



**MERCED COUNTY
BOARD OF SUPERVISORS**

SUMMARY ACTION MINUTES

Regular Meeting
TUESDAY, OCTOBER 2, 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
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: 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

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

James Burnett, Missionary Baptist Church-Delhi

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)

The following appear: Steve Contreras representing AFSCME; the Chairman presented a Proclamation to Troy Fox in support of United Way of Merced County

**UC MERCED PROJECT - Liaison Report
RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 – 6)
APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF COMMUNITY ACTION AGENCY CONSENT AGENDA CALENDAR (Items #7 – 13)
APPROVED AS RECOMMENDED AYES: ALL**

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M.

BUSINESS–ECONOMIC OPPORTUNITIES - PUBLIC HEARING

To consider an Application requesting \$35,000 from the Calif. Dept. of Housing and Community Development, Community Development Block Grant Program to conduct a needs assessment for the creation of a Countywide Business Assistance Finance Center

REVIEW BOARD ORDER – SEE PAGE 9

APPROVED RECOMMENDATION AND ADOPTED RESOLUTION NO. 2001-189 AYES: ALL

PLANNING – PUBLIC HEARING – INTENDED DECISION

General Plan Amendment No. 01001 and Zone Change No. 01002 – Greg and Catherine Hostetler

To consider amendment to the General Plan designation from Agricultural to Industrial and to change the zone classification from A-1 (General Agricultural) to M-1 (Light Manufacturing) on property located east of Badger Flat Road, 1500 feet north of State Highway 152 in the Los Banos area

REVIEW BOARD ORDER – SEE PAGE 9

WENT ON RECORD OF ITS INTENT TO APPROVE AYES: ALL

10:30 A. M.

PLANNING – 2001 CYCLE III – PUBLIC HEARING – PROPOSED ORDINANCES, POSSIBLE ADOPTION

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

General Plan Amendment No. 01003 and Zone Change Application No. 01004 – Madden, Madden, and Snyder

General Plan Amendment No. 01001 and Zone Change Application No. 01002 – Greg Hostetler

REVIEW BOARD ORDER – SEE PAGE 10

APPROVED AND ADOPTED RESOLUTION NO. 2001-190 AND ORDINANCE NOS. 1667 (Zone Change No. 01002), NO. 1668 (Zone Change No. 01003) AND NO. 1669 (Zone Change No. 01004) AYES: ALL

REPORTS/BOARD DIRECTION

County Administrator

County Counsel

County Auditor

Board of Supervisors Members

LUNCH BREAK

CONSENT CALENDAR (Items #1 – 6)

APPROVED AS RECOMMENDED AYES: ALL

Budget Transfers

1. Approve Budget Transfer submitted by Public Works-\$4,750 (#006) as recommended by Administration.

Risk Management

2. Act on Claims for Damages filed by Bonnie Lynne Zack, Aurora/Jesus Andrade, Clarence/Mary Rocha, Derrick Flournoy, Jubenal Berber, Juan Solorio, Stephanie Carranza, Michael Smith, Juan Ortega, Jose Nevarez, David Aguirre Jr., Martin Thomasian, Elisa Thomasian Soto and Edward Brantley.

Sheriff

3. Authorize underfill of one Correctional Officer I/II for a vacant Commander position until the end of June, 2002.

Health

4. Adopt Resolution and authorize Chairman to sign Renewal Contract No. 8768 with State Integrated Waste Management Board for the Used Oil Program.

ADOPTED RESOLUTION NO. 2001-186

Public Works

5. Approve plans and specifications for Demolition and Site Clearing necessary for Oakdale Bridge and Road Alignment and authorize bid opening and award within the estimated established budget to return to the Board with results.

Board Recognition

- 6. Authorize presentation of plaque to Elaine Trevino in recognition of services to Merced County Economic Development Corporation.

