



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, NOVEMBER 04, 2003**

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

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**

- 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  
**THE BOARD RECESSED AT 9:00 A.M. AND 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**

10:00 A. M.

**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 7**

**PRESENTATION**

“Retired Teachers’ Week” Proclamation

**The Chairman presents the Proclamation to Frances Weir and Alma Coleman**

**UC MERCED PROJECT - LIAISON REPORT**

**NO REPORT**

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

**APPROVED AS RECOMMENDED AYES: ALL**

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

10:30 A. M.

**PRESENTATION BY CALTRANS**

Current Proposed Project for Safety Improvements on Route 99 between the Cities of Atwater and Livingston

**REVIEW BOARD ORDER – SEE PAGE 8**

**REPORTS/BOARD DIRECTION**

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

**LUNCH BREAK**

**CONSENT CALENDAR (Items #1 - 16)**

**APPROVED AS RECOMMENDED AYES: ALL**

Claims for Damages

1. Act on Claims for Damages submitted by Nicanor Regia, Antonio Mathis and Veronica Perez Banda as recommended by Risk Management.

Public Works

2. Adopt Resolution annexing Minor Subdivision No. 03006 into the Fleming Oaks Street Lighting and Storm Drainage Zone of Benefit #241 in County Service Area Number One.  
**ADOPTED RESOLUTION NO. 2003-193**
3. Adopt Resolution creating a 45 mph speed zone on Buhach Road between Fleming Road and Ashby Road in the Atwater area and authorize installation and maintenance of Speed

Limit signs.

**ADOPTED RESOLUTION NO. 2003-194**

4. Adopt Resolution creating a 30 mph speed zone on Station Avenue between Mulberry Road and Moran Avenue in the Atwater area and authorize installation and maintenance of Speed Limit signs.

**ADOPTED RESOLUTION NO. 2003-195**

5. Adopt Resolution authorizing installation of Stop Signs at various intersections on the East Side of Merced County as follows: Pinewood Avenue approach to Collier Road; Bell Drive approach to Griffith Avenue and Ipsen Road approach to Santa Fe Drive.

**ADOPTED RESOLUTION NO. 2003-196**

6. Adopt Resolution forming the Sahota Brother Clinton Street Lighting and Storm Drainage Maintenance Zone of Benefit No. 264 in County Service Area Number One.

**ADOPTED RESOLUTION NO. 2003-197**

7. Accept Final Map for Sahota Brother Clinton Subdivision in Franklin-Beachwood area.
8. Authorize Chairman to sign Application for Federal Assistance (Standard Form 424) and Certifications Regarding Debarment, Suspension and Other Responsibility Matter and other necessary documents in connection with Contract No. 2000211 as required by Economic Development Administration (Grants No. 07-49-04076 and 01 and 07-01-04926) authorizing the transfer of responsibility for EDA Grant from Castle JPA to Merced County.

Planning

9. Set public hearing for November 18, 2003 at 10:30 a.m. to consider Amendment to the Agricultural Preserve as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et. seq. of the California Government Code.

Fire

10. Amendment to Contract with Calif. Dept. of Forestry and Fire Protection to meet mandates of a new Contract Format with the State (previously approved by the Board on February 25, 2003 in old format).

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 6720 AND ADOPTED RESOLUTION NO. 2003-198**

Travel Requests

11. Approve Travel Requests submitted by Retirement as recommended by Executive Office.

Sheriff

12. Accept a donated Ford modular ambulance from Riggs Ambulance Service, Inc. to assist in Coroner transportation cases for the Sheriff Department.

Board Recognition

13. Authorize Certificate of Recognition to Bill Maxwell for services as Grand Chaplain for Grand Master State of California Independent Order of Oddfellows and member of Santa Rita Lodge, Dos Palos.
14. Authorize Certificate of Recognition to Chris Adams for 30 years of dedicated service to the University of California.

15. Proclaim October 25 - 31, 2003 as Red Ribbon Week for Los Banos in the County of Merced.
16. Authorize Certificates of Recognition to Joan Sortini, Nicki Massasso, Nobie Reynolds and Kathy Foster for Business and Professional Women Award as Working Women of the Year.

