

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JULY 21, 2009

Closed Session – 8:30 a.m.

Interview – Airport Land Use Commission – 9:30 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
HUBERT “HUB” WALSH, JR.....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
CHAIRMAN 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

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

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

Persons who require accommodation for any audio, visual or other disability in order to review an agenda, or to participate in a meeting of the Board of Supervisors per the American Disabilities Act (ADA), may obtain assistance by requesting such accommodation in writing addressed to the Clerk of the Board, 2222 M Street, Merced, CA 95340 or telephonically by calling (209) 385-7366. Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested

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

8:30 A. M.

THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA – TESTIMONY IS LIMITED TO FIVE MINUTES PER PERSON

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) Mark Hendrickson, 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(b): One Case

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 Government Code Section 54956.9(b): One Case

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): Wathan v. Merced County Sheriff's Department, et al., United States Eastern District Court Case Number 1:05-cv-1609

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

It is the intention of the Board to meet in Closed Session concerning Initiation of Litigation pursuant to Government Code Section 54956.9(c): Two cases

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 8:30 A.M. WITH ALL MEMBERS PRESENT AND RECONVENED AT 10:00 A.M. AND COUNSEL ADVISED DIRECTION WAS PROVIDED TO STAFF

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

9:30 A.M.

INTERVIEWS - AIRPORT LAND USE COMMISSION (ALUC)

AT LARGE REPRESENTATIVE – One Position. Applicant: Galen Chastain
REVIEW BOARD ORDER – SEE PAGE 12

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 12

PRESENTATIONS

(1) SERVICE PIN PRESENTATION

35 Years: Lupe Lopez, Public Works

30 Years: Rhonda Walton, Child Support Services

30 Years: Karen Rodriguez, Child Support Services

A RECEPTION WILL BE HELD IN ROOM 310 IN HONOR OF AWARDS

(2) SHERIFF

Ag. Sheriff Tactical and Reconnaissance (STAR) Team - Update and Report

REVIEW BOARD ORDER – SEE PAGE 12 AND 13

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 21)

APPROVED AS RECOMMENDED AYES: ALL

PLANNING - PUBLIC HEARING - INTENDED DECISION

To consider General Plan Amendment No. GPA08-003 to amend the General Plan and use designation from Agricultural to Winton SUDP Low Density Residential and Zone Change No. ZC08-004 to change the zoning from A-1 (General Agricultural) to R-1 (Single-Family Residential) and to grant a Conditional Use Permit No. CUP08-016 to allow a church facility on 15.72 acres in the Winton area

RECOMMENDATION: To adopt the Mitigated Negative Declaration and Mitigation Monitoring Program and three Mitigation Measures for the Project and make an Intended Decision to approve General Plan Amendment No. GP08-003, Zone Change No. ZC08-004 and Conditional Use Permit No. CUP08-016

REVIEW BOARD ORDER – SEE PAGES 13 - 16

PLANNING - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider 2009 Cycle II General Plan Amendment:

General Plan Amendment No. GPA08-003, ZC08-004 and CUP08-016 submitted by Alliance Church of Merced to amend the General Plan land use designation from Agricultural to Winton SUDP Low Density Residential

RECOMMENDATION: To approve General Plan Amendment No. GPA08-003, Zone Change Application No. ZC08-004 and Conditional Use Permit No. CUP08-016 and adopt Cycle II General Plan Amendment and Resolution and Ordinance

REVIEW BOARD ORDER – SEE PAGE 17

PLANNING AND COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

To consider the Annual Grantee Performance Report for the County's 2005/2006/2007 Community Development Block Grant General Allocations for the Homebuyer Assistance and Housing Rehabilitation Programs (05-STBG-1409), the Final Grantee Performance Report for the 2005 CDBG Economic Development Allocation for Public Airport Infrastructure (05-EDBG-2201), the Program Income Reuse Activities for Business Assistance, Housing Rehabilitation and Housing Acquisition for Homebuyer Assistance and future activities under the 2010 CDBG funding cycle and the Proposed changes to the Housing Rehabilitation Program Guidelines

RECOMMENDATION: Approve Revisions to the County of Merced Housing Rehabilitation Program Guidelines for Cal Home Program, Community Development Block Grant Program and HOME Investment Partnership Program and adopt Resolution

