Robert Capehart upon retirement from the San Luis Canal Company.
10. Authorize presentation of Plaque to James Garcia for 33 years of employment with the State Dept. of Water Resources.

REGULAR CALENDAR

BOARD ACTION

SHERIFF

11. Authorize Chairman to sign Federal Annual Certification Reports for the Federal Forfeiture Program for the 1999/2000 and 2000/2001 Fiscal Years. (HELD OVER)  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001204 – FEDERAL EQUITABLE SHARING AGREEMENT WITH THE SHERIFF DEPARTMENT AND THROUGH PARTICIPATION WITH THE U.S. DEPT. OF JUSTICE AND U.S. DEPT. OF THE TREASURY**      **AYES: ALL**
12. 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)  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001205**      **AYES: ALL**

PUBLIC WORKS-CASTLE

13. Authorize Public Works Director to issue a Conditional Will Serve Letter for sewer and water systems at Castle Airport to Pacific Com Tech Park subject to terms and conditions.  
**APPROVED AS RECOMMENDED**      **AYES: 1, 2, 4, 5**      **ABSTAINED: 3**

PUBLIC WORKS

14. Authorize Public Works to develop Contract Documents for the Energy Conservation Project for the encapsulation of Asbestos materials on the 216 existing dual duct mixing boxes located in the County Administration Building, authorize advertisement and bid opening with Contract award to lowest acceptable bidder providing the bids received are within the estimated budget.  
**APPROVED AS RECOMMENDED      AYES: ALL**
15. Adopt Resolution authorizing the preparation of an Application for Legislative Grant Funds for a new irrigation system and park improvements for South Dos Palos County Park.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001206 WITH STATE DEPT. OF PARKS AND RECREATION AND ADOPTED RESOLUTION NO. 2001-182      AYES: ALL**
16. Approve plans and specifications for the Re-roof of the Rotary Cove Building at Lake Yosemite and authorize project name change to include Roof and Beam Replacement with the estimated Project Budget of \$14,500, authorize award of bid within the approved budget and approve the necessary budget transfer. (4/5 Vote Required)  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001207      AYES: ALL**
17. Set public hearing for October 30, 2001 at 10:30 a.m. to consider the Finding of No Significant Impact (FONSI) as defined in the National Environmental Policy Act (NEPA) for the Juvenile Justice Correctional Complex located at the site of the Correctional Facility on Sandy Mush Road.  
**APPROVED AS RECOMMENDED      AYES: ALL**

PROBATION

18. Contract with Child Advocates of Merced to provide a Mentor Coordinator to assist with the Probation Mentors Program in developing eligibility guidelines, methods of referral, and assignment of cases to advocates in addition to coordination of mentors.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001208      AYES: ALL**

PRIVATE INDUSTRY TRAINING DEPARTMENT

19. Contract with PESCO International for a computerized assessment system for Merced County One-Stop Delivery System.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001203      AYES: ALL**
20. Amended MOU's with Merced County Office of Education, Merced Adult School, Central Valley Opportunity Center, Community Action Agency and Merced County and the Workforce Investment Board for One-Stop Partners.  
**REVIEW BOARD ORDER – SEE PAGE 10**  
**APPROVED AS RECOMMENDED      AYES: ALL**
21. Approve Marketing Consultant Services Proposal submitted by Wm Bell and Company for Workforce Investment Board marketing service, authorize Private Industry Training Department to negotiate the contract with contract to be returned to the Board for approval.  
**APPROVED AS RECOMMENDED      AYES: ALL**

22. Authorize PITD Director to sign Contract with Dos Palos Neighborhood Redevelopment Foundation (NRF) to fund a Technical Assistance Academy with a federal grant of \$150,000 with P.I.T.D. to serve as Advisor for Program Operation and NRF to manage and oversee the operation of the Program.

**AUTHORIZED PITD DIRECTOR TO SIGN CONTRACT NO. 2001209 AYES: ALL**

23. Approve MOU with Action Business Center (Business-Economic Opportunities) to be an additional partner in the Local One-Stop System.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001210 AYES: ALL**

#### MENTAL HEALTH

24. Contract with Livingston High School District for counseling services by qualified clinical staff to non-Medi-Cal clients in the Livingston Clinic.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 10368 AYES: ALL**

25. Contract with Stanislaus County Child and Infant Care Association, Inc. for the provision of mental health services.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001211 AYES: ALL**

#### FIRE

26. Adopt Resolution authorizing County Fire Chief to sign Contract with Office of Traffic Safety for the purchase of vehicle extrication equipment.

