



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, FEBRUARY 08, 2005

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

JOHN PEDROZO.....DISTRICT 1  
KATHLEEN M. CROOKHAM.....DISTRICT 2  
MICHAEL G. NELSON.....DISTRICT 3  
DEIDRE F. KELSEY.....DISTRICT 4  
CHAIRMAN 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 REAL PROPERTY NEGOTIATOR:** It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) John Fowler-Commerce, Aviation and Economic Development Department Director pursuant to Section 54956.8 as follows: Castle Property

**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

9:00 A. M.

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:**

It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Subdivision (a) of Section 54956.9:

San Joaquin Raptor Rescue Center et. al. v. County of Merced, et. al., Case No. 148238

Erica Rivera v. County of Merced, et al., Federal Court Case No. 04-6771

**THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH SUPERVISOR KELSEY NOT PRESENT**

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

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

**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: Bryant Owens regarding Tort Claims process**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Child Support Services-\$18,000; District Attorney-\$3,100; General Services-\$7,830; Information Systems-\$220,000 and Public Works (#040)-\$4,495

**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 8)**

**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

10:30 A. M.

**PLANNING AND HEALTH - PUBLIC HEARING - PROPOSED ORDINANCE, POSSIBLE ADOPTION**

To review the Merced County Animal Confinement Ordinance Revisions through Zone Code Text Amendment Application No. 04002 and consider the following proposed Ordinance: An Ordinance amending the Merced County Code to (1) Revise Chapter 7.13 entitled "Animal Confinement Facilities" and to renumber it as Chapter 18.48 of the Merced County Code; (2) Revise Chapter 18.02.02 of the Merced County Code entitled Allowable Land Uses and Permit Requirements and (3) Transfer Section 18.47.04 to Section 18.48.030 and Figure 2 of Section 18.02.02 to 18.48.040 (Amends Ord. No. 1683 and 1099)

**REVIEW BOARD ORDER – SEE PAGE 7**

10:30 A. M.

**PLANNING AND COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING**

To consider comments on the 2005 Community Development Block Grant (CDBG) Program, General and Native American Allocation and Economic Development Allocation

**REVIEW BOARD ORDER – SEE PAGE 8**

**PLANNING AND COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING**

To consider comments concerning the County of Merced Community Development Block Grant (CDBG) Program Income Reuse Plan and approve the Revised Program Income Reuse Plan

**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 - 8)

**APPROVED AS RECOMMENDED PULLING ITEM #3 FOR SEPARATE DISCUSSION**

**AYES: 1, 2, 3, 5 NOT PRESENT: 4**

Public Works

1. Set public hearing for March 15, 2005 at 10:30 a.m. to consider proposed Resolution revising the Atwater RRC #1 Bridge and Major Thoroughfare Area of Benefit.

Fire

2. Approve Merced County Fire Department participation in the Fire Fighter's Burn Institute "Fill the Boot" Fundraiser.
3. Approve and authorize Chairman to sign Renewal Contract with Calif. Dept. of Forestry and Fire Protection for FY 2004/05 for Fire Protection and Emergency Medical Services.

Planning and Community Development

4. Approve and authorize Chairman to sign Amendment to Contract No. 2002225 with Self Help Enterprises to administer the County's CDBG Program Income activities.

Executive Office

5. Act on Claim for Damages submitted by Jesse Reynoso, Jr. as recommended by Risk Management.
6. Approve Travel Requests submitted by District Attorney Office as recommended by Executive Office.

Health

7. Approve the Application for FY 2004/05 Health Resources and Services Administration Grant in the amount of \$165,000 with California Dept. of Health Services for equipment and services for disaster preparedness to hospital, clinics and healthcare providers and authorize the Chair to sign Certifications as required.

Treasurer

8. Accept the Investment Report for the Quarter Ending December 31, 2004.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

9. Authorize expenditure of \$1,000 from Special Board Project Funds District One and District Four to the Livingston Middle School to assist two students with the cost of attending the 2005 Junior Congressional National Leadership Conference in Washington, D.C. and approve the Budget Transfer-\$1,000.

**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

10. Resolution authorizing Chairman to sign Contract (Agreement No. 10-205) with State Dept. of Transportation covering Improvements on Henry Street in association with Mission Avenue Freeway Conversion Project.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005020 AND ADOPTED RESOLUTION NO. 2005-17 AYES: 1, 2, 3, 5 NOT PRESENT: 4**

PLANNING & COMMUNITY DEVELOPMENT

11. Contract with Self Help Enterprises for 2004 Community Development Block Grant implementation and administration and approve the Budget Transfer-\$363,000. (4/5 Vote Required)

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005023 AYES: 1, 2, 3, 5 NOT PRESENT: 4**

COMMERCE, AVIATION & ECONOMIC DEVELOPMENT (CAED)

12. Contract with Merced County Economic Development Corporation in the amount of \$24,500 to be responsible for the design of the Manufacturing Institute.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005026 AYES: 1, 2, 3, 5 NOT PRESENT: 4**

13. Authorize activation of the Revolving Phase of the Agricultural Waste Management Loan Program in the amount of \$1 million allocated from the Debt Service Fund and authorize Staff to administer the loan funds.

