



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, SEPTEMBER 16, 2003

Closed Session – 8:30 a.m.

Regular Meeting – 10:00 a.m.

Joint Meeting – 5:00 p.m.

MERCED COUNTY
ADMINISTRATION BUILDING
2222 "M" STREET
BOARD ROOM, THIRD FLOOR
MERCED, CALIFORNIA 95340
(209) 385-7366

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

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

RUBEN E. CASTILLO
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: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (e) of Section 54957:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: County Executive Officer

10:00 A. M.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

- **Father of the Year Award - Kevin Swartwood, Essay prepared by Shanna Swartwood**
- **Management Services - CORE Management Training Graduation**
REVIEW BOARD ORDER – SEE PAGE 7
A Reception will be held in Room 310 in honor of the Awards
- **California High-Speed Rail Authority Presentation on the High Speed Rail System - Possible action**
REVIEW BOARD ORDER – SEE PAGE 7 AND 8

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 speak: Cathy Armstrong and Bryant Owens

UC MERCED PROJECT - LIAISON REPORT

NO REPORT

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 13)

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M.

COUNTY COUNSEL - PROPOSED ORDINANCE

An Ordinance to prohibit loud, unnecessary, and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person or normal sensitiveness residing in the area (Amends Title 10 of the County Code)

WILL BE RESCHEDULED – NO ACTION WILL BE TAKEN

BUSINESS-ECONOMIC OPPORTUNITIES - PUBLIC HEARING - FIRST READING – SET SECOND READING FOR SEPTEMBER 23, 2003 AT 10:30 A.M.

An Ordinance granting a non-exclusive franchise to Central Valley Cable TV, LLC to construct, operate and maintain a cable communications system in the unincorporated territory of the County of Merced in the Le Grand and Planada areas (Supercedes Ordinance Nos. 1202, 1595 and 1652)

REVIEW BOARD ORDER – SEE PAGE 9

10:30 A. M.

BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING

To consider an Application requesting \$400,000 from the Calif. Dept. of Housing and Community Development Block Grant Program to create a Microenterprise Assistance Activities Program

REVIEW BOARD ORDER – SEE PAGE 9

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, County Auditor, Board of Supervisors Members

LUNCH BREAK

5:00 P.M.

JOINT MEETING WITH MERCY MEDICAL CENTER MERCED BOARD OF DIRECTORS

SEE SEPARATE AGENDA

CONSENT CALENDAR (Items #1 - 13)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution annexing the Villa Cordoba Unit One Major Subdivision No. 02004 to the Hilmar-Irwin Street Lighting Maintenance Zone of Benefit #100 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2003-161

2. Adopt Resolution forming the Villa Cordoba Landscaping Maintenance Zone of Benefit #123 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2003-162

3. Accept Final Map for Villa Cordoba Unit 1 Subdivision in the Hilmar area.
4. Adopt Resolutions commending Lloyd Virgo, Don Hoffman and Frank Swiggart for years of outstanding service to the County of Merced.

District Attorney

5. Approve and authorize Chairman to sign Renewal Contract No. 2000180 with Robert and Yvonne Ayers and Margaret Lawler for the District Attorney's Office space.

Auditor

6. Set First Reading for September 23, 2003 at 10:30 a.m. to consider An Ordinance to establish Revenue and Reimbursement Division of the Auditor-Controller's Office as the collection arm of the County including the required Collection Procedures and set second reading for October 7, 2003 at 10:30 a.m.

Human Services Agency

7. Approve and authorize Chairman to sign Renewal to Contract No. 10086 with Merced Community College District to provide child care services.

8. Approve and authorize Chairman to sign Amendment to Contract No. 9356 with Merced County Office of Education for coordination of the Community Resource Councils and Family Resource Council increasing the amount by \$40,000.