REVIEW BOARD ORDER – SEE PAGE 17 AND 18

HEALTH - PUBLIC HEARING

Open the Beilenson Public Hearing pursuant to Section 1442.5 of the California Health and Safety Code (Beilenson Act) to consider proposed health care service reduction/elimination as follows:

The following services will no longer be covered by the Medical Assistance Program (MAP), which would affect 780 clients annually and save the program approximately \$103,000 annually. Individual services and impacts:

- a. Optometry - Affect approximately 290 clients annually, will save approximately \$24,000 annually.
- b. Podiatry - Affect approximately 15 clients annually, will save approximately \$4,000 annually.
- c. Dental - Affect approximately 475 clients annually, will save approximately \$75,000 annually.
- d. Audiology and Speech Therapy - No MAP claims filed and no clients affected and \$0 annually saved.

The Medical Assistance Program: change the income requirement from at or below 200% of the Federal Poverty Level (FPL) to at or below 100% of the FPL; affect approximately 400 clients annually, will save approximately \$300,000 annually.

RECOMMENDATION: To meet the current revenue shortfall of \$500,000 and anticipated future reductions in Realignment Revenue, the Department recommends the following actions:

1. Approve the recommended Service cuts for a savings of approximately \$103,000 annually.
2. Limit MAP Eligibility to 100% or less of the FPL for a savings of approximately \$300,000 annually.
3. Make no changes to the co-pay policy.
4. Approve recommended cuts to retro-active ER Coverage for a savings of \$50,000 annually.

REVIEW BOARD ORDER – SEE PAGE 18 AND 19

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 21)

APPROVED AS RECOMMENDED AYES: ALL

Mental Health

1. Approve and authorize the Chairman to sign Renewal Contract No. 2006176 with Turning Point Community Programs for MHSA Community Assistance Recovery Enterprise (CARE) Program.
2. Approve and authorize the Chairman to sign Renewal Contract No. 2006191 with Merced Lao Family for Southeast Asian Community Advocacy Program (SEACAP) through the Mental Health Services Act Three Year Plan.
3. Approve and authorize the Chairman to sign Renewal Contract No. 2005027 with Challenged Family Resource Center for Family Advocacy Services.
4. Approve and authorize the Chairman to sign Renewal Contract No. 2005089 with Aegis Medical Systems, Inc. for Drug Medi-Cal Outpatient Narcotic Treatment Program.
5. Approve and authorize the Chairman to sign Amendment to Contract No. 2008134 with Crestwood Behavioral Health, Inc. for Institute for Mental Disease for Mental Health Consumers.
6. Approve and authorize the Chairman to sign Amendment to Contract No. 2008215 with Victor Treatment Center for Residential Treatment Facility for Youth, ages seven to twenty adding rehabilitation services and increase in days of service.

Human Services Agency

7. Approve and authorize the Chairman to sign Amendment to Contract No. 2009051 with Merced Lao Family, Inc. for Refugee Employment and Social Services Program accepting the increase of funds and adding citizenship training services.

Health

8. Approve and authorize the Chairman to sign Renewal Contract No. 2008191 with Merced County Office of Education for Physical Therapy and Occupational Therapy services for the California Children's Services Medical Therapy Program.

9. Approve and authorize the Chairman to sign Renewal Contract No. 2004200 with State Dept. of Health for Childhood Immunization Program and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-120

10. Approve and authorize Chairman to sign Renewal Contract No. 2007100 with Calif. Integrated Waste Management Board for Used Oil Recycling Block Grant Application, authorize Public Health Director or designee to sign all payment requests and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-121

Planning

11. Approve and authorize the Chairman to sign Amendment No. 2006070 with Jones & Stokes Associates, Inc. for Environmental Review and Permit Processing for existing projects.

Ag. Commissioner

12. Approve and authorize the Chairman to sign Renewal Contract No. 2004082 with California Dept. of Food and Agriculture for Organic Producer Registration and Inspection and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-122

Probation

13. Approve and authorize the Chairman to sign Renewal Contract No. 2003059 with Merced County Jail Ministry for Educational, Counseling and Religious Services for Minors at the Juvenile Justice Correctional Complex.

