

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, SEPTEMBER 16, 2008
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
CHAIRMAN 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.*

Any material related to an item on this Agenda submitted to the Clerk after distribution of the Agenda packet is available for public inspection in the Office of the Clerk of the Board

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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 - CONFERENCE WITH LEGAL COUNSEL -

SIGNIFICANT EXPOSURE TO LITIGATION: It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Government Code Section 54956.9(b): Four Cases

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 Section 54956.9(a): San Joaquin Raptor Rescue Center vs. County of Merced, Christopher Robinson and Does 21-40 (Merced County Superior Court Case No. CU151468

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:10 A.M. WITH SUPERVISOR PEDROZO NOT PRESENT AND THE CHAIRMAN ADVISED THERE ARE NO REPORTABLE ITEMS

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 9

PRESENTATION OF SERVICE PINS

Public Works: 35 Years - Gary Mendonca and 20 Years - Paul Fillebrown
Human Services Agency: 20 Years - Genevieve DeVasher

10:00 A. M.

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

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

PLANNING - PUBLIC HEARING

To Set Aside the Approval of Conditional Use Permit Application No. CUP08-002 which authorized approval of a Micro-Brewery for the purpose of research and development of Specialty Beer within a 1,800 square foot portion of a 3,600 square foot metal building

RECOMMENDATION: To Set Aside the CEQA Determination and Set Aside the Approval of Conditional Use Permit Application No. CUP08-002

REVIEW BOARD ORDER – SEE PAGES 9 AND 10

REPORTS/BOARD DIRECTION

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

1:30 P. M.

**FINAL BUDGET HEARINGS - PUBLIC HEARING
SEE SEPARATE AGENDA**

CONSENT CALENDAR (Items #1 - 15)

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

Public Works

1. Authorize termination of Contract No. 2005184 with Society of St. Jorge for the maintenance and operation of the El Nido Recreation Building.

Mental Health

2. Approve and authorize Chairman to sign Renewal Contract No. 2004072 with Milhous Children's Services for special services.
3. Approve and authorize Chairman to sign Renewal Contract No. 2007249 with Aspira Behavioral Health for WeCan Wraparound services.
4. Approve and authorize Chairman to sign Renewal Contract No. 2005027 with Challenged Family Resource Center for Family Advocacy Services.
5. Authorize submission of Mental Health Services Act Prevention and Early Intervention Plan to the State Dept. of Mental Health and authorize the Mental Health Director to sign the necessary documents.
6. Authorize submission of the Mental Health Services Act - Community Services and Supports Three Year Plan to the State Dept. of Mental Health and authorize the Mental Health Director to sign the necessary documents.

Human Services Agency

7. Approve and authorize Chairman to sign Renewal Contract No. 2006132 with University of California-Davis for Staff Training and Development.
8. Approve and authorize Chairman to sign Renewal Contract No. 2004280 with University of California-Davis for Staff Training and Development-Child Welfare Services (CWS).
9. Approve and authorize Chairman to sign Renewal Contract No. 2007031 with Public Works to purchase bus passes for the qualified seniors.
10. Approve the Merced County Updated Three-Year Child Abuse Prevention, Intervention and Treatment (CAPIT)/Community Based Child Abuse Prevention (CBCAP)/Promoting Safe and Stable Families (PSSF) Plan for SFY 2008-2011 and authorize submission to the California Dept. of Social Services.

Health

11. Proclaim Bi-National Health Week for the week of October 6 through 15, 2008 in Merced County.

Commerce, Aviation and Economic Development

12. Approve and authorize Chairman to sign Amendment to Contract No. 2001260 with Weather Nav Incorporation for Airport Navigational Aids Maintenance.

Dept. of Administrative Services

13. Approve and authorize Chairman to sign Renewal Contract No. 2003276 with Automatic Coffee Service for Concessionaire Services on behalf of participating county departments.