Claims for Damages

9. Act on Claims received from the following: Marco A. Rodriguez, Ramiro Delgado, Cecil Ortega, Jr., Tony Azevedo, Paula Kudulis, Jose Aguayo and Late Claims received from Barbara Dean-Souza, Richard Souza, Carlow Peralez and Erlinda S. Baltazar.

Business-Economic Opportunities

10. Adopt Resolution authorizing Chairman to sign the following Contracts in connection with the FOCUS Program Procurement: Abatix Corp., Bluecrane, Inc., Engage Integrated Systems Technology, Evolve Technology Group, Interplex International LLC, SBC Core Products, SBC DataComm Products, Inc. and Wire One Technologies, authorize the Chairman to sign FOCUS Contract Award Announcement Letters to all contracts 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.

ADOPTED RESOLUTION NO. 2003-163 AND AUTHORIZED CHAIRMAN TO SIGN THE FOLLOWING CONTRACT NOS: 2003194-WIRE ONE TECHNOLOGIES, 2003195-BLUECRANE INC., 2003196-INTERPLEX INTERNATIONAL LLC, 2003197-EVOLVE TECHNOLOGY GROUP, 2003198-ENGAGE INTEGRATED SYSTEMS, 2003199-SBC CORE PRODUCTS, 2003200-ABATIX CORP., 2003201-SBC DATA COMM PRODUCTS
AYES: ALL

Board Recognition

11. Authorize Resolution in Recognition of the contributions by Xia Chia Xiong to the Merced County Lao Community.
12. Authorize Certificate of Recognition to Specialty Accounting Services in celebration of their recognition by the Atwater Chamber as Business of the First Quarter and Barbara Dutra and Family as Volunteer of the First Quarter.
13. Authorize Certificate of Recognition to Mission Gardens in celebration of the Grand Opening.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

14. Approve Project Charter for the Project Approval and Environmental Documentation (P.A. & E.D.) Phase of the Atwater-Merced Expressway and authorize Contract with Merced County Association of Governments.

REVIEW BOARD ORDER – SEE PAGE 10

15. PULLED

COUNTY COUNSEL

16. PULLED

HUMAN SERVICES AGENCY

17. Approve and authorize Chairman to sign Contract with Dept. of Workforce Investment for Work Experience Services to Independent Living Participants and authorize the H.S.A. Director to sign subsequent amendments to the contract for changes as long as within the contracted amount subject to review of the Auditor and Counsel.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003189 AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

18. Contract with Merced College to provide Nursing Recruitment for period of August 1, 2003 through March 31, 2006 at a cost not to exceed \$85,428.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003190 AYES: ALL

19. Set Joint Meeting with Workforce Investment Board and the Board of Supervisors for October 7, 2003 at 1:30 p.m.

APPROVED AS RECOMMENDED AYES: ALL

GENERAL SERVICES

20. Authorize County Public Auction to be held on October 4, 2003 and declare submitted Exhibit A as Surplus Property and authorize its disposal.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

21. Accept a POST certified drug detection canine "Chiva" and car caging donated by the City of Livingston Police Department.

APPROVED AS RECOMMENDED AYES:

EXECUTIVE OFFICE

22. Contract with Merced County Association of Governments for Grant Writing Services and authorize development of an updated "Approved Projects" List to be returned for Board approval.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003191 AYES: ALL

23. PULLED

HEALTH

24. Authorize Public Health Director to negotiate a contract with Pacific Health Consulting Group to conduct a review of the County's contract with Catholic Healthcare West (CHW), review the monitoring tool and make recommendations to more qualitative information, review the Indigent Health Care Program's operations and fiscal stability and authorize the Contract be signed subject to review of County Executive Officer, Auditor and Counsel approval.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003193 AYES: ALL

PUBLIC WORKS

25. Contract with Advanced Cleanup Technologies, Inc. for the Remediation of Hazardous Material Spills that may occur in County Right-of-Way or on County owned land or leased

property.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003186 AYES: ALL

26. Contract with Kleinfelder, Inc. for Material Testing and Inspection Services and authorize the Public Works Director to sign Project Supplements which outline individual job requests and authorize extended the annual retainer contract for a period not to exceed two years upon continuing successful performance by the consultant.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003187 AYES: ALL