Commerce, Aviation and Economic Development

14. Approve and authorize the Chairman to sign Amendment to Contract No. 2006024 with Alphonse Peterson for Business Assistance Counseling services.

Executive Office

15. Approve Travel Requests for Sheriff and Human Services Agency as recommended by Executive Office.

Board Recognition

16. Proclaim August, 2009 as Child Support Awareness Month in Merced County.
17. Authorize Plaques for Martin Ramirez and Vicky Ramirez for their community service and dedication to the community of Le Grand.
18. Authorize Certificate of Recognition to Lucille Matthews for 2009 Senior Companion of the Year as selected by the Catholic Charities.
19. Authorize Certificate of Recognition to the individuals selected as 2009 SEAAPA Scholarship Recipients: Atwater High School-Bor Xiong; Buhach High School-Chou Xiong, Mai Yang, Ka Yeng Vang, Kong Meng Chang; Merced High School-Vince Moua, Kee Z. Vang, Chuar Herr, Amanda Vue, Ai Lee, Cathy Lee, Lee Vang, Kami Saechao, Korey Lo, Vilakluk Her, Bao Thao, Youa Moua, May Wey Saetern; and, Golden Valley High School-Joua Xiong, Yee Yang, Chong Thao, Lang Thao, Khau Sue Thao, Kang Moua, Kautchia Thao, Yengshai Xiong, Kia Cha, Phong Her, Chai Her, Fue Her and Chelsey Saephan.

20. Authorize Certificates of Recognition to Andy Long Yang, Joua Lee, Wang Meng Lee, Sam Paul Moua, Charlie Rocky Xiong, Keng Cha, Nhia Lee Yang, Chue Wang Xioug and Ge Thao for their guidance and contributions to the community as recognized by Merced Lao Family Community, Inc. for the 25th Annual Immigration Recognition.
21. Authorize Certificates of Recognition to the 2009 Essay Contest Winners selected by the Father of the Year Committee from the following schools: Charles Wright, Chenoweth, Peterson, Burbank, Campus Park, Ada Givens, Yamato Colony, Hilmar Middle, Winton Middle, Livingston Middle and Los Banos High.

REVIEW BOARD ORDER – SEE PAGE 19

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

22. Contract with City of Atwater for Scrub Seal Construction Funding not to exceed \$40,000.
AUTHORIZED CONTRACT NO. 2009182 AS RECOMMENDED AYES: ALL
23. Master Retainer Contracts for: Civil Engineering and Surveyor Services Contract No. 2009178 with Bedesen Cardoza Associates; Civil Engineering and Surveyor Services Contract No. 2009179 with Golden Valley Engineering; Architecture Services Contract No. 2009180 with Morgan Architects and Architecture Services Contract No. 2009181 with Taylor Teter Partnership with a maximum fee per project of \$75,000 each with no per year limit on the amount of projects.
APPROVED AS RECOMMENDED AYES: ALL
24. Contract with David and Susan Nannini for acquisition of Right-of-Way for the Campus Parkway Project and accept Grant Deed for Right-of-Way and an Easement Deed for Slope Easement needed for construction of the Project and approve payment to Trans County Title Company for the appraised value of property plus escrow and any other transaction fees and adopt Resolution.
ADOPTED RESOLUTION NO. 2009-123-GRANT DEED AND NO. 2009-124-EASEMENT DEED AND CONTRACT NO. 2009183 AS RECOMMENDED AYES: ALL
25. Contract with Douglas Colwell for acquisition of Right-of-Way for Campus Parkway Project and accept Grant Deed for construction of Project and approve payment to Trans County Title Company for the appraised value of property plus escrow and any other transaction fees and adopt Resolution.
AUTHORIZED CONTRACT NO. 2009184 AND ADOPTED RESOLUTION NO. 2009-125 AS RECOMMENDED AYES: ALL
26. Approve the Purpose and Need Statement to be incorporated in the State Route 165 Project Study Report.
REVIEW BOARD ORDER - SEE PAGE 19
27. Approve the Rate Adjustments for Solid Waste Collection Services as provided by Waste Management, Inc. effective July 1, 2009.
REVIEW BOARD ORDER – SEE PAGE 20

28. Authorize Letter to Federal Emergency Management Agency (FEMA) requesting an Extension of the Black Rascal Diversion Channel Provisionally Accredited Levee (PAL) Agreement until June 30, 2010.