**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

14. Contract with Siemens Communications, Inc. for FOCUS Program Procurement Vehicle and authorize FOCUS Contract Award Announcement Letter and authorize General Services to utilize such services/products when in the best interest of the County without the necessity for any further bid process.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005022 AND ADOPTED RESOLUTION NO. 2005-18 AYES: 1, 2, 3, 5 NOT PRESENT: 4**

15. Acceptance of Caltrans Grant Funding in the amount of \$44,250 for the State Matching Grant for FAA Airport Improvement Program for FY 2004/05 to fund the following projects: Improve the Runway Safety Areas 13/31, Install Perimeter Safety/Security Fencing (approx. 7,500 linear feet) and Gates, Install Airfield Guidance Signs and Taxiway Guidance Systems and Pavement Markings.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005017 AYES: 1, 2, 3, 5 NOT PRESENT: 4**

**MENTAL HEALTH**

16. Contract with Challenged Family Resource Center for Family Partners to provide services to Merced County Families and the Multidimensional Treatment Foster Care Program (MTFC).

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005027 AYES: 1, 2, 3, 5 NOT PRESENT: 4**

17. Contract with California Mental Health to provide Drug Medi-Cal Nonresidential Alcohol and Drug Treatment Services for the balance of FY 2004/05 and FY 2005/06 and approve the budget transfer-\$106,895.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005028 AYES: 1, 2, 3, 5 NOT PRESENT: 4**

**FIRE**

18. Authorize acceptance of invitation for 5 positions to attend Training on February 14-17, 2005 with funding provided by the University of Nevada, Reno from U.S. Dept. of Energy to train effective techniques to employ when confronted with terrorist threats and attacks and authorize sending up to four additional County firefighters and approve Travel Requests.

**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

**AREA AGENCY ON AGING**

19. Authorize transfer of title responsibility that the County holds for a 1995 Chevy 3500 Pickup to the Community Action Board to be utilized in the Congregate and Home-Delivered Meals Programs.

**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

**GENERAL SERVICES**

20. Authorize Public Auction to be held on February 26, 2005 for disposal of county property and declare items submitted on submitted Exhibit A as Surplus Property and authorize its disposal.

**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

**AUDITOR**

21. Accept the audited Merced County Comprehensive Annual Report for the Fiscal Year Ended June 30, 2004.

**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

EXECUTIVE OFFICE

22. Merced County Vehicle License Fee Gap Loan Financing – Authorize Contract with Calif. Statewide Communities Development Authority titled Purchase and Sale Agreement for opportunity to securitize VLF Gap backfill by participating in the sale of taxable and tax-exempt notes and authorizing signing of necessary documents.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005018 AND ADOPTED RESOLUTION NO. 2005-19 AYES: 1, 2, 3, 5 NOT PRESENT: 4**

BOARD OF SUPERVISORS

23. Recognize April 17 through 23, 2005, as “Volunteer Week” to coincide with National Volunteer Week and endorse the National theme: “Inspire By Example”, directs staff to coordinate applications, nominations and Screen Committee setting March 23, 2005, as the deadline to receive applications/nominations and set April 26, 2005, as the date for awarding the Volunteer Recognition and Service Program certificates

**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

BOARD APPOINTMENTS

24. District Two - Library Advisory Commission.

**APPOINTED MARTHA O. ACEVEDO TO SERVE AS A MEMBER OF THE LIBRARY ADVISORY COMMISSION REPRESENTING DISTRICT TWO UNTIL AUGUST 31, 2007 AYES: 1, 2, 3, 5 NOT PRESENT: 4**

25. District Two - Children and Families Commission.

**REAPPOINTED CAPPI QUIGLEY TO SERVE AS A MEMBER OF THE CHILDREN AND FAMILIES FIRST COMMISSION REPRESENTING DISTRICT TWO UNTIL MARCH 23, 2008 AYES: 1, 2, 3, 5 NOT PRESENT: 4**

26. Advisory Board on Alcohol and Other Drug Problems - Appointment Update.

**AUTHORIZED PLACEMENT OF HERBERT OPALEK TO DISTRICT ONE SLOT FROM DISTRICT THREE SLOT WITH A TERM EXPIRING JUNE 30, 2008 AYES: 1, 2, 3, 5 NOT PRESENT: 4**