27. Contract with City of Atwater for Roadway Maintenance Contract for the portion of Avenue One between Buhach Road and the boundary of the Mello Ranch Annexation.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003188 AYES: ALL

BOARD APPOINTMENTS

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

28. Public Works re: Award of Contract No. 2003158 to Rodgers Construction Company for Delhi Senior Center Parking Lot in the amount of \$29,500.
29. Sheriff re: Update on the progress of the Sheriff's Warrant System from July 1, 2002 through September, 2003.
30. Dept. of Workforce Investment re: 2003/2004 WIA Subgrant Contract - Modification with State Employment Development Department for Title I Formula Adult and Dislocated Worker Funds.
31. Dept. of Workforce Investment re: 2002/2003 WIA Subgrant Contract - Modification with State Employment Development Department for Title I WIA 25% Rapid Response Additional Assistance funds.
32. Dept. of Workforce Investment re: 2002/2003 WIA Subgrant Contract - Modification with State Employment Development Department for Title WIA 25% Rapid Response "Bridge" and "Incentive" Funds.
33. U.S. Dept. of Justice re: Equal Treatment for Faith-Based and Community Organizations.
34. State Board of Equalization re: San Mateo County Supplemental Assessment Practices Survey, August 2003. (On file with Clerk)
35. State Fish and Game Commission re: Special Meeting of September 18, 2003 Agenda.

ADJOURNED MEETING UNTIL TUESDAY, SEPTEMBER 23, 2003 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – SEPTEMBER 16, 2003

10:00 A.M. SCHEDULED ITEM

2003-09-16 PRESENTATIONS - EXECUTIVE OFFICE

The Board presents the following Certificates and Awards to the CORE Management Training Graduates: Assessor-Cheryl Bianchi and Kent Christensen, Child Support Services-Marion Gallegos, Cynthia Ramirez and Lisa Tew, Dept. of Workforce Investment-Teresa Machado and Jackie Walther-Parnell, Health-Keith Isozaki, Larry Lovell, William Peeler, Hermalinda Reyes and Al Shabandi, In-Home Supportive Services-Nancy Reding, Mental Health-Scott DeMoss, Planning-Desmond Johnston and David Gonzalves, Probation-Sandra Boten and Risk Management-Mary Akin.

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

10:00 A.M. SCHEDULED ITEM

2003-09-16 PRESENTATION – BOARD OF SUPERVISORS

Supervisor Cortez Keene introduces the representatives from the California High Speed Rail Authority who will conduct the presentation regarding the proposed High Speed Rail System for California.

California High-Speed Rail Authority Vice Chairman Fran Florez and Deputy Director Carrie Pourvahidi provides an overview of the California High Speed Rail System outlining the elimination of the other alignments and its history, the advantages of the current proposal and the schedule of the EIR/EIS dates and the bond proposal.

The Board discusses the proposed routes and stops and the agencies involved.

James Newhoff, representing Transportation Involves Everyone (TIE), questions why has the recommendation of the High Speed Rail Commission to use Altamont Pass been taken out of the options.

Ms. Pourvahidi states there are multi reasons for the Altamont Pass being taken out of the option including operational and environmentally sensitive wildlife habitat area. She further states a federal review will be completed on the rationale all decisions of the Authority including eliminations of alignments before a final decision is made.

Bryant Owens states concern on the devastation of what is left of agriculture in California and recommends this be located on the Westside and keep it off the productive land of the valley.

Marsh Pittman, Chairman of the Sierra Club, submits Transportation Involves Everyone (TIE), memo dated September 16, 2003 addressing concerns/comments relative to the High Speed Rail Plans, letter dated May 28, 2003 relative to the High Speed Rail EIR Process and the

Route Maps of the recommended routes studied in the environmental process by the Calif. High Speed Rail Authority.

