

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, FEBRUARY 10, 2004**

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  
KATHLEEN M. CROOKHAM.....DISTRICT 2  
MICHAEL G. NELSON.....DISTRICT 3  
CHAIR 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: Two Case(s)

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Subdivision (f) of Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers Association, Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P and Deputy Sheriff Association, Unit 10

**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**

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

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

**PRESENTATION**

**REGIONAL TRANSPORTATION PLAN - MCAG**  
**REVIEW BOARD ORDER - SEE PAGE 7**

**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)**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Ag. Commissioner-\$4,500; Auditor-Recorder-\$15,800 and Human Services Agency-\$30,000**

**APPROVED AS RECOMMENDED AYES: ALL**

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

**APPROVED AS RECOMMENDED AYES: ALL**

10:30 A. M.

**PLANNING - CONTINUED PUBLIC HEARING**

To amend the Agriculture Preserve as per the provisions of the California Land Conservation Act of 1965 (Williamson Act) (California Government Code 51200 et seq.)

**REVIEW BOARD ORDER - SEE PAGE 7 AND 8**

**BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING**

To review accomplishments under Community Development Block Grant with Calif. Dept. of Housing and Community Development for Telecommunications Infrastructure and Demolition at Castle Airport Aviation and Development Center

**REVIEW BOARD ORDER - SEE PAGE 8 AND 9**

**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**

Public Works

1. Accept the Final Map for Montara Phase 4 Subdivision located in the Winton area.

Mental Health

2. Approve and authorize Chairman to sign Renewal Contract No. 2004025 with Crestwood Behavioral Health, Inc., for services of an Institute for Mental Disease for mental health consumers.

Health

3. Approve and authorize Chairman to sign Renewal Contract No. 2002179 with Jennifer Hobbs for Nutrition Consultant services for the Childhood Obesity Prevention Project.

Dept. of Workforce Investment

4. Approve and authorize Chairman to sign Amendment to Contract No. 2001103 with Calif. Dept. of Rehabilitation and Amendment to Contract No. 2000155 with Calif. Employment Development Dept. for incorporation of amendments of core services offered with One-Stop Partners.
5. Approve and authorize Chairman to sign Amendment No. 2003039 with Merced Union High School District for provision of clerical services in support of the GEAR-UP Merced Project.

Child Support Services

6. Authorize issuance of letter to Moonlight Investments terminating Contract No. 2001288 for leasing of office space, authorize Staff work with landlord for the building vacation at 786 and 790 Loughborough Drive in Merced and authorize Auditor's Office to pay the remaining balance for the tenant improvements.

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

Travel Request

7. Approve Travel Request for Sheriff-Coroner and Fire as recommended by Executive Office.

Board Recognition

8. Authorize Certificates of Recognition to Mike Salvadori-2003 Ambassador of Goodwill, Dawn Kinney-Outgoing President and Pazin and Myers, Inc.-2003 Business of the Year by the Merced County Chamber of Commerce.
9. Authorize Certificates of Recognition in Celebration and Welcome to Hank Vander Veen and his family, Publisher of the Merced Sun-Star.
10. Authorize Certificate of Recognition for the Formal Grand Opening of the Garcia Law Firm.
11. Authorize Certificates of Recognition to Greg Thomas-2003 Team Member of the Year and Jacinda Hanog-2003 Supervisor of the Year for Quebecor World Merced.
12. Authorize Certificate of Recognition to Billy Joe Davis for 20 years of service to the Delhi Municipal Advisory Council.

13. Authorize Certificate of Recognition in Celebration of Applebee's Neighborhood Grill and Bar Grand Opening.
14. Authorize presentation of plaque in Dedication of the Delhi Educational Park.
15. Authorize Certificate of Recognition to Susan Huntoon in honor of 41+ years of service to the County of Merced.
16. Authorize Certificate of Recognition to Commander William "Bill" Atkinson for 27 years of service to the County of Merced.

## **REGULAR CALENDAR**

### **BOARD ACTION**

#### **PUBLIC WORKS**

17. Authorize purchase of one half-ton pickup to replace destroyed Fleet Pickup No. 59058 and approve the necessary budget transfer-\$14,774. (#023)  
**APPROVED AS RECOMMENDED AYES: ALL**
18. Resolution authorizing submittal of Office of Traffic Safety Grant Application for Elim Elementary School and Hilmar High School in Hilmar, El Capitan Elementary School in Delhi and Cesar E. Chavez in Planada and authorize Chairman to sign the necessary documents.  
**ADOPTED RESOLUTION NO. 2004-26 AS RECOMMENDED AYES: ALL**

#### **DISTRICT ATTORNEY**

19. Approve and adopt Resolution establishing Drug Endangered Children Response Team Program and Protocol and authorize the Chairman to sign the Contract.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004026 AND ADOPTED RESOLUTION NO. 2004-27 AYES: ALL**