COMMUNITY ACTION AGENCY CONSENT CALENDAR (Items #7 - 13)

APPROVED AS RECOMMENDED AYES: ALL

- 7. Approve and authorize CAB Chair to sign Contract with Arleigh Grossman for the Los Banos Women, Infants and Children (WIC) site.
- 8. PULLED.
- 9. Approve and authorize CAB Chair to sign Contract with Le Grand Lion’s Club for the Le Grand Head Start Facility.
- 10. Approve and authorize CAB Chair to sign Amendment to Contract with State Dept. of Community Services and Development for the 2001 California LIHEAP Program for weatherization assistance for eligible licensed community care facilities.
- 11. Approve and authorize CAB Chair to sign Amendment to Contract with State Dept. of Community Services and Development for an increase in funding of \$209,322 for services that will increase energy conservation, reduce demand for energy services in low-income households and licensed community care facilities and assure that the most vulnerable households cope with high energy costs.
- 12. Approve and authorize CAB Chair to sign Amendment to Contract with State Dept. of Community Services and Development for the Weatherization and Energy Efficient Rehabilitation Program to continue to provide services and activities to eligible participants residing in the service area of Merced and Madera Counties.
- 13. Accept and place CAA Information, Staff and Community Reports on file.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 14. Authorize Request for Proposal for Audiometric Testing, Data Analysis, Management Reports and Employee Training as required by Title 8, Calif. Code of Regulations and authorize contract for less than \$10,000 with a professional health evaluation company to provide the testing.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001218 AYES: ALL

- 15. Approve plans and specifications for Construction of 16,000 feet of five strand brand barbed wire fence and gates at the Highway 59 Landfill and authorize bid opening and award within the estimated budget with report back to the Board and approve necessary budget transfer.

REVIEW BOARD ORDER – SEE PAGE 8

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001219 AYES: ALL

PUBLIC WORKS-CASTLE

- 15a. Establish the classification of Castle-Airport Manager and Castle-Real Property and Leasing Agent, adopt the modified class specifications for the Castle-Administrative Services Manager for PW-Castle, BU 75200 and adopt Resolution.

APPROVED AND ADOPTED RESOLUTION NO. 2001-187 AYES: ALL

HUMAN SERVICES AGENCY

16. Approve modification of Human Services Agency hours of operation to include remaining open to the public Thursday evenings from 5:00 p.m. to 7:00 p.m.

APPROVED AS RECOMMENDED AYES: ALL

AG. COMMISSION

17. Extension of Contract with Independent Contractural Veterinarian for Interim Medical Services at the County Animal Shelter with Dr. J. Kendall Harding, DVM until Request For Proposal process is completed.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000226 AYES: ALL

PRIVATE INDUSTRY TRAINING DEPARTMENT

18. Amendment to Memorandum of Understanding between Workforce Investment Board (WIB) and the Housing Authority of the County of Merced.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200061 AYES: ALL

MERCED COUNTY SPRING FAIR-LOS BANOS

19. Approve Merced County Spring Fair-Los Banos 2002 State Budget for the State Funding.

APPROVED AS RECOMMENDED AYES: ALL

ADMINISTRATION

20. Proceed with implementation of Section IV of Resolution No. 2001-121 "Policies Relating to the Designation, Compensation and Recognition of Unrepresented Management Employees" regarding Retirement Benefits.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

21. Adopt Resolution supporting the efforts of the CSAC, The League of California Cities' and the Calif. Special Districts Assoc. jointly sponsored Constitutional Amendment to protect local revenues.

APPROVED AND ADOPTED RESOLUTION NO. 2001-188 AYES: ALL

- 21a. Authorize Proclamation in "Support of the U.S. Reserves of the Armed Forces While on Active Duty" in their efforts against terrorism and direct Staff to return with feasible recommendations to reduce the financial hardship of those called to active duty beyond the recognized 30 calendar day period.

REVIEW BOARD ORDER – SEE PAGE 8

APPROVED AS RECOMMENDED AYES: ALL

APPOINTMENTS

22. Board of Supervisors re: Committees/Commissions and Board Recommendations.
Emergency Medical Care Committee

REAPPOINT KEN MITTEN TO SERVE AS A MEMBER OF THE EMERGENCY MEDICAL CARE COMMITTEE UNTIL 6/30/2005 REPRESENTING DISTRICT TWO AYES: ALL

