

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, NOVEMBER 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](http://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**

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INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

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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:** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Title - County Counsel

**THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT TO CONSIDER CLOSED SESSION PUBLIC EMPLOYEE PERFORMANCE EVALUATION ONLY AND THE CHAIRMAN ADVISED STAFF WAS PROVIDED DIRECTION**

**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 (Testimony limited to five minutes per person)**

**REVIEW BOARD ORDER – SEE PAGE 8**

**PRESENTATION OF SERVICE PINS**

**30 Years:** Kent Christensen-Assessor, Kathy Hassett-Human Services Agency, Larnold Jones-Public Works, George Ybarra-Mental Health

**15 Years:** Alicia Dicochea-Human Services Agency

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Sheriff-\$5,000; Human Services Agency-\$4,500 and Fire-\$135,000**

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 25)**

**APPROVED AS RECOMMENDED AYES: ALL**

10:00 A. M.

**REPORTS/BOARD DIRECTION**

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

CONSENT CALENDAR (Items #1 - 25)

**APPROVED AS RECOMMENDED AYES: ALL**

Public Works

1. Adopt Resolution designating the intersection of Olive Avenue and Vine Avenue in Winton as a Stop-controlled intersection and authorize installation and maintenance of said sign on the eastbound Olive Avenue approach to the intersection.

**ADOPTED RESOLUTION NO. 2007-175**

2. Approve and authorize Chairman to sign Amendment to Contract No. 2001236 with Shaw Environmental, Inc. for Engineering and Permitting of the Billy Wright Transfer Processing Facility.
3. Set public hearing for December 18, 2007 at 10:00 a.m. to consider Sole Sourcing an Energy and Water Conservation Retrofit Contract with Siemens Building Technologies for fifteen Merced County facilities.
4. Set public hearing for December 18, 2007 at 10:00 a.m. to consider proposed Ordinance to amend Refuse Service Fees and Charges for County Solid Waste Franchise Areas.

Health

5. Proclaim World AIDS Day on December 1, 2007 in the County of Merced.

Dept. of Workforce Investment

6. Set public hearing for December 11, 2007 at 10:00 a.m. to consider Amendment to fee structure for the Enterprise Zone/LAMBRA Program vouchering for businesses.

Treasurer

7. Accept the Quarterly Investment Report for period ending September 30, 2007.

Executive Office

8. Approve and authorize Chairman to sign Renewal Contract No. 2005281 with Vision Service Plan for Vision Insurance.
9. Approve and authorize Chairman to sign Renewal Contract No. 2003283 with Merced County Coalition of Unions for Health, Dental and Vision Coverage for 2008.
10. Approve and authorize Chairman to sign Renewal Contract No. 2004364 with Professional Benefit Services for Dental Claims Administration.
11. Approve and authorize Chairman to sign Renewal Contract No. 2004363 with Pacificare of California for Medicare HMO.
12. Approve and authorize Chairman to sign Amendment to Contract No. 2003282 with Merced County Superior Court for Services and Reimbursement for Court Operations.

13. Approve Travel Request received from Human Services Agency as recommended by Executive Office.

#### Auditor-Clerk/Registrar of Voters

14. Certify the Election Results for the Consolidated UDEL Election held on November 6, 2007 and appoint the candidates elected In-Lieu of Election.

**REVIEW BOARD ORDER – SEE PAGE 8**

#### Commerce, Aviation and Economic Development

15. Set public hearing for December 11, 2007 at 10:00 a.m. to consider the Draft Subsequent Environmental Impact Report for the Redevelopment Plan for the Castle Airport Aviation and Development Center Redevelopment Project.

#### Board Recognition

16. Authorize Certificate of Recognition to Federal Development for Ribbon Cutting Ceremony.
17. Authorize Certificate of Recognition to Gloria & Tony Mendonca in Celebration of 50th Wedding Anniversary.
18. Authorize Certificates of Recognition to Okuye Family Farm and Espinosa Family Farm for Placement of Agricultural Easements Ensuring Land will Support Agriculture and Communities for Future Generations.
19. Authorize Certificates of Recognition to the Community Partnership Alliance, Office of Student Life, and Healthy House, in Honor of Inaugural Unity Fest and Reflecting the Importance of Community and University Collaboration.
20. Authorize Certificates of Recognition to Ana Pagan, Dr. Salvador and Mrs. Gloria Sandoval, Robin DeLugan, and Jorge Aguilar in Honor of 2007 Helping Hands Community Service Award.
21. Authorize Certificate of Recognition to Liberty Fellowship in Celebration of Ribbon Cutting.
22. Authorize Certificate of Recognition to Olive East Seventh-Day Adventist Church in Celebration of Centennial Anniversary.
23. Authorize Certificates of Recognition to Hugo Luna-Boys State Representative, Valen Silveira-Miss Gustine, Zachary F. Griset-Boys State Representative, Cecilia Gamboa-Girls State Representative, and Nellia Luna-Rotary Public Speaking.

#### Counsel

24. Approve and authorize Chairman to sign Amendment to Contract No. 2006265 with Jones & Stokes Associates, Inc. for Professional Consulting Services.

