



SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, MARCH 27, 2007
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

CHAIRMAN JOHN PEDROZO.....DISTRICT 1
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

JAMES N. FINCHER
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.

The Agenda is available online at www.co.merced.ca.us

Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the Board Chambers

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE
INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

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THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA

The Agenda is divided into three sections:

CONSENT CALENDAR – These matters include routine financial and administrative actions and are approved by a single majority vote.

SCHEDULED ITEMS – These items are noticed hearings, work sessions and public hearings.

REGULAR CALENDAR – These items include significant policy and administration actions. Immediately after approval of the CONSENT CALENDAR, if the time of the hearing of SCHEDULED ITEMS has not arrived, the REGULAR CALENDAR will be considered.

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, Director-Commerce, Aviation and Economic Development pursuant to Government Code Section 54956.8 as follows: Castle Property

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 Government Code of Section 54956.9(a):

Fagundes v. County of Merced, Merced County Superior Court Case No. 150012;

San Joaquin Raptor Rescue Center v. County of Merced, Merced County Superior Court Case No. 150017

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH SUPERVISOR KELSEY NOT PRESENT AND THE CHAIRMAN ADVISED THERE WAS NOTHING TO REPORT

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 (Testimony limited to five minutes per person)

REVIEW BOARD ORDER – SEE PAGE 8

PRESENTATION - Recognition of Denard Davis

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Health-\$160,000 and \$207,454 and District Attorney- \$72,403

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

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 15)

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

10:00 A. M.

HEALTH - PUBLIC HEARING - PROPOSED ORDINANCE, POSSIBLE ADOPTION

To consider Proposed Ordinance - An Ordinance adding Fees for the new Medical Marijuana Identification Program to the Health Department Fee Ordinance for services performed by the Health Officer of Merced County (Amends and Repeals portions of Ordinance No. 1797 and codifies Title 9 General Health and Safety, Chapter 9.49) and approve the necessary budget transfer (4/5 Vote Required)

REVIEW BOARD ORDER – SEE PAGE 8

PLANNING - PUBLIC HEARING - PROPOSED ORDINANCE, POSSIBLE ADOPTION

To consider 2007 Cycle I General Plan Amendment and related Zone Changes:

General Plan Amendment No. GPA06-005, Zone Change No. ZC06-006 and Minor Subdivision Application MSA06-010 - Chuck Colston; and

General Plan Amendment No. GPA06-006 and Zone Change No. (ZC06-007) Protestant Episcopal Bishop of San Joaquin

RECOMMENDATION: Adopt Ordinances and Resolution

REVIEW BOARD ORDER – SEE PAGE 9

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 15)

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

Ag. Commissioner

1. Approve and authorize Chairman to sign Amendment to Contract No. 2004047 with California Dept. of Boating and Waterways for Water Hyacinth Control on Merced County Waterways and adopt Resolution.

ADOPTED RESOLUTION NO. 2007-34

Mental Health

2. Approve and authorize Chairman to sign Renewal Contract No. 2004105 with Health Department for transportation of incoming and outgoing interdepartmental mail.
3. Approve and authorize Chairman to sign Renewal Contract No. 2001127 with Calif. State University-Stanislaus for Field Practicum Agreement-Internship.
4. Approve and authorize Chairman to sign Amendment to Contract No. 2004204 with Stanislaus Behavioral Health and Recovery Services for Adolescent Inpatient Facility.
5. Approve and authorize Chairman to sign Amendment to Contract No. 2003024 with BHC Sierra Vista Hospital for Inpatient hospital services for Medi-Cal clients.

Human Services Agency

6. Approve and authorize Chairman to sign Renewal Contract No. 2003103 with Merced County Association of Governments for facilitator for Continuum of Care, Homeless Project.
7. Approve and authorize Chairman to sign Renewal Contract No. 2005105 with Health for Immunizations for CalWORKs Program participants.
8. Approve and authorize Chairman to sign Renewal Contract No. 2005172 with The National Council on Crime and Delinquency (NCCD) for Safe Measures on web-based information and data reporting.
9. Approve and authorize Chairman to sign Amendment to Contract No. 2004118 with Mental Health for Alcohol and Drug Services.

Dept. of Admin. Services

10. Approve and authorize Chairman to sign Amendment to Contract No. 2001170 with Crown Castle International Corporation amending lease to change from Mountain Union Telecom, LLC, changing term and monthly rent.

Fire

11. Approve and authorize Chairman to sign Renewal Contract No. 2005019 with California Dept. of Forestry and Fire Protection (Cal-Fire) for Fire Protection Services for FY 2006/07 and adopt Resolution.

ADOPTED RESOLUTION NO. 2007-35

Board Recognition

12. Authorize Certificate of Recognition to Cigar Monkey in celebration of Ribbon Cutting.
13. Authorize Certificate of Recognition to Merced Municipal Airport for 75 years of operation and Ribbon Cutting recognizing Mesa Airlines.
14. Authorize Certificates of Recognition to individuals for volunteer services with the Historical Society.