REVIEW BOARD ORDER – SEE PAGE 20

MENTAL HEALTH

29. Contract with Accesscare Home of Merced for Residential Care to clients.
AUTHORIZED CONTRACT NO. 2009185 AS RECOMMENDED AYES: ALL
30. Authorize submission of Application to Tulare County Superintendent of Schools, dba California Friday Night Live Partnership for Friday Night Live Mentoring Grant Funds in the amount of \$33,500 and authorize the Mental Health Director to sign all related Grant Application documents with final action to come back to the Board for approval.
APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

31. Contract with Valley Crisis Center for Shelter-Based Domestic Violence Services.
AUTHORIZED CONTRACT NO. 2009186 AS RECOMMENDED AYES: ALL
32. Approve the Revision of the SB 163 WrapAround Plan (July 2009) to provide specialized services to Youth in Foster Care in collaboration with Human Services Agency, Probation, Mental Health, Health and Merced County Office of Education.
AUTHORIZED CONTRACT NO. 2009187 AS RECOMMENDED AYES: ALL
33. Contract with Governor's Office of Emergency Services for Child Abuse Treatment Program (CHAT) Grant Funding and authorize the Auditor, as Fiscal Officer, to sign the necessary documents.
AUTHORIZED CONTRACT NO. 2006159 AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

34. Contract with AT&T DataComm, Inc. for FOCUS Procurement Vehicle for Technology Expertise, Equipment, Services and Systems and authorize Contract Award Announcement Letter and adopt Resolution.
AUTHORIZED CONTRACT NO. 2009177 AND ADOPTED RESOLUTION NO. 2009-126 AS RECOMMENDED AYES: ALL
35. Approve the Foreign Trade Zone (FTZ) No. 226 Tariff Schedule Adjustment and adopt Resolution.
ADOPTED RESOLUTION NO. 2009-127 AS RECOMMENDED AYES: ALL

LIBRARY

36. Authorize County Librarian to allow Direct Disposal, Transfer and Sale of Library Books and Communication Materials no longer appropriate for retention; authorize transfer of withdrawn materials to the Friends of the Library (FofL) for sale/distribution and use of any funds exclusively to support their individual libraries; authorize Library Branches without Friends of the Library (FofL) groups to dispose of or sell the unwanted library material and deposit any funds in their individual Library Trust Accounts with funds to be used exclusively to purchase library materials; adopt the Policy for Surplus Library Materials and adopt Resolution authorizing a Limited Exemption from County Code Section 5.12.080 for Library Materials.
ADOPTED RESOLUTION NO. 2009-128 AS RECOMMENDED AYES: ALL

TREASURER-TAX COLLECTOR

37. Grant relief of shortages in the amount of \$100 and authorize replenishment in the amount of \$100 for a counterfeit bill in Revenue and Reimbursement.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

38. Resolution in support of the Merced Stand Down 2009, which seeks to offer additional support to veterans in our community.

REVIEW BOARD ORDER – SEE PAGE 20 AND 21

SHERIFF

39. Contract with Le Grand High School for School Resource Officer.

AUTHORIZED CONTRACT NO. 2009188 AS RECOMMENDED AYES: ALL

40. Contract with Le Grand Elementary School District for School Resource Officer.

AUTHORIZED CONTRACT NO. 2009189 AS RECOMMENDED AYES: ALL

PROBATION

41. Accept Vehicle from Dept. of Justice (DOJ) and assign 2004 Nissan Murano to Probation for use in coordination with Merced Multi-Agency Gang Task Force.

PULLED FROM THE AGENDA – NO ACTION TAKEN

DEPT. OF WORKFORCE INVESTMENT

42. Accept Workforce Investment Act Governor's Discretionary 15 Percent Funds in the amount of \$937,890 to implement a Regional California Green Jobs Corps in Merced County and the San Joaquin Valley Region and will serve 140 youth; authorize Contract with State Employment Development Department and authorize the Director to return to the Board to process necessary documents.