Ag. Commissioner

14. Approve and authorize Chairman to sign Renewal Contract No. 2004057 with California Crop Improvement Association for Certified Seed Inspection Services.

Board of Supervisors

15. Set public hearing for October 21, 2008 at 10:00 a.m. to consider Appeal to Appeal Application No. APEA08-002 for Minor Modification No. MM08-008 submitted by Robert Garcia and Tom Clendenin.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

16. Contract with PBS&J for peer review of UC Merced CEQA/NEPA Documentation.
**AUTHORIZED CONTRACT NO. 2008226 AS RECOMMENDED AYES: 2, 3, 4, 5
NOT PRESENT: 1**
17. Contract with University of California, Merced for consultant and county staff costs for the peer review of the Joint Environmental Impact Report/Environmental Impact Statement for

an amended Campus Long Range Development Plan and application to the US Army Corps of Engineers to effect jurisdictional wetlands (404 Permit).

**AUTHORIZED CONTRACT NO. 2008227 AS RECOMMENDED AYES: 2, 3, 4, 5
NOT PRESENT: 1**

18. Approve Plans and Specifications for Ashby Road/Buhach Road Irrigation Improvements Project and direct Public Works to return to the Board with Contract Award as Informational Item.

**AUTHORIZED CONTRACT NO. 2008228 AS RECOMMENDED AYES: 2, 3, 4, 5
NOT PRESENT: 1**

19. Amendment to Contract No. 2007299 with Siemens Water Technologies Corporation in the amount not to exceed \$49,000 for replacement of water filtration media for the Correctional Facilities Water Treatment System.

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

MENTAL HEALTH

20. Contract with Psynergy Programs, Inc. for the provision of residential care services to consumers.

**AUTHORIZED CONTRACT NO. 2008229 AS RECOMMENDED AYES: 2, 3, 4, 5
NOT PRESENT: 1**

21. Authorize submission of Application to California Friday Night Live Partnership for Grant Funds in the amount of \$7,500 for Friday Night Live Chapter Expansion and authorize the Mental Health Director to sign the necessary documents and direct the Department to return to the Board for approval of final acceptance of the Grant and the necessary Budget Changes.

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

22. Contract with Stanislaus County Behavioral Health Services for Inpatient Services at the Marie Green Psychiatric Health Facility.

**AUTHORIZED CONTRACT NO. 2008230 AS RECOMMENDED AYES: 2, 3, 4, 5
NOT PRESENT: 1**

HUMAN SERVICES AGENCY

23. Approve the FY 2008-2009 Area Plan Update for the Merced County Area Agency on Aging with the Calif. Dept. of Aging and authorize the Chairman to sign the Transmittal Letter.

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

DISTRICT ATTORNEY

24. Contract with California Dept. of Justice for Forensic Alcohol Services for alcohol-related criminal prosecutions at an estimated annual cost of \$75,000.

**AUTHORIZED CONTRACT NO. 2008231 AS RECOMMENDED AYES: 2, 3, 4, 5
NOT PRESENT: 1**

DEPT. OF ADMINISTRATIVE SERVICES

25. Declare Miscellaneous Office Furniture, Office Equipment and Industrial Equipment (shown on Exhibit A) as Surplus Property and authorize its disposal through an Internet Auction to be conducted by Public Surplus LLC.

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

26. Contract with Aramark Uniform Services for rental and cleaning of Floor Mats in County facilities and permit all payments to be paid against various Blanket Purchase Orders.
AUTHORIZED CONTRACT NO. 2008232 AS RECOMMENDED AYES: 2, 3, 4, 5
NOT PRESENT: 1

DEPT. OF WORKFORCE INVESTMENT

27. Authorize submission of Application to the Dept. of Labor to support Technology-Based Learning Grant Funds in Merced County and direct Workforce Investment to return to the Board if award for final approval of documents.
APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