REVIEW BOARD ORDER – SEE PAGE 9

Public Works

15. Approve Budget Transfer in the amount of \$4,600 as recommended by Executive Office.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

16. Approve and authorize Chairman to sign Amendment to Contract No. 2005043 with Roger's Enterprises to operate a food and paddle boat concession at Lake Yosemite Park. (4/5 Vote Required)

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

17. Five Year Contract with A-Z Bus Sales, Inc. for Paratransit Buses.
AUTHORIZED CONTRACT NO. 2007064 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4
18. Resolution requesting Local Agency Formation Commission (LAFCo) approve water service as an extended service in County Service Area Number One specifically for the project area designated in the proposed boundary change between Merced and Fresno Counties to be effective in 2008 and direct the filing of an application with LAFCo, waive LAFCo application fees and request that LAFCo make the necessary CEQA determination.
REVIEW BOARD ORDER – SEE PAGE 10
19. Award Contract to Graham-Prewett, Inc. for the Re-roofing of Hagaman Park Picnic Shelter #1 and Lake Yosemite Bicentennial Grove Restroom in the amount of \$49,000.
AUTHORIZED CONTRACT NO. 2007065 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4
20. Award Contract to Graham-Prewett, Inc. for Re-roofing of the following seven facilities: Merced, Los Banos, Livingston, Gustine and Delhi Veterans Halls, Los Banos Fire Station and El Nido Community Hall in the total amount of \$390,000 and approve budget transfer in the amount of \$11,500.00.
AUTHORIZED CONTRACT NO. 2007066 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

HEALTH

21. Contract with Alliance for Community Research and Development for required evaluation consultant services and approve the budget transfer in the amount of \$15,585.00. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2007067 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4
22. Contract Amendment with State Dept. of Health Services for AIDS Program Master Agreement increasing the amount from \$100,508 to \$157,073 and approve budget transfer in the amount of \$50,204.00 and approve amendment to Memorandum of Understanding for HIV Prevention Program. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2004245 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

23. Authorize purchase of key lock equipment from Trak Engineering for a Fuel Management System at Castle and approve budget transfer in the amount of \$700.00.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4
24. Resolution declaring ten acres of land within the Castle Airport Aviation and Development Center Redevelopment Project Area as surplus property and convey the property by grant deed to the Merced County Redevelopment Agency for the purpose of sale to Big Creek Timber-Atwater, LLC, a subsidiary of Big Creek Lumber, Inc. and authorize the Chairman to sign the Grant Deed. (4/5 Vote Required)
ADOPTED RESOLUTION NO. 2007-37 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

MENTAL HEALTH

25. Contract with Quantum-Leap, Inc. to provide Drug Medi-Cal nonresidential alcohol and drug treatment services for FY 2006/2007 and 2007/2008 and approve budget transfer in the amount of \$94,293.00. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2006271 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

PLANNING

26. Contract with Greg Jones for reimbursement of costs related to consultant costs for preparation of Initial Study/Mitigated Negative Declaration for Major Subdivision Application No. MSA6-018, Dan Ward Meadows Subdivision Application and approve budget transfer in the amount of \$6,377.00.

AUTHORIZED CONTRACT NO. 2007068 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

27. Contract with Hilmar County Water District to initiate and complete water supply assessment and approve budget transfer in the amount of \$12,000.00. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2007069 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

BOARD APPOINTMENTS

BOARD INFORMATION & POSSIBLE ACTION

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

28. Sheriff re: Notification of Appointment as Law Enforcement Coroner Mutual Aid Coordinator for Region V.
29. San Joaquin Valley Air Pollution Control District re: Notice of Public Hearing on April 30, 2007, at 11:00 a.m. regarding Proposed 2007 Ozone Plan for the San Joaquin Valley Air Basin.
30. State Water Resources Control Board re: Revised Notice of Public Hearing on May 8-10 and May 15-17, 2007 regarding Perchlorate Contamination at a 160-acre site in the Rialto area. (On file with Clerk)
31. State Water Resources Control Board re: Notice of Opportunity for public comment on an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to revise the implementation plan for the Upper Santa Clara River Chloride Total Maximum Daily Loan (TMDL).
32. State Board of Forestry and Fire Protection re: Policy Statement entitled: Board of Forestry and Fire Protection Policy Number 11 for Professional Foresters Registration- Guidance on the Practice of Forestry as it relates to Other Professions.
33. Legal Community Against Violence re: 2006 California Report - Recent Developments in Federal, State and Local Gun Laws. (On file with Clerk)
34. MBK Engineers re: Merced Irrigation District Petition for Temporary Transfer under License 2685 (Application 1224). (On file with Clerk)

**ADOPTED RESOLUTIONS IN MEMORY OF GENEVIEVE REIMAN, EDWARD
VERDERBER AND REVEREND DEAN WELTS-THINER AND ADJOURNED MEETING UNTIL
TUESDAY, APRIL 3, 2007 AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 27, 2007

10:00 A.M. SCHEDULED ITEM
2007-03-27 PUBLIC OPPORTUNITY

Chris Roofer, representing Morning Star Packing Company, reads a statement regarding taxes for Morning Star Packing Company stating a tax bill has been received for back taxes. He states the company has filed an Application for Changed Assessment to discuss the assessment; however, the Tax Collector has rejected payment of \$140,000 and he requests the Board accept the \$140,000 payment.