#### Planning

25. Set public hearing for December 11, 2007 at 10:00 a.m. to consider amendment to the Agricultural Preserve in accordance with the requirements of the Land Conservation Action of 1965 (Williamson Act).

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

26. Resolution authorizing filing of the Revised State Transit Assistance (STA) Funds for the 2007-2008 Fiscal Year with MCAG and authorize signing and submission of said claim on behalf of the County and approve the budget transfer-\$464,280. (4/5 Vote Required)  
**ADOPTED RESOLUTION NO. 2007-176 AS RECOMMENDED AYES: ALL**
27. Resolution declaring a portion of County-Owned Real Property, located on the east side of Stephens Street and across from intersection of Shell Street and Stephens Street in Delhi as Surplus non-developable, non-buildable property with negligible market value and adopt Resolution of Intention to sell this property to the adjoining land owner Frank Machado; set January 15, 2008 as the date for consideration of said matter and direct Counsel to prepare an Agreement with Mr. Machado for consideration. (4/5 Vote Required)  
**ADOPTED RESOLUTION NO. 2007-177 AS RECOMMENDED AYES: ALL**
28. Resolution revising Speed Zones on portions of Belcher Avenue and Lobo Avenue in the Franklin-Beachwood area and authorize replacement of the existing Speed Limit signs.  
**ADOPTED RESOLUTION NO. 2007-178 AS RECOMMENDED AYES: ALL**
29. Downtown Government Center - Modified Project and approval of Options 1, 2, or 3 and authorize Public Works to proceed with CEQA documentation, Topographic Survey and Geologic Hazards Report for the selected project utilizing the services of consultants with retainer agreements with Merced County.

**REVIEW BOARD ORDER – SEE PAGE 9**

HUMAN SERVICES AGENCY

30. Approve Child and Family Services Review County Self-Assessment Update for Merced County and authorize submission to the Calif. Dept. of Social Services as required by AB 636.  
**APPROVED AS RECOMMENDED AYES: ALL**
31. Contract with Calif. Dept. of Social Services for Kinship Support Services (KSSP) Funding in the amount of \$25,000 and approve budget transfer-\$25,000. (4/5 Vote Required)  
**AUTHORIZED CONTRACT NO. 2007279 AS RECOMMENDED AYES: ALL**
32. Contract with A Woman's Place for Domestic Violence Services for Welfare to Work participants.  
**AUTHORIZED CONTRACT NO. 2007268 AS RECOMMENDED AYES: ALL**
33. Contract with A Woman's Place for Domestic Violence Liaison Services for Child Welfare Services for families who have been subject to domestic violence.  
**AUTHORIZED CONTRACT NO. 2007269 AS RECOMMENDED AYES: ALL**
34. Contract with A Woman's Place for Domestic Violence Shelter Services to victims and families.  
**AUTHORIZED CONTRACT NO. 2007270 AS RECOMMENDED AYES: ALL**
35. Approve Out-of-State Travel Budget for FY 2007-2008 for mandated visitations required for dependent children that are in placement outside of California in the amount of \$3,700.  
**APPROVED AS RECOMMENDED AYES: ALL**

DEPT. OF ADMIN. SERVICES

36. Declare excess property consisting of miscellaneous office furniture, miscellaneous office equipment, computer hardware and books (Exhibit A) as Surplus Property and authorize its disposal and authorize an internet public auction to be conducted by Public Surplus LLC.

**APPROVED AS RECOMMENDED AYES: ALL**

37. Authorize relieve of liability for Fixed Assets identified by Dept. of Admin. Services and allow the Auditor to remove the items from the Surplus Warehouse (Account 11503) Inventory.

**APPROVED AS RECOMMENDED AYES: ALL**

SHERIFF

38. Contract with Robert/Hallie Holl for Sheriff office space at 820 West 22nd Street, Merced and approve budget transfer-\$32,000. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2007271 AS RECOMMENDED AYES: ALL**

39. Contract with Ashlee Suit for Autopsy Assistant Service for Coroner Department.

**PULLED FROM AGENDA – NO ACTION TAKEN**

AUDITOR

40. Approve the Sheriff's and District Attorney's requests for State COPS Allocation and authorize the Auditor to apportion the COPS funds.

**APPROVED AS RECOMMENDED AYES: ALL**

DISTRICT ATTORNEY

41. Amendment to Contract No. 2003088 with Governor's Office of Emergency Services for Anti-Drug Abuse Enforcement Program and approve budget transfer-\$46,445. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

HEALTH

42. Contract with First 5 Merced County for Healthy Kids Insurance Coverage for the local Healthy Kids Program and approve budget transfer-\$480,400. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2007274 AS RECOMMENDED AYES: ALL**

43. Contract with The California Endowment to be used to provide premium support for Merced County Healthy Kids eligible children ages 6 - 18 in the amount of \$100,000.