## **REGULAR CALENDAR**

### **BOARD ACTION**

#### **PUBLIC WORKS**

17. Resolution for Board consideration - designation of intersection of Eucalyptus Road and Reynolds Avenue as an All-Way Stop in Dos Palos and authorize installation and maintenance of said Stop Signs.  
**ADOPTED RESOLUTION NO. 2003-199 AS RECOMMENDED AYES: ALL**
18. Contract with Taber Consultants for Geotechnical Engineering Services and authorize Public Works Director to sign Project Supplements which outline individual job requests.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003248 AYES: ALL**
19. Contract with Hilmar Community Hall for improvements to the Hilmar Community Hall parking lot and approve the necessary budget transfer.  
**PULLED – NO ACTION TAKEN**

#### **FIRE**

20. Contract with City of Gustine and City of Merced for Homeland Security/State Preparedness Grants with Merced Office of Emergency Services Operational Areas.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003250 WITH THE CITY OF GUSTINE FOR HOMELAND SECURITY GRANT FUNDS AND CONTRACT NO. 2003251 WITH CITY OF MERCED FOR HOMELAND SECURITY GRANT FUNDS AND CONTRACT NO. 2003252 FOR STATE PREPAREDNESS GRANT PROGRAM FUNDS AYES: ALL**
21. Authorize Grant Application submission with Federal Emergency Management Agency (FEMA) for Community Emergency Response Team Grant in the amount of \$10,210 for purpose of obtaining federal financial assistance through Governor's Office of Service and Volunteerism CERT (Community Emergency Response Team) Program and Citizen Corps Grants and directs the Fire Chief to return to the Board with results and authorization prior to accepting the award.  
**ADOPTED RESOLUTION NO. 2003-200 AS RECOMMENDED AYES: ALL**

#### **BUSINESS-ECONOMIC OPPORTUNITIES**

22. Resolution certifying the Business Revolving Loan Fund Plan Certification as required by the U.S. Dept. of Commerce, Economic Development Administration for Semi-Annual Reports for Grant Numbers 07-39-02988.01 and 07-49-02639.  
**ADOPTED RESOLUTION NO. 2003-201 AS RECOMMENDED AYES: ALL**

#### **PLANNING**

23. Authorization to apply for HOME Investment Partnerships Program Grant in the amount of \$400,000 with State Dept. of Housing and Community Development (HCD) under the Home

Investment Partnership Program; adopt Program/Participation Guidelines for First-Time Homebuyer Program for the County of Merced and authorize the Planning Director and/or designated Director to sign all required application documents and contracts required by HCD or HUD (U.S. Dept. of Housing and Urban Development) for participation in the HOME Program and any amendments thereto.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003243 AND ADOPTED RESOLUTION NO. 2003-202 AYES: ALL**

24. Contract Award to Self-Help Enterprises to implement and administer the County 2003 HOME Grant to be used for First-Time Homebuyers Countywide with the stipulation that Planning return to the Board for contract approval if grant is funded.

**APPROVED AS RECOMMENDED AYES: ALL**

#### TREASURER-TAX COLLECTOR

25. Approve the selling of Tax-Defaulted Properties List submitted by the County Tax Collector for 87 Assessor's Parcel Numbers in the total minimum bid amount of \$11,212,000.00, said property is subject to the Tax Collector's power to sell at a Public Auction and approve authorization for the Tax Collector to reduce the minimum bid price if no bids are received or approve the re-offer of unsold parcels at the same day or next scheduled auction within 90 days with parties of interest notification.

**APPROVED AS RECOMMENDED AYES: ALL**

#### PUBLIC WORKS

26. Resolution for the Summary Vacation of Public Right of Ways located in Sections 8 and 9 Township 8 South, Range 14 East, M.D.B.&M. - Reilly Road 1 mile west of Healy Road in the Merced area.

**ADOPTED RESOLUTION NO. 2003-203 AS RECOMMENDED AYES: ALL**

#### SHERIFF

27. Authorize one Overhire for Deputy Sheriff II (Position 92) in Budget Unit 22100.

**APPROVED AS RECOMMENDED AYES: ALL**

28. Contract with City of Atwater for Law Enforcement Communications Assistance (800 mhz).

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003249 AYES: ALL**

#### BOARD OF SUPERVISORS

29. Resolution endorsing National Association of Manufacturers' Strategy for Growth and Manufacturing Renewal.

**ADOPTED RESOLUTION NO. 2003-204 AYES: ALL**

#### BOARD APPOINTMENTS

30. District Two - Merced Cemetery District.

**REAPPOINTED ED JOSEPH TO SERVE AS A MEMBER OF THE MERCED CEMETERY DISTRICT REPRESENTING DISTRICT TWO UNTIL NOVEMBER 25, 2007 AYES: ALL**

31. District Four - In Home Supportive Services and Delhi Municipal Advisory Council.

**REVIEW BOARD ORDER – SEE PAGE 8**

**BOARD INFORMATION & POSSIBLE ACTION**

**ACCEPTED AND PLACED ON FILE**

**AYES: ALL**

32. Mental Health Department re: State Dept. of Mental Health Mutual Aid Alert.
33. Sutter County Fish and Game Advisory Commission re: November 2003 Conference of the California County Fish and Game Commissions.
34. State Fish and Game Commission re: Meeting set for November 6, 2003.
35. Calif. Mental Health Planning Council re: Mental Health Boards/Commissions Composition Study.
36. State Board of Equalization re: California Code of Regulations - Title 18 - Public Revenues, Property Tax Rule 462.040, Change in Ownership-Joint Tenancies and Property Tax Rule 462.240, The following transfers do not constitute a change in ownership.