Supervisor O'Banion requests an agenda item come back before the Board for Board consideration.

Present: Pedrozo, Crookham, Nelson, O'Banion

Not Present: Kelsey

10:00 A.M. SCHEDULED ITEM
2007-03-27 HEALTH - PUBLIC HEARING – ORDINANCE NO. 1804

The time and date previously set for a public hearing to consider proposed ordinance establishing fees for new Medical Marijuana Identification Card Program. The Clerk reads the Proposed Ordinance by title only: An Ordinance adding fees for the new Medical Marijuana Identification Program to the Health Department Fee Ordinance for services performed by the Health Officer of Merced County (Amends and Repeals portions of Ordinance No. 1797 and codifies Title 9 General Health and Safety, Chapter 9.49).

Director of Public Health John Volanti reviews the Staff Report and the powerpoint presentation.

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

Grant Wilson and Charles Igo speak in favor.

The Chairman closes the public hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board waives further reading of the proposed ordinance, adopts Ordinance No.1804 as presented by the Health Department and approves the necessary budget transfer-\$1,545.

Ayes: Pedrozo, Crookham, Nelson, O'Banion

Not Present: Kelsey

10:00 A.M. SCHEDULED ITEM

2007-03-27 PLANNING - PUBLIC HEARING – ORDINANCE NOS. 1805 AND 1806

The time and date previously set for a public hearing to consider 2007 Cycle 1 General Plan Amendment for General Plan Amendment No. GPA06-005 and related Zone Change Application No. ZC06-006 and Minor Subdivision Application No. MSA06-010 submitted by Chuck Colston and General Plan Amendment No. GPA06-006 and related Zone Change Application No. ZC06-007 submitted by Protestant Episcopal Bishop of San Joaquin.

Development Services Director Robert Lewis and Planner Gene Barrera review the power point presentation for both applications.

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

Upon motion of Supervisor Crookham, seconded by Supervisor O'Banion, duly carried, the Board waives further reading of the proposed ordinance and approves General Plan Amendment No. GPA06-005, Zone Change Application No. ZC06-006 and Minor Subdivision Application No. MSA06-010; approves General Plan Amendment No. GPA06-006 and related Zone Change Application No. ZC06-007 and adopts Ordinance No. 1805 and 1806 respectively and Resolution No. 2007-33.

Ayes: Pedrozo, Crookham, Nelson, O'Banion

Not Present: Kelsey

CONSENT ITEM NO. 14

2007-03-27 BOARD OF SUPERVISORS

Upon motion of Supervisor Crookham, seconded by Supervisor O'Banion, duly carried, the Board authorizes Certificates of Recognition to the following individuals for their volunteer services through the Merced County Historical Society:

Docent/Shop Service - 30+ Hours: Judi Arthur, Ann Bean, Bernice Bryant, Mary Bush, Ann Carson, Karen Chastain, Rose Cortez, Durell Ewing, Avis Gaffery, Lyn George, Joyce Hambley, Lois Jimenez, Dorothy Knox, Hahn Knutsen, Harriet Ledford, Carol Luhring, Peggy Merritt, Roberta Saling, Mary Jo Stavros, Elizabeth Wallace, Jay Anderson, Brian Bermingham, Tom Gaffery, Hal Hambley, Anthony Ochoa, Ty Shaeffer, Herb Wood and Nat Woodhouse

Docent/Shop Service - 100+ Hours: Roberta Saling, Ann Carson, Carol Luhring, Durell Ewing, Hahn Knutsen and Nat Woodhouse

Oral History Project: Brian Bermingham-Oral History (33+ hours), Karen Albright-Black Exhibit Research (24+ hours) and Rick Albright-Black Exhibit Research (27+ hours)

Docent Emeritus Recognition: Nadine Naumann, Louis Gonella, Ruth Decker, Mary Lucich, Lorene Jueneman, Dan Baladad, Norma Lemmon, Evelyn Honeysett, Pat Salm and Barbara Bettencourt.

Present: Pedrozo, Crookham, Nelson, O'Banion

Not Present: Kelsey

ACTION ITEM NO. 18

2007-03-27 PUBLIC WORKS

The Clerk announces a Modification on the Resolution before the Board for consideration requesting the Merced County Local Agency Formation Commission approve extended services within County Services Area Number One revising Recommendation No. 2 deleting "Waiver of Application Fees".

Upon motion of Supervisor O'Banion, seconded Supervisor Nelson, duly carried, the Board approves the request that the Local Agency Formation Commission (LAFCO) approve water service as an extended service in County Service Area Number One specifically for the project area designated in the proposed boundary change between Merced and Fresno Counties to be effective in 2008, directs appropriate application filings with LAFCO, requests LAFCO make the necessary CEQA determination and adopts Resolution No. 2007-36.

Ayes: Pedrozo, Crookham, Nelson, O'Banion

Not Present: Kelsey