FIRE

28. Accept the FY 2007/08 Annual Fire Facilities Impact Fee Summary Report as submitted and approve the Five Year Equipment Replacement Plan as submitted as Appendix D within the Fire Facilities Impact Fee Summary Report.
APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

29. Authorize participation in the FY 2008 Interoperable Emergency Communications Grant Program; authorize Chairman to sign the Letter of Intent to Participate, coordinated by the City of Fresno, as a member of the Central Valley Planning Area for Grant Funds to administer the Public Safety Interoperable Communications (PSIC) Grant and adopt Resolution.
ADOPTED RESOLUTION NO. 2008-180 AS RECOMMENDED AYES: 2, 3, 4, 5
NOT PRESENT: 1

HEALTH

30. Contract with California Dept. of Public Health for Family Planning, Access, Care and Treatment (PACT) services.
AUTHORIZED CONTRACT NO. 2008233 AS RECOMMENDED AYES: 2, 3, 4, 5
NOT PRESENT: 1

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

31. Accept the Final County-wide Comprehensive Economic Development Strategy (CEDS) Program Document and authorize submission to the Economic Development Administration.
NO ACTION TAKEN - PULLED FROM THE AGENDA

SHERIFF

32. Accept \$195,000 from Office of National Drug Control Policy coordinated through Sacramento County Sheriff's Department to support efforts to combat methamphetamine production and sales and authorize Chairman to sign Contract-Memorandum of Understanding with Sacramento County.
AUTHORIZED CONTRACT NO. 2008234 AS RECOMMENDED AYES: 2, 3, 4, 5
NOT PRESENT: 1

EXECUTIVE OFFICE

33. Authorize Chairman to sign a Letter to People Against Proposition 5 indicating opposition to Proposition 5.
APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

BOARD OF SUPERVISORS

34. Authorize Special Board Project Funds-District One to be forwarded to the Planada Community Day organization in the amount of \$500 for the repair of sprinklers on Broadway in Planada.

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

BOARD INFORMATION & POSSIBLE ACTION

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

35. Human Services Agency re: New Contract Award to Affiliated Computer Services (ACS) to manage the Food Stamp Electronic Benefit Transfer (EBT) System Management Program.
36. Sheriff re: Notification of Excellence Award by Phoenix Aviation Managers, Inc. for demonstrated excellence and commitment to aviation safety by the Sheriff's Dept. Aviation Unit.
37. Senator Barbara Boxer re: Response Letter regarding Federal Funding for the Workforce Investment Act (WIA) Programs.
38. Mariposa County Board of Supervisors re: Letter of thanks and appreciation to Fire Companies that responded to Oliver Fire in Mariposa County.
39. Governor's Office of Emergency Services re: U.S. Small Business Administration has declared the primary County of Mariposa and the contiguous counties of Madera, Merced, Stanislaus and Tuolumne a disaster area due to agricultural losses caused by drought beginning January 1, 2008 and continuing.
40. Governor's Office of Emergency Services re: U.S. Small Business Administration has declared the primary County of Merced and the contiguous counties of Fresno, Madera, Mariposa, San Benito, Santa Clara, Stanislaus and Tuolumne a disaster area due to agricultural losses caused by drought that occurred October 15, 2007 through April 30, 2008.
41. Governor's Office of Emergency Services re: U.S. Small Business Administration has declared the primary County of Stanislaus and the contiguous counties of Alameda, Calaveras, Mariposa, Merced, San Joaquin, Santa Clara and Tuolumne a disaster area due to agricultural losses caused by drought and cold temperatures beginning October 1, 2007 and continuing.
42. Governor's Office of Emergency Services re: U.S. Small Business Administration has declared the primary County of Santa Clara and the contiguous counties of Alameda, Merced, San Benito, San Mateo, Santa Cruz and Stanislaus a disaster area due to agricultural losses caused by drought beginning March 1, 2008 and continuing.
43. Governor's Office of Emergency Services re: U.S. Small Business Administration has declared the primary County of Fresno and the contiguous counties of Inyo, Kings, Madera, Merced, Mono, Monterey, San Benito, and Tulare a disaster area due to agricultural losses caused by drought beginning March 1, 2008 and continuing.
44. State Water Resources Control Board re: Notice of Board Meeting on September 16, 2008.
45. State Dept. of Water Resources re: Notice of Workshop Governor's Statewide Water Conservation Statewide Implementation Plan.