**ADOPTED RESOLUTION AND ADJOURNED MEETING IN MEMORY OF PFC. KARINA LAU UNTIL TUESDAY, NOVEMBER 18, 2003 AT 10:00 A.M.**

## BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 4, 2003

### **10:00 A.M. SCHEDULED ITEM**

#### **2003-11-04 PUBLIC OPPORTUNITY TO SPEAK**

Atwater resident Lila Dias states she and several other County employees previously appeared before the Board with their concerns about the layoffs prior to being laid off by the Department of Workforce Investment. She states subsequently, the Department has hired two Extra-Help Employment Training Specialists and none of the laid off employees were contacted. She feels the department should be held accountable for not notifying its prior employees.

The Chairman states the County Executive Officer will contact Ms. Dias to address her concerns.

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Comcast President for Area Five Scott Barby provides a current upgrade update of Comcast services and equipment. He states Comcast is working with customers as best they can to minimize difficulties; however, operations must be shut down in order to upgrade.

The Chairman states Board Members have received numerous complaints and it's her understanding the City of Merced Officials have received complaints and have concerns.

Mr. Barby reviews the City of Merced concerns with pedestals and states Comcast hopes to keep above ground due to water damage etc. but if there is an existing underground tap connection to a house, it will remain underground.

Director of Technologic Engineering for Comcast Terry Pruitt provides the Board with information on current and future upgrades and advises Comcast will do more in the way of community outreach to keep the public informed.

Richard Samsibijan states he is a previous cable company employee and sealants need to be used and equipment needs to be tightened to keep moisture from getting into the underground taps. He states he feels Comcast doesn't want to make the investment.

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Charles Gordon, Winton, states concern with the proposed Winton School location due to environmental issues such as poor air flow.

The Chairman advises this Board is not the decision-making body for school issues. Supervisor Kelsey states she will contact Mr. Gordon to discuss this issue.  
Present: Crookham, Cortez Keene, Nelson, Kelsey, O'Banion

**10:00 A.M. SCHEDULED ITEM**

**2003-11- 04 PRESENTATION – Caltrans**

Proposed Project for Safety Improvements on Route 99 between the Cities of Atwater and Livingston

Caltrans Project Manager Peter Jemerigbe reviews the history of the current proposed project for safety improvements on Route 99 between the Cities of Atwater and Livingston and reviews a diagram that depicts the medians within the proposed project. Caltrans plans to hold a public informational hearing in December and is seeking information to do an analysis and to understand the possible impacts. Major trucking companies that use this road were contacted and most trucking companies have instructed their employees not to use the crossing but to access the freeway at the interchange so the impact to those companies will be very minimal. However, the current statewide budget crisis has impacted the future of these projects.

The Chairman states she hopes the project will remain a priority to Caltrans.

Supervisor O'Banion questions if the two overcrossings between Livingston and Atwater will move forward.

Mr. Jemerigbe assures the Board that Caltrans will complete the project.

Supervisor Nelson requests information on a traffic mitigation impact study for this project.

Mr. Jemerigbe advises Caltrans will do a study to determine the impact of the median closures and the study could be done within the month but that depends on availability of funds.

Supervisor Kelsey states this is a safety issue and should be a priority for Caltrans and everyone else.

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

**ACTION ITEM NO. 31**

**2003-11-04 HUMAN SERVICES AGENCY – In Home Supportive Services (IHSS) Advisory Committee**

Upon motion of Supervisor Cortez Keene, seconded by Supervisor O'Banion, duly carried, the Board appoints Delores Stuart to serve as the District Four Representative on the In-Home Supportive Services (IHSS) Advisory Committee (to fill the unexpired term of Ruby Hale) until July 3, 2005.

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

**ACTION ITEM NO. 31**

**2003-11-04 DELHI MUNICIPAL ADVISORY COUNCIL**

Upon motion of Supervisor Cortez Keene, seconded by Supervisor O'Banion, duly carried, the Board appoints Frank Machado to serve as District Four Representative on the Delhi Municipal Advisory Council until January 3, 2006.

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