**PULLED FROM THE AGENDA – NO ACTION TAKEN**

#### UC MERCED PROJECT

27. PULLED

#### BUSINESS-ECONOMIC OPPORTUNITIES

28. Adopt a prioritized list of CDBG Planning and Technical Assistance Projects, authorize staff to proceed with development of a grant proposal for the first priority project and set public hearing for October 2, 2001 at 10:30 a.m. to consider Grant proposed project.

**REVIEW BOARD ORDER – SEE PAGE 10**

**SELECTED AND ADOPTED PRIORITIZED LIST OF CDBG PLANNING AND TECHNICAL ASSISTANCE PROJECTS AYES: ALL**

#### ADMINISTRATION

29. MOU with Merced County Association of Governments (MCAG) to administer an economic development Graffiti Abatement Program in the unincorporated areas of Merced County, amend and renew Contract No. 200106 with Merced Community Action Network (MCAN) to commence 9/18/01 and end 6/30/02 and approve Budget Transfer-\$55,515.69. (4/5 Vote Required)

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001213 WITH MCAG AND CONTRACT NO. 200106 WITH COMMUNITY ACTION NETWORK AYES: ALL**

30. Resolution condemning the cowardly and deadly actions of these terrorists and supporting the President of the United States as he works with the national security team to defend against additional attacks and find the perpetrators to bring them to justice.

**ADOPTED RESOLUTION NO. 2001-179**

31. Approve the modification of the Job Specification for the Mental Health Program Manager.

**APPROVED AS RECOMMENDED AYES: ALL**

32. Resolution to allow eligible Retirees enrolled in TriCare for Life a one-time opportunity to re-enroll with Merced County if TriCare for Life terminates coverage.

**REVIEW BOARD ORDER – SEE PAGE 11**

**APPROVED AND ADOPTED RESOLUTION NO. 2001-183 AYES: ALL**

33. Endorse recommendation by the State Board of Equalization for extension of time for accepting Applications for Reduction in Assessment through October 29, 2001 based on determination that the disruption of normal business activity caused by the attacks on the World Trade Center in New York City and the Pentagon in Washington D.C. constitute a public calamity.

**APPROVED AS RECOMMENDED AYES: ALL**

#### APPOINTMENTS

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

#### BOARD INFORMATION AND POSSIBLE ACTION

**ACCEPTED AND PLACED ON FILE AYES: ALL**

35. Public Works re: Notification of Contract Award to Commercial Construction for Human Services Agency Phase 2 Office Remodel at Building 1 and Restroom Upgrades in Buildings 1, 2, and 3 – Capital Improvements.

**AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2001151**

36. Public Works re: Notification of Contract Award to Commercial Construction for Relocation of doors at the Assessor's Office located in the County Administration Building, 2<sup>nd</sup> Floor.

**AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2001214**

37. Public Works re: Notification of Contract Award to Automated Entrances, Inc. for New Main Entry Vestibule at the Health Center, 260 East 15<sup>th</sup> Street, Merced.

**AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2001215**

38. Catholic Charities re: Invitation to attend Open House and Blessing of new Catholic Charities Building in Merced located at 336 West Main Street, Merced.

39. Alzheimers Association re: Request for proclamation supporting the Alzheimer's Association Memory Walk set for October 6, 2001.

40. State Board of Equalization re: Notice of Proposed Regulatory Action by the State Board to amend Property Tax Rule 122.5 – Fixtures of the Calif. Code of Regulations.
41. Calif. High Speed Rail Authority re: Notice of Public Board Meeting on September 19, 2001.
42. State of Calif., League of Calif. Cities, CSAC and Calif. Special Districts Association re: Request each jurisdiction to pledge to implement programs in local government buildings and facilities – the goal of which is to achieve up to 15% reduction in electricity use over last year – and to sign and return pledge to implement programs.
43. Construction Materials Assoc. of California re: Copy of “The Aggregates Industry: Its Importance to California’s Economy and Infrastructure”. (On file with Clerk)
44. State Board of Equalization re: Plumas County (August 2001) and Stanislaus County (July 2001) Assessment Practices Survey. (On file with Clerk)
45. Administration re: Notice of Preclearance for 2001 Redistricting Plan.
46. Administration re: Authorize Certificates of Recognition for Marguerite Mary Leoni and R. Anthony Sissons in recognition of their expert consulting services throughout the Redistricting Project.
47. Merced County Employees’ Retirement Association re: Actuarial Study completed by Buck Consulting as related to Merced County Resolution No. 2001-121.