46. U.S. Bureau of Reclamation re: Public Open House Scoping Meetings Planned for San Luis Low Point Improvement Project.

RECESSED MEETING UNTIL 1:30 P.M. TO MEET IN BUDGET HEARING SESSION

BOARD ORDERS – SUMMARY ACTION MINUTES – SEPTEMBER 16, 2008

10:00 A.M. SCHEDULED ITEM **2008-09-16 PUBLIC OPPORTUNITY**

Maureen McCorry, San Joaquin et al, requests Item No. 31-Final County-wide Comprehensive Economic Development Strategy (CEDS) Program Document be pulled from the agenda. County Executive Officer Dee Tatum advises the item has been pulled for placement on the October 7, 2008, Board Agenda.

Wayne Hein, Merced, states the Fancher Monument needs to be protected due to its historical significance and submits a San Francisco Chronicle newspaper article concerning a "Pocket Park" in honor of the Robert F. Kennedy legacy.

Kristi Waskewitz, AFSCME Representative, states concern with the Department of Mental Health capturing funding resources, questions the \$25,000 per month for quality assurance reimbursement and other possible revenue sources. County Executive Officer Dee Tatum advises he will be meeting with the Mental Health Director and staff and will get answers to these questions.

Tom Grave, Merced, announces the Bicycle Maintenance and Bicycle-Fitting Clinic and bike ride(s) on September 20, 2008 at 9:00 a.m. at UC Merced sponsored by the UC Merced Recreation and Athletics and discusses his concerns with the upkeep of the bike path. Mr. Grave also announces a workshop sponsored by the Merced/Mariposa County Asthma Coalition and Environmental Defense Fund on Heavy Duty Diesel Engines Rules on September 25, 2008 from 6:00 to 8:00 pm at Golden Valley Health Centers Classroom. He invites the public and submits flyers.

Merced County Farm Bureau Executive Director Diana Westmoreland-Pedrozo states Item No. 31-Final County-wide Comprehensive Economic Development Strategy (CEDS) Program Document is not reflective of the agriculture industry and suggests the Board of Supervisors and CEDS sponsor an agriculture summit.

Present: Crookham, Nelson, Kelsey, O'Banion

Not Present: Pedrozo

10:00 A.M. SCHEDULED ITEMS **2009-09-16 PLANNING - PUBLIC HEARING**

The time and date previously set for a public hearing To Set Aside the Approval of Conditional Use Permit Application No. CUP08-002 which authorized approval of a Micro-Brewery for the purpose of research and development of Specialty Beer within a 1,800 square foot portion of a 3,600 square foot metal building.

Development Services Director Robert Lewis reviews the Staff Report stating on August 5, 2008, the San Joaquin Raptor Rescue Center (SJRRC) and Protect Our Water (POW) filed a lawsuit against the County with Superior Court (Case No. 151466) challenging the County's July 8, 2008 determination. On August 19, 2008, the applicant, Brett Tate, submitted a letter requesting to terminate Conditional Use Application No. CUP08-002. Therefore, the recommendation before the Board is to Set Aside the CEQA Determination and Set Aside the approval of Conditional Use Permit Application No. CUP08-002.

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

The Chairman closes the public hearing.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board Sets Aside the CEQA Determination and Sets Aside approval of Conditional Use Permit Application No. CUP08-002.

Ayes: Crookham, Nelson, Kelsey, O'Banion

Not Present: Pedrozo