REVIEW BOARD ORDER – SEE PAGE 21

FIRE

43. Authorize Fire to apply online for the FEMA administered Dept. of Homeland Security assistance to Firefighters Fire Station Construction Grant Program in the amount of \$10.5 million to fund the replacement of four County owned Fire Stations in Planada (\$2.41 million), Winton (\$3.12 million), Ballico (\$2.49 million) and Cressey (\$2.48 million) and direct the Fire Chief to return for authorization prior to accepting award.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

44. Authorize Special Board Project Funds-District One in the amount of \$6,500 to be paid to Dept. of Admin. Services-Support Services for janitorial services provided for the Le Grand Community Hall for FY 2009-10.

APPROVED AS RECOMMENDED AYES: ALL

45. Resolution in support of Grant Applications by the Castle Air Museum to obtain additional funding for maintenance and restoration of facilities, aircraft and artifacts and education of the history of Castle Air Force Base.

REVIEW BOARD ORDER – SEE PAGE 21

PLANNING

46. PULLED

BOARD APPOINTMENTS

47. Agricultural Waste Management Loan Committee – Appointed Joan Mulcare to represent Environmental Health serving at the Pleasure of the Board.

APPROVED AS RECOMMENDED AYES: ALL

48. Hilmar Municipal Advisory Council – Appointed Larry Bergman until May 3, 2013.

APPROVED AS RECOMMENDED AYES: ALL

49. Milliken Museum Advisory Committee – Appointed Tim McNally and Diana Ingram, City of Los Banos Representatives, until May 10, 2012 and Reappointed Dan Nelson, District 5 Representative, and Charles Sawyer, Milliken Museum Society Representative, until May 10, 2012.

APPROVED AS RECOMMENDED AYES: ALL

50. Milliken Museum Advisory Committee – Appointed Tim McNally and Diana Ingram, City of Los Banos Representatives, until May 10, 2012 and Reappointed Dan Nelson, District 5 Representative, and Charles Sawyer, Milliken Museum Society Representative, until May 10, 2012.

APPROVED AS RECOMMENDED AYES: ALL

50. North Dos Palos Water District – Appointed Allan Clark, Norman Clark and Bill Davis until July 21, 2013.

APPROVED AS RECOMMENDED AYES: ALL

51. Airport Land Use Commission - At Large Appointment and Selection.

NO ACTION TAKEN

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

52. Commerce, Aviation and Economic Development re: Contract with Assessor's Office for a portion of Building 1230 (approximately 114 sq. ft) for Records Storage.

AWARDED CONTRACT NO. 2009191

53. Commerce, Aviation and Economic Development re: Contract with Dept. of Workforce Investment for use of Building 1320 (approximately 5376 sq. ft.) with adjacent parking at Castle Commerce Center for a HVAC training class.

AWARDED CONTRACT NO. 2009192

54. Le Grand School District re: Resolution adopted by El Nido School District Ordering Governing Board Member Election (Education Code Section 5000, 5018, 5304, 5322).

55. Planning and Community Development Department re: Letter to City of Livingston re: Review of the Draft Environmental Impact Report for the City of Livingston Domestic Waste Water Treatment Plant Expansion Project.

56. State Board of Equalization re: Letter of Summons to County Assessors to a State Board of Equalization Meeting.

57. State Water Resources Control Board re: Notice of Public Hearing of Proposed Water Quality Control Policy on the use of Coastal and Estuarine Waters for Power Plant Cooling set for September 18, 2009.
58. State Water Resources Control Board re: Notice of Rescheduling of Public Hearing for Emmerson Investment Inc. - Shasta Water Tributary to Klamath River in Siskiyou County.
59. State Water Resources Control Board re: Notice of Public Hearing of Proposed Amendments to the California Ocean Plan set for September 15, 2009.
60. State Water Resources Control Board re: Petition of Ken Berry and California Citizens for Environmental Justice (Cleanup and Abatement Order No. R2-2008-0095 for City of Richmond, U.S. Dept. of Defense, Dept. of Navy, former Point Molate Naval Fuel Depot, Richmond, Contra Costa County, San Francisco Bay Water Board - Revised Board Workshop Notification.
61. State Water Resources Control Board re: Petition of Ken Berry and California Citizens for Environmental Justice (Cleanup and Abatement Order No. R2-2008-0093 for Pete's Stop, Mr. Cuong Chon Huynh, Dung V Ha and Kieu Tuyet Huynh (as Trustees for the Dung V. Ha and Kieu Tuyet Huynh AB Living Trust) and Mr. Peter Sialaris, for 290 Keyes Street, San Jose, Santa Clara County) San Francisco Bay Water Board - Board Workshop Notification.
62. State Water Resources Control Board re: Permit 11360 (Application 12622) Notice of Petition for Temporary Change Involving the Transfer of up to 6,000 acre feet of water from the City of Sacramento and Sacramento Suburban Water District to the Drought Water Bank administered by the Dept. of Water Resources.
63. State Board of Equalization re: 2007/08 Annual Report. (On file with Clerk)
64. State Dept. of Fish and Game re: Notice of Proposed Emergency Regulatory Action relating to Pacific Herring Open Ocean Commercial Fishing Regulations.
65. State Dept. of Fish and Game re: Notice that on March 4, 2009, the Calif. Fish and Game Commission accepted for consideration the petition submitted to list the Pacific fisher as threatened or endangered.