Larry Salinas, Director of Governmental Relations for UC Merced, strongly urges the selection of Merced as a Stop on the High Speed Rail line that is being planned between Sacramento, Los Angeles and San Diego and from the Central Valley to Bay Area. He states Merced is uniquely situated to serve not only as a stop on the north side line but also as a point of connection for passengers from the Bay Area to the Central Valley and recommends that Castle Airport and Aviation Center be considered as a location for maintenance facilities for the High Speed Rail line. He states the high speed rail will benefit the Merced region and will benefit the faculty, staff and students of the University of California-Merced and will relieve congestion in existing traffic corridors.

President of Merced Boosters Club speaks strongly supporting the High Speed Rail System.

Joan Faul, City of Atwater, speaks in support of the High Speed Rail System and requests a Study Session of the Merced Atwater area and states concerns of Phase I.

Merced City Councilman Bill Spriggs speaks in support of the High Speed Rail System and the Castle area.

Dr. Lee Boese advises an exploratory committee of the High Speed Rail Committee has been formed and he will be the representative to speak on behalf of this organization. He states the committee will study and review information and promote the most appropriate site for the County.

DeeDee D'Adamo, Senior Advisor to Congressman Cardoza, speaks on behalf of the Congressman to work with all groups to gather information and get a better sense of the options and processes and pledge support to work with all to be better informed and make smart choices to support this region and the high speed rail that comes through our valley.

Following discussion, Supervisor Kelsey suggests clarification of the committees and that the Board define its support of Castle.

Supervisor O'Banion clarifies for the record that the Board took action previously in support of high speed rail in both 1996 and 1999. He speaks in support of the Pacheco Pass corridor to the Bay Area and for the hub for the high speed rail being at Castle.

Following further discussion and upon motion of Supervisor Cortez Keene, seconded by Supervisor Nelson, duly carried, the Board directs Staff to bring back the Resolution relative to the High Speed Rail System, support the Planning Committee and requests additional information come back to the Board.

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

10:30 A.M. SCHEDULED ITEM

2003-09-16 BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING

The time and date previously set for the public hearing to consider First Reading of an Ordinance granting a non-exclusive franchise to Central Valley Cable TV, LLC to construct, operate and maintain a cable communications system in the unincorporated territory of the County of Merced in the Le Grand and Planada areas setting forth conditions and providing for county regulation and administration of the cable communications system; prescribing penalties for violation of the franchise provisions and providing fees therefore (Supercedes Ordinance Nos. 1202, 1595 and 1652) submitted by Business-Economic Opportunities.

Business-Economic Opportunities Director John Fowler reviews the Staff Report and recommends the Board adopt the franchise ordinance.

The Chairman asks if there is anyone present who wishes to speak.

Bryant Owens, Plainsburg Road, Merced, speaks in favor of the ordinance.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor O'Banion, duly carried, the Board waives further reading of the proposed ordinance granting a non-exclusive franchise to Central Valley Cable TV, LLC to construct, operate and maintain a cable communications system in the unincorporated territory of the County of Merced in the Le Grand and Planada areas and sets second reading and possible adoption for September 23, 2003 at 10:30 a.m.

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

10:30 A.M. SCHEDULED ITEM

2003-09-16 BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING

The time and date previously set for a public hearing to consider the Final Application to the California Department of Housing and Community Development Community Development Block Grant Program requesting \$400,000 to create a Microenterprise Assistance Activities Program as submitted by Business-Economic Opportunities.

Business-Economic Opportunities Director John Fowler reviews the Staff Report requesting approval for submission of the application and authorize Business-Economic Opportunities Director to execute all application documents.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board approves submittal of the Application requesting \$400,000 from the California Dept. of Housing and Community Development, Community Development Block Grant Program to create a Microenterprise Assistance Activities Program, authorizes Business-Economic Opportunities Director to execute all application documents and authorizes the Chairman to sign Contract No. 2003185 with the California Department of Housing and Community Development upon review of Counsel and adopts Resolution No. 2003-160.