Hilmar Municipal Advisory Council

REAPPOINT JEFF STROM TO SERVE AS A MEMBER OF THE HILMAR MUNICIPAL ADVISORY COUNCIL UNTIL 5/3/2005 AYES: ALL

Winton Municipal Advisory Council

APPOINT BRENDA WILLIAMS TO SERVE AS A MEMBER OF THE WINTON MUNICIPAL ADVISORY COUNCIL UNTIL 3/31/2004 AYES: ALL

BOARD INFORMATION AND POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

23. Public Works re: Notification of Contract Award to Bob Holl Sheet Metal, Inc. for replacement of HVAC system at the Environmental Health Building.
AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2001173
24. Private Industry Training Department re: Notification of Dept. of Labor H-1B Technical Skills Training Grant submitted on August 15, 2001. (On file with Clerk)
25. Senate Select Committee on CALFED re: A Report by the Senate Select Committee on the CALFED Bay-Delta Water Program dated August, 2001. (On file with Clerk)
26. California State Library re: Notice of modifications to the Proposed Title 5 Library Bond Act Regulations and Additions to the Rulemaking File for the Calif. Public Library Construction and Renovation Bond Act Program. (On file with Clerk)
27. California State Library re: Notice of modifications to the Proposed Title 24 Library Bond Act Regulations for the California Public Library Construction and Renovation Bond Act Program. (On file with Clerk)
28. State Board of Corrections re: Information Bulletin #4 – County Juvenile Facility and Adult Jail Construction Grants, 9/24/01 Board of Corrections Meeting Cancelled – Delay in Issuing Request for Proposals.
29. Plumas County Fish and Game Commission re: Letter to Governor Gray Davis expressing support for the Dept. of Fish and Game Wardens in their attempts to be at parity with the Calif. Highway Patrol with regards to pay and benefits.

30. NFL – Citizens Advisory Group of Industries re: Letter of information on recent negotiations with the San Joaquin Valley Unified Air Pollution Control District regarding the proposed amendments to Regulation VIII-Fugitive PM10 Prohibitions.
AUTHORIZED RESPONSE ADVISING CONCERNS SHOULD BE DIRECTED TO SJVUAPCD REPRESENTATIVE JERRY O'BANION

31. State Dept. of Fish and Game Commission re: Meeting Notice of October 4, 2001.

32. State Dept. of Health Services re: Fiscal Year 2001-02 County Allocation.

33. University of California, Merced Campus re: Supplemental Notice of Availability of Draft Environmental Impact Report.

34. Merced Community College District re: Document entitled Request to Government Franchising Agencies for Access to Cable Services during the term of the new franchise – prepared by the Merced County Education Digital Television Cable Planning Committee. (On file with Clerk)

REVIEW BOARD ORDER – SEE PAGE 10

THE BOARD REQUESTED BEO REPORT BACK TO THE BOARD ON THE DOCUMENT SUBMITTED UPON COMPLETION OF REVIEW

35. American Farmland Trust re: LandWorks Connection – Volume IV, Issue 2, July 2001. (On file with Clerk)

36. Business-Economic Opportunities/Planning re: AB 31 – Central Valley Infrastructure Grant Program.

REVIEW BOARD ORDER – SEE PAGE 10

THE BOARD REQUESTED A REPORT BACK TO THE BOARD UPON COMPLETION OF WORKSHOPS TO RECEIVE BOARD DIRECTION

37. Fire Department re: Participation in National Fire Prevention Week.

ADOPTED RESOLUTION AND ADJOURNED MEETING UNTIL OCTOBER 16, 2001 AT 10:00 A.M. IN MEMORY OF MRS. AYAKO MORIMOTO

BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 2, 2001

ACTION ITEM NO. 15

2001-10-02 PUBLIC WORKS

The Chairman advises the plans and specifications for Construction of 16,000 feet of five-strand brand barbed wire fence and gates at the Highway 59 Landfill are before the Board for consideration.

Several Board Members express concern with the cost of the fencing.

Public Works Director Paul Fillebrown states as part of the mandated environmental mitigation compliance, a fence is required to be installed on the property line for security and inside the landfill to protect the vernal pools. Mr. Fillebrown reviews the bidding process requirements.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Rivero, duly carried, the Board approves the plans and specifications for Construction of 16,000 feet of five strand barbed wire fence and gates at the Highway 59 Landfill, authorizes Public Works to advertise the project and sets bid opening for October 25, 2001 at 3:00 p.m., authorizes the Director to award and execute Contract No. 2001219 to the lowest responsible bidder subject to concurrence of Counsel and approves the necessary budget transfer.