**AUTHORIZED CONTRACT NO. 2007272 AS RECOMMENDED AYES: ALL**

FIRE

44. Authorize purchase of an ID Card System from National Incident Management System (NIMS) National Credentialing System (NCS) to ensure compliance; authorize Contract with Capture Technologies for sole source purchase and approve budget transfer-5,414.

**AUTHORIZED CONTRACT NO. 2007295 AS RECOMMENDED AYES: ALL**

EXECUTIVE OFFICE

45. Adopt the 2008 Board Meeting Calendar.

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

46. Adopt the 2008 Budget Meeting Calendar.

**APPROVED AS RECOMMENDED AYES: ALL**

BOARD APPOINTMENTS

47. Ballico Recreation Committee – Appointed Ginger Chance until November 1, 2011.

**APPROVED AS RECOMMENDED      AYES: ALL**

BOARD INFORMATION & POSSIBLE ACTION

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

48. Public Works re: Award Contract No. 2007118 to Granite Construction Company for the Santa Fe Drive at California Street Signal Project.

**AWARDED CONTRACT NO. 2007118**

49. California Regional Water Quality Control Board - Central Valley Region re: Public Meeting of December 6, 2007.

50. State Water Resources Control Board re: Notice of Petition for change for License 1050 (Application 534), Sacramento County, Sacramento River Streams System.

51. State Water Resources Control Board re: Notice of Revised Board Adoption Hearing - Proposed Water Recycling Policy and a proposed Certified Regulatory Program Environmental Analysis - hearing moved to January 15, 2008.

52. State Water Resources Control Board re: December 4, 2007 Board Meeting.

**ADOPTED RESOLUTIONS IN MEMORY OF JIM EDMONSON AND DONNA PINASCO  
AND ADJOURNED UNTIL TUESDAY, DECEMBER 4, 2007 AT 10:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 27, 2007**

**10:00 A.M. SCHEDULED ITEM**  
**2007-11-27 PUBLIC OPPORTUNITY**

Grant Wilson, Merced, states concern that Merced County does not have medical marijuana dispensaries.

Sam Matthews, Merced, states concern about the lack of medical marijuana dispensaries and comments on youth involvement in voting and serving in public office.

Maureen McCorry, Planada, reads a document from County Counsel to the Planning Commission dated October 24, 2007, regarding the General Rule Exemption under CEQA and submits written comments and a letter from Marsha Burch.

Present: Pedrozo, Crookham, Nelson, Kelsey, O'Banion

**CONSENT ITEM NO. 14**  
**2007-11-27 AUDITOR-COUNTY CLERK-REGISTRAR OF VOTERS**

The Clerk announces the Certification of Election Results for the Consolidated UDEL Election held on November 6, 2007, and appointment of candidates elected In-Lieu of Election is before the Board for consideration.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board certifies the Election results for the Consolidated U.D.E.L. Election held on November 6, 2007 and reappoints and appoints the following candidates In-Lieu of Election until December 2011:

**REAPPOINTS**

Le Grand Community Service District-Kenneth McPherson and Michael Moroni;

Midway Community Service District-Larry Reese and Barbara Weaver;

Planada Community Services District-Larry Gonzales and Daniel Chavez;

Hilmar County Water District-John Fontes and Joe G. Sequeira;

Franklin County Water District-Mark H. Brandwein;

South Dos Palos Water District-Darlene Falley;

**APPOINTS**

Merquin County Water District-Phil Dores;

Santa Nella County Water District-Peter Silvas;

South Dos Palos County Water District-Ann Huerta and Rebecca Pimentel;

Charleston Drainage District-Bob Teicheira and Tom Teixeira;

Gustine Drainage District-Frank Azevedo II and Ron Borrelli;

Central California Irrigation District-John Fawcett and Ann Wieser;

Merced Irrigation District-Gino Pedretti and Suzy Hultgren;

Grassland Water District-Douglas Federighi, Tom Mackey and Robert Nardi;

Le Grand Athlone Water District-Dario M. Giampaoli, David Serrano and Kole Upton;

Pacheco Water District-Aaron Barcellos, Joe Del Bosque, Jr. and John Hoover;

Stevinson Water District-Les Azevedo and Jason Jasper;



San Luis Water District-Christopher T. Hurd, Stephen W. Sloan, Thomas Teixeira and Mike Wood;  
Turner Island Water District-Clay Skinner, Donald Skinner and Scott Skinner  
Ayes: Pedrozo, Crookham, Nelson, Kelsey, O'Banion

**ACTION ITEM NO. 29**  
**2007-11-27 EXECUTIVE OFFICE**

The Clerk announces the Downtown Government Center Modification Project is before the Board for consideration.

Public Works Director Paul Fillebrown reviews the Staff Report including Options 1, 2 and 3 and suggests the County Finance Committee review the project, its cost and other County needs, and return to the Board with recommendation from the Finance Committee.

The necessity of a CEQA analysis and the estimated cost of the project are discussed.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board authorizes Public Works to proceed with CEQA Analysis, Topographic Survey and Geologic Hazards Report understanding the matter will be reviewed by the County Finance Committee and a recommendation will come back to the Board.

Ayes: Pedrozo, Crookham, Nelson, Kelsey, O'Banion