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

ACTION ITEM NO. 14

2003-09-16 PUBLIC WORKS

Public Works Director Paul Fillebrown reviews the Staff Report for the Project Charter for the Atwater-Merced Expressway.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board authorizes the Chairman to submit a letter to MCAG outlining concerns on the change from the Castle Highway Project to the Atwater-Merced Expressway Project, the project being realigned to Highway 59 around the northwest end of the City of Merced and the local traffic circulation and requests this item be put on the earliest MCAG Governing Board's Agenda for further discussion.

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



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS JOINT MEETING MERCY MEDICAL CENTER MERCED BOARD OF DIRECTORS

Continued Meeting
TUESDAY, SEPTEMBER 16, 2003
5:00 P. M.

MERCED COUNTY
ADMINISTRATION BUILDING
2222 "M" STREET
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SCHEDULED ITEMS

5:00 P. M. **JOINT MEETING WITH MERCY MEDICAL CENTER MERCED BOARD OF DIRECTORS**

- **Welcoming Remarks**
- **Catholic Healthcare West (CHW) Report**

- **Board of Supervisors/Board of Directors – Question and Answer Period**
- **Public Opportunity to speak on any matter of public interest within the Board’s jurisdiction**
- **Recommendations and Direction**
- **Closing Remarks**
REVIEW BOARD ORDER – SEE PAGE 12 AND 13

5:00 P. M. SCHEDULED ITEM

2003-09-16 JOINT MEETING WITH MERCY MEDICAL CENTER MERCED BOARD OF DIRECTORS

Chairman Crookham calls the meeting to order at 5:00 p.m. and briefly highlights the results of the last meeting Joint Meeting held on July 15, 2003.

Mercy Medical Center Merced Board of Directors Vice-Chairman John Raggio appears before the Board on behalf of Chairman Bert Crane (absent due to a death in a family). Mr. Raggio states Staff will review the Results of Treatment of Patient’s improvement in all facilities. He reviews the hospital unannounced stay by both he and Board Member Temple where the hospital was reviewed for cleanliness, treatment of patients and timely treatment processing. He states the Statistics have been accomplished and the customer survey results are positive. He further advises the Mercy Medical Center Merced Executive Board meets every Friday to review results and have sought input from staff and doctors with the Hospital goal to continue to see improvements in all areas.

Mercy Medical Center Merced President John Heading reviews information on the improvement areas and states the Emergency Room issues will be addressed by the following staff:

Chief Nurse Executive Michelle George reviews the Nursing Department Measurement and Action Plan that was started in Mid-July outlining the length of stay for emergency patients, issues impacting patient treatment, patient transfers, staff and physician communication with patients, cleanliness review and issues and customer satisfaction.

Vice President of Operations Debbie Kolhede reviews the improvements to the lab and radiology departments which impacts the overall operation of the emergency room and the processes that have been followed to achieve targets in the ancillary and clinical services. It is stated this is a multi-disciplinary area team and the issues that attributed to the success and resources available are reviewed.

Mr. Heading reviews and comments on the following issues: lack of available pediatric care and orthopedic services, recruitment packages and R.N. recruitment, retention program, study review to relicense beds, OB issues, areas of shortage and consolidation of campuses and advisory council function.

Mr. Headding further comments on the new Hospital that is to be built by 2006 and reviews the planning, state approval process and the time period plans. He reviews the site plan and map and the newly created health care council and physician advisory council.

Supervisor O'Banion states he would like to see representation on the advisory committee from the Westside stating this is an issue that is countywide and not just in Merced.

Director of Public Health John Volanti, M.P.H. reviews the action taken earlier today by the Board for review the indigent care program and the County's contract.

Chairman Crookham comments on the improvements achieved by Mercy Medical Center Merced and states the Board will meet again within 60 to 75 days for further review and report.

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