#### **PLANNING**

20. Contract with RRM Design Group to initiate and complete the Community Specific Update for Hilmar, including an Environmental Impact Report.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004032 AYES: ALL**

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

21. Application with the Federal Aviation Administration Grant Application for airport improvements at Castle Airport and authorize Contract with Federal Aviation.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004027 AYES: ALL**

#### **HUMAN SERVICES AGENCY**

22. Approve and authorize Chairman to sign Amendment to Contract with Calif. Dept. of Aging for Senior Community Services Employment Program increasing the contract amount by \$17,403 and approve the necessary budget transfer-\$17,403. (4/5 Vote Required)  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004028 AYES: ALL**
23. Approve and authorize Chairman to sign Contract with Central California Area Social Service Consortium for establishment of the Central Calif. Area Social Service Consortium

as an agency-university cooperative partnership and approve the necessary budget transfer-\$5,340.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004029 AYES: ALL**

24. Contract with Merced County Arts Council for Disease Prevention and Health Promotion Program and authorize the Area Agency on Aging Director, upon review of Auditor and Counsel, to sign subsequent amendments within the contract budgeted amount.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004030 AYES: ALL**

**DEPT. OF WORKFORCE INVESTMENT**

25. Authorize solicitation of proposals to provide employment and training services to In-School and Out-of-School Youth to return to Board with a recommendation for Contract awards understanding the total combined cost of awarded contracts will not exceed \$2,100,000.

**APPROVED AS RECOMMENDED AYES: ALL**

**MENTAL HEALTH**

26. Contract with Florence Crittenton of Orange County for organizational provider of mental health services.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004031 AYES: ALL**

**EXECUTIVE OFFICE**

27. Authorize payment to State Controller's Office for two payments of \$120,468 for undesignated fees due February 15, 2004 and May 15, 2004 relative to Trial Court Funding Act of 1997 and the Administrative Office of the Courts (AOC).

**APPROVED AS RECOMMENDED AYES: ALL**

28. Contract with Kelling, Northcross and Nobriga to perform Debt Capacity Study for the County of Merced.

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

29. Act on Claims for Damages submitted by Arthur M. Powell, Donna Crowder, Pro-Services, Inc. & Seca Equipment Removal and Dismantling, Hillery Lee Pollard (Late Claim), Carlos Lupe Santos, Eric Vierra, Pedro Valdez, Allen McHugh and Mia Lessenden (Fowler).

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD APPOINTMENTS**

Winton Municipal Advisory Council, Delhi Municipal Advisory Council and Ballico-Cortez Water District.

**REVIEW BOARD ORDER – SEE PAGE 9**

**BOARD INFORMATION & POSSIBLE ACTION**

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

30. Friends of the Merced District Cemetery re: Issues of concern at the Merced Cemetery District.

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

31. CSAC re: Strategic Plan 2004-2005.

32. Calif. Chamber of Commerce re: 2004 Business Issues and Legislative Guide - Strategy for Economic Recovery.

33. State Board of Equalization re: Notice of Proposed Regulatory Action by the State Board - Adoption of Property Tax Rule 136 - Limited Liability Companies as Qualifying Organizations for the Welfare Exemption.

**ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF MARY EIRICH, JOSEPHINE BLISS, RONALD SKINNER, RETA HAIL AND CHARLES NELSON UNTIL TUESDAY, FEBRUARY 24, 2004 AT 10:00 A.M.**

**BOARD ORDER – SUMMARY ACTION MINUTES – FEBRUARY 10, 2004**

**10:30 A.M. SCHEDULED ITEM**

**2004-02-10 PRESENTATION – MERCED COUNTY ASSOCIATION OF GOVERNMENTS**

MCAG Regional Manager Matthew Fell reviews and submits Proposed Regional Road Network by Supervisorial Districts.

The Board discusses identifying the roads as agricultural use and trucking routes. The Chairman questions how old the criteria is that is being used to develop the road network.

Mr. Fell responds to Board questions.

Merced/Mariposa Public Works Director Jim Metropolis speaks in support of the Merced Falls Road being included in the Proposed Regional Road Network. He states part of the road runs through Merced County, is a frequent traveled road for tourist and industry and they would like to see the road maintained.

Supervisor O'Banion questions the process to include Merced Falls Road.

MCAG Executive Director Jess Brown reviews the regional transportation plan process.

The Chairman asks if there is anyone from the public wishing to speak. No one speaks.

The Board expresses their support of the Proposed Regional Road Network as presented and reviewed by Merced County Association of Governments (MCAG).

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

**10:30 A.M. SCHEDULED ITEM**

**2004-02-10 PLANNING – CONTINUED PUBLIC HEARING**

The time and date previously set for a continued public hearing to consider proposed Resolution to amend the Merced County Agriculture Preserve as per the provisions of the California Land Conservation Act of 1965 (Williamson Act) (California Government Code 51200 et seq.) submitted by Planning and Community Development.