**ADOPTED RESOLUTION IN MEMORY OF ANNAMARIE A. BROOKS AND
ADJOURNED THE MEETING UNTIL TUESDAY, AUGUST 7, 2009 AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – JULY 21, 2009

9:30 A. M. SCHEDULED ITEM

2009-07-21 INTERVIEWS – AIRPORT LAND USE COMMISSION

The Clerk announces Interviews for the Airport Land Use Commission for One At-Large Position is before the Board for consideration.

Director of Governmental Affairs Katie Albertson states the Scheduled Interview for the Airport Land Use Commission has been advertised and one application was received. The applicant has contacted the Clerk and advised he will not be able to attend. Mrs. Albertson recommends Applications continue to be accepted and the matter will be rescheduled to a later date.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board directs the Clerk of the Board to continue to receive Applications for the Airport Land Use Commission One At-Large position and reschedules the matter to a later date and time to be coordinated by Executive Staff.

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

10:00 A. M. SCHEDULED ITEM

2009-07-21 PUBLIC OPPORTUNITY

Scott Newman, Division Chief for Merced County Fire Department provides updated information on the Cooling Centers in Merced County.

Rhonda Walton, Dept. of Child Support Services Director, provides information on Child Support Awareness Month and submits documents.

Pamela Sweeten, Hilmar resident, states concerns with Trade Policy and the sovereign rights of citizens and American food products requesting the Board contact Congress and submits documents for the Board's review.

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

10:00 A.M. SCHEDULED ITEM

2009-07-21 SHERIFF

The Clerk announces a Presentation update from the Sheriff's Department on the Ag. Sheriff Tactical and Reconnaissance (STAR) Team is before the Board for consideration.

Sheriff Mark Pazin provides a powerpoint presentation on the Ag. STAR Team advising Under Sheriff Bill Blake and Public Affairs Officer Tom Mackenzie are present.

Discussion is had relative to ag. crimes vs. gang crimes, decrease of ag. thefts and the deputies responses and responsibilities.

Following further discussion, Sheriff Pazin states he will come back in six months with an update and statistics on the Program.

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

10:00 A.M. SCHEDULED ITEM

2009-07-21 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider General Plan Amendment No. GPA08-003 to amend the General Plan and land use designation from Agricultural to Winton SUDP Low-Density Residential, Zone Change No. ZC08-004 to change the zoning from A-1 (General Agricultural) to R-1 (Single-Family Residential) and Conditional Use Permit No. CUP08-016 to allow a church facility on 15.72 acres in the Winton area.

Development Services Director Robert Lewis briefly reviews the Staff Report.

Planner Dave Gilbert reviews the power point presentation.

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

Lu Thao, representing the Hmong Christian Missionary Alliance Church of Merced, thanks Planning Staff and reviews the history of the church.

The Chairman closes the Public Hearing.

The Board discusses Regional Transportation Impact Fees and the impact on the surrounding area.

Counsel Fincher recommends the following to address concerns:

- (1) The County will not accept any applications to subdivide property until the Church is constructed and operational, and,
- (2) The Project is subject to Regional Transportation Impact Fees (RTIF's) if required.

Following discussion and upon motion of Supervisor Walsh, seconded by Supervisor Pedrozo, duly carried, the Board adopts the Mitigated