BOARD INFORMATION & POSSIBLE ACTION

**ACCEPTED AND PLACED ON FILE AYES: 1, 2, 3, 5 NOT PRESENT: 4**

27. University of California re: 2003-2004 Annual Financial Report, ways in which UC is helping keep California competitive. (On file with Clerk)

**ADJOURNED MEETING UNTIL TUESDAY, FEBRUARY 22, 2005 AT 10:00 A.M.**

## BOARD ORDERS – SUMMARY ACTION MINUTES – FEBRUARY 8, 2005

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

### **2005-02-08 PLANNING - HEALTH – PUBLIC HEARING – PROPOSED ORDINANCE**

The time and date previously set for a public hearing to consider and review the Merced County Animal Confinement Ordinance Revisions through Zone Code Text Amendment Application No. 04002 and consider Proposed Ordinance related thereto as follows: An Ordinance amending the Merced County Code to (1) Revise Chapter 7.13 entitled "Animal Confinement Facilities" and to renumber it as Chapter 18.48 of the Merced County Code; (2) Revise Chapter 18.02.02 of the Merced County Code entitled Allowable Land Uses and Permit Requirements and (3) Transfer Section 18.47.04 to Section 18.48.030 and Figure 2 of Section 18.02.02 to 18.48.040 (Amends Ordinance No. 1683 and 1099).

County Counsel Ruben Castillo introduces the Proposed Ordinance for Board consideration and reads the ordinance by title only: An Ordinance amending the Merced County Code to (1) Revise Chapter 7.13 entitled "Animal Confinement Facilities" and to renumber it as Chapter 18.48 of the Merced County Code; (2) Revise Chapter 18.02.02 of the Merced County Code entitled Allowable Land Uses and Permit Requirements and (3) Transfer Section 18.47.04 to Section 18.48.030 and Figure 2 of Section 18.02.02 to 18.48.040 (Amends Ordinance No. 1683 and 1099).

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board waives further reading of the Proposed Ordinance.

Ayes: O'Banion, Pedrozo, Crookham, Nelson

Not Present: Kelsey

Planning Director Bill Nicholson states the update to the Ordinance as proposed is to place all animal confinement provisions in the Zoning Code. He advises additional information has been received from the U.S. Dept. of Fish and Wildlife Service and modified recommendations have been submitted to the Board.

Environmental Health Director Jeff Palsgaard provides an overview of the project with a power point presentation.

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

Lydia Miller, representing the San Joaquin Raptor Rescue Center, Steve Burke of Protect Our Water, and CLAW, submits a letter dated February 8, 2005 and requests the Board not approve the Planning Commission recommendation.

The Chairman closes the public hearing.

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, Based on Findings, the Board makes the Environmental Findings as recommended; approves the Initial Study/Environmental Impact Report Addendum and approves Zone Code Text Amendment No. 04002 and adopts Ordinance No. 1746.

Ayes: O'Banion, Pedrozo, Crookham, Nelson

Not Present: Kelsey

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

**2005-02-08 PLANNING AND COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT (CAED) – PUBLIC HEARING**

The time and date previously set for a public hearing to consider comments on the 2005 Community Development Block Grant (CDBG) Program, General and Native American Allocation and Economic Development Allocation submitted by Planning and Commerce, Aviation and Economic Development (CAED).

CAED Director John Fowler reviews the Staff Report and provides an overview on the economic development portion of the application. He states the economic development allocation would be directed toward job creation and advises there is a sign-in sheet available should anyone wish to submit written comments.

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

The Chairman closes the public hearing.

Planning Director Bill Nicholson states Staff is requesting the County apply for \$400,000 of the 2005 CDBG Grant Funds and utilize it for housing rehabilitation and CAED is requesting an equal allotment of \$400,000 for Economic Development.

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board authorizes Staff to develop an Application to submit to the Housing and Community Development for CDBG Grant Funds for Housing Rehab and Economic Development activities in the amount of \$400,000 each and return to the Board for final approval prior to submittal of the application as recommended by staff.

Ayes: O'Banion, Pedrozo, Crookham, Nelson

Not Present: Kelsey

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

**2005-02-08 PLANNING AND COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT (CAED) – PUBLIC HEARING**

The time and date previously set for a public hearing to consider comments concerning the County of Merced Community Development Block Grant (CDBG) Program Income Reuse Plan and the Revised Program Income Reuse Plan.

CAED Director John Fowler reviews the Staff Report and explains changes to the Plan that were a result of State regulations.

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

The Chairman closes the public hearing.

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board approves the Revised Community Development Block Grant Program Income Reuse Plan and adopts Resolution No. 2005-20.

Ayes: O'Banion, Pedrozo, Crookham, Nelson

Not Present: Kelsey