Planning and Community Development Director Bill Nicholson reviews the Staff Report; distributes maps of the subject property that are being requested for removal from the Agricultural Preserve known as APN 042-140-028 and 042-260-025 and submits correspondence dated February 10, 2004 received by Lydia Miller, President of the San Joaquin Raptor Rescue Center.

Attorney John Stovall, Neumiller and Beardslee, A Professional Corporation, representing Santa Fe Aggregates, states CEQA laws are in compliance and responds to Letter dated

February 10, 2004 from Lydia Miller, President of San Joaquin Raptor Rescue Center and Steve Burke, Protect Our Water.

The Chairman asks if there is anyone present wishing to speak.

Joe Mitchell and Lydia Miller, President-San Joaquin Raptor Rescue Center, speak in opposition to the amendment.

The Board discusses the history of this project and the membership of the San Joaquin Raptor Rescue Center.

Property owner Mike Bettencourt states they have never signed any contract with the Williamson Act Preserve and do not wish to be part of the preserve and have submitted all the documentation required to make it clear they were not part of this original contract.

The Board reiterates for the record that property owners do not have to be part of the Williamson Act if they chose to not be part or be involved.

Following discussion and upon motion of Supervisor Nelson, seconded by Supervisor Cortez Keene, duly carried, the Board finds the removal of Assessor's Parcel Nos. 042-140-028 and 042-260-025 from the Agricultural Preserve was evaluated in compliance with the California Environmental Quality Act through analysis contained in the Environmental Impact Report for the Bettencourt Ranch Aggregate Mining Project (State Clearinghouse No. 2002021050), certified by the Board on January 27, 2004, and the EIR concludes this removal from the Agricultural Preserve would not have a significant impact on the environment and no mitigation measures are required; approves amendment to the Agricultural Preserve in accordance with California Land Conservation Act of 1965 in (Williamson Act) Section 51200 et. Seq. of the California Government Code and adopts Resolution No. 2004-28.

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

### **10:30 A.M. SCHEDULED ITEM**

### **2004-02-10 BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING**

The time and date previously set for a public hearing to review the accomplishments under the Community Development Block Grant with the California Dept. of Housing and Community Development for Telecommunications Infrastructure and Demolition at Castle Airport Aviation and Development Center submitted by Business-Economic Opportunities.

Business-Economic Opportunities Director John Fowler reviews the Staff Report disclosing the accomplishments under Community Development Block Grant No. 00-EDBG-758. He states the funds were used for installation of a fiber optic loop, construction of a 5,000 square foot video conference center and communications hub and demolition of 58 old, blighted structures. As a result of this project, there have been more than 100 new jobs created. The clearing of the old, blighted structures and availability of the high-speed communications through fiber optic cable will assist the county in attracting new companies and additional jobs to the facility.



Mr. Fowler advises the activities under the Grant at Castle Airport Aviation and Development Center have been completed. He further advises there is a sign-in sheet that is available for individuals that are present to participate.

Following discussion, Mr. Fowler states no action is needed at this time. The public hearing is for information purposes only.

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

**ACTION ITEM – BOARD APPOINTMENTS**

**2004-02-10 WINTON MUNICIPAL ADVISORY COUNCIL**

The Board appoints Yadira Taylor to serve as a member of the Winton Municipal Advisory Council until March 31, 2005.

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

**ACTION ITEM – BOARD APPOINTMENTS**

**2004-02-10 DELHI MUNICIPAL ADVISORY COUNCIL**

The Board appoints Darrell McCurdy to serve as a member of the Delhi Municipal Advisory Council until January 3, 2007.

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

**ACTION ITEM – BOARD APPOINTMENTS**

**2004-02-10 BALLICO-CORTEZ WATER DISTRICT**

The Board appoints Kevin Jefferies and David Neese until December 5, 2005 and Susan Larsen, Allen Shelton and Barry Friesen until December 5, 2007 to serve as members of the Ballico-Cortez Water District.

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

**INFORMATION ITEM NO. 30**

**2004-02-10 MERCED CEMETERY DISTRICT**

Friends of the Merced Cemetery District member Janet Ayers states there are issues of concern with the District operation and new management rules and presents documentation listing concerns.

Mr. Freitas presents concerns about flowers missing from grave sites.

Following discussion on increase of fees and upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board places the documentation filed by the Friends of the Merced Cemetery District on file.

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

**INFORMATION ITEM**

**2004-02-10 BOARD OF SUPERVISORS**

The Board authorizes a letter be sent to Congressman Cardoza in support of funding for a housing project that would provide 75 migrant quality residences and 50 year-round homes in the Planada, California area by the Housing Authority of the County of Merced and requests Congressman Cardoza support in reviewing the funding project that is being stalled at the State Housing and Community Development Department.

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