**ADJOURNED MEETING IN MEMORY OF SUSAN FLUETSCH AND HAL HUCKABY  
UNTIL TUESDAY, SEPTEMBER 25, 2001 AT 10:00 A.M.**



## BOARD ORDERS – SUMMARY ACTION MINUTES – SEPTEMBER 18, 2001

### **10:30 A. M. SCHEDULED ITEM** **2001-09-18 PLANNING – PUBLIC HEARING**

The time and date previously set for a Public Hearing to consider General Plan Amendment No. 01003 and Zone Change Application No. 01004 submitted by Madden, Madden and Snyder to amend the General Plan land use designation from Volta Specific Urban Development Plan (SUDP) Residential to Agricultural and change the zone from R-1 (Single-Family Residential) to A-1 (General Agricultural) of 5.63 acres on the west side of Volta Road at the corner of Grand Avenue in Volta.

Planner I Greg Forest reviews the Staff Report and advises the Planning Commission recommends approval.

The Chairman asks if there is anyone present that wishes to speak in favor or opposition to the application.

Joel Whitehurst appears before the Board and speaks in support of the development.

Elizabeth Madden appears before the Board and reviews the history and current use of the property.

Jeff Little, Sycamore Environmental Consultant, recommends the Board refer this back to Staff for a more thorough environmental review and look at changing rather than allowing a conditional use permit or zone variance that would allow commercial property on an A-R zoned property.

Supervisor O'Banion notes various Letters were mailed and submitted from Planning and are now part of the official record.

Following a lengthy discussion on the zoning, mitigation measures and impacts on adjacent property, Supervisor O'Banion moves, seconded by Supervisor Rivero, duly carried, the Board exempts General Plan Amendment No. 01003 and Zone Change No. 01004 from CEQA; concurs with the Staff Report and Recommendations and based on the Findings adopted, goes on record of its intent to approve General Plan Amendment No. 01003 and Zone Change No. 01004.  
Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

### **10:30 A. M. SCHEDULED ITEM** **2001-09-18 PLANNING – PUBLIC HEARING**

The time and date previously set for a Public Hearing to consider General Plan Amendment No. 01002 and Zone Change No. Application No. 01003 submitted by Le Grand Union High School District to amend the General Plan land use designation from Agricultural to Le Grand Specific Urban Development Plan (SUDP) Institutional and change the zone from A-1 (General Agricultural)

to R-1 (Single Family Residential) for 18 acres on the south side of Le Grand Road, 550 feet west of McKee Road in Le Grand.

Planner I Greg Forest reviews the Staff Report and advises the Planning Commission recommends approval.

The Chairman asks if there is anyone present that wishes to speak in favor or in opposition to the application.

George Hines, Superintendent of the Le Grand Union High School District appears before the Board to response to questions on traffic.

Following discussion and upon motion of Supervisor Cortez Keene, seconded by Supervisor Rivero, duly carried, the Board accepts the Negative Declaration finding no significant impacts were identified and no mitigation measures were adopted; and based on Findings, goes on record of its intended approval of General Plan Amendment No. 01002 and Parallel Zone Change No. 01003.

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

#### **ACTION ITEM NO. 20**

##### **2001-09-18 PRIVATE INDUSTRY TRAINING DEPARTMENT**

Upon motion of Supervisor Kelsey, seconded by Supervisor Rivero, duly carried, the Board approves and authorizes the Chairman to sign the following Amendments to Contracts for One-Stop Partners with the Workforce Investment Board to include a resource and cost-sharing agreement: No. 200035 with Merced County Office of Education; No. 200036 with Merced Adult School; No. 200037 with Central Valley Opportunity Center; No. 200038 with Community Action Agency and No. 200041 with Merced College.

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

#### **ACTION ITEM NO. 28**

##### **2001-09-18 BUSINESS-ECONOMIC OPPORTUNITIES**

Upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board adopts a Prioritized List of CDBG Planning and Technical Assistance Projects as follows:

No. 1-Conduct a needs assessment for the creation of a Countywide Business Assistance Finance Center and prepare the Federal/State applications for establishing the center, if possible,

No. 2-Development of a Marketing Implementation Plan to compliment the Castle Airport Master Plan,

No. 3-High Tech Business Incubator Feasibility Study – Castle;  
authorizes Staff to proceed with development a Grant Proposal for the first priority project and sets a public hearing for October 2, 2001 to consider the Grant proposed for submission to the Calif. Housing and Community Development Department.

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

**ACTION ITEM NO. 32**

**2001-09-18 ADMINISTRATION**

Mr. Lee Pierce, a retired County employee, speaks in support of the Board action adopting a Resolution condemning the terrorists attacks against the United States on September 11, 2001 and in support of the proposal for retirees to have a one-time option to return to county health insurance coverage.

Upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board adopts Resolution No. 2001-183 to enable Retirees who enroll in the Federal TriCare for Life health Insurance Supplement Program to have a one-time option to return to County health insurance coverage in the event TriCare for Life coverage is terminated.

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