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

ACTION ITEM NO. 21a

2001-10-02 BOARD OF SUPERVISORS

Supervisor Rivero states he has requested the Proclamation in support of Armed Forces and recommends staff review Active Duty county employees and the impact on county employees. County Administrator Dee Tatum reviews the Staff Report submitted.

Steve Contreras appears before the Board stating he served in the U.S. Army and is in support of the proposal before the Board.

Upon motion of Supervisor Rivero, seconded by Supervisor O'Banion, duly carried, the Board authorizes the Proclamation in "Support of the U.S. Reserves of the Armed Forces While on Active Duty" in their efforts against terrorism and direct Staff to return with feasible recommendations to reduce the financial hardship of those called to active duty beyond the recognized 30 calendar day period.

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

10:30 A.M. SCHEDULED ITEM

2001-10-02 BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING

The time and date previously set for a public hearing to consider an Application requesting \$35,000 from the Calif. Dept. of Housing and Community Development, Community Development Block Grant Program to conduct a needs assessment for the creation of a Countywide Business Assistance Finance Center.

Business-Economic Opportunities Director John Fowler reviews the Staff Report and recommends adoption of the Resolution authorizing signing of the Grant agreement, if awarded.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Rivero, duly carried, the Board authorizes submission of the Application to the Calif. Dept. of Housing and Community Development, Community Development Block Grant Program to conduct a Needs Assessment for the creation of a Countywide Business Assistance Center and the preparation of required Federal/State Applications for establishing the Center, if feasible, authorizes the Chairman to sign all application documents and the Director of Business-Economic Opportunities to sign the Grant Agreement, if awarded and adopts Resolution No. 2001-189.

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

10:30 A. M. SCHEDULED ITEM

2001-10-02 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider General Plan Amendment No. 01001 and Zone Change No. 01002 submitted by Greg and Catherine Hostetler to consider amendment to the General Plan designation from Agricultural to Industrial and to change the zone classification from A-1 (General Agricultural) to M-1 (Light Manufacturing) on property located east of Badger Flat Road, 1500 feet north of State Highway 152 in the Los Banos area.

Planner Patricia Lippmeier 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 applications.

Tim Miler, Miller and Associates representing the property owner, appears before the Board and recommends approval.

Upon motion of Supervisor O'Banion, seconded by Supervisor Rivero, duly carried, the Board goes on record of its intent to approve the Negative Declaration for the project and, based on Findings, goes on record of its intent to approve General Plan Amendment No. 01001 and Zone Change No. 01002.

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

10:30 A. M. SCHEDULED ITEM

2001-10-02 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider 2001 Cycle III General Plan Amendment for:

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

General Plan Amendment No. 01003 and Zone Change Application No. 01004 – Madden, Madden, and Snyder; and

General Plan Amendment No. 01001 and Zone Change Application No. 01002 – Greg Hostetler.

The Chairman asks if there is anyone that wishes to speak in favor or opposition to 2001 Cycle III. No one speaks.

Upon motion of Supervisor O'Banion, seconded by Supervisor Rivero, duly carried, the Board approves 2001 Cycle III General Plan Amendments and related Zone Changes and adopts the following: Ordinance No. 1667 for Zone Change No. 01002, Ordinance No. 1668 for Zone Change No. 01003, Ordinance No. 1669 for Zone Change No. 01004 and Resolution No. 2001-190.

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

BOARD INFORMATION ITEM NO. 34

2001-10-02 BUSINESS-ECONOMIC OPPORTUNITIES

Upon motion of Supervisor Kelsey, seconded by Supervisor Rivero, duly carried, the Board refers document entitled "Request to Government Franchising Agencies for Access to Cable Services during the term of the new franchise – prepared by the Merced County Education Digital Television Cable Planning Committee" received by Merced Community College District to Business Economic Opportunities for a report back to the Board upon completion of review.

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

BOARD INFORMATION ITEM NO. 36

2001-10-02 BUSINESS-ECONOMIC OPPORTUNITIES

Upon motion of Supervisor Kelsey, seconded by Supervisor Rivero, duly carried, the Board requests a report back from Business-Economic Opportunities Department on the Central Valley Infrastructure Grant Program Application Workshops to be offered in connection with AB 31, further economic development in small rural cities in the Central Valley through developing and repairing necessary public infrastructure for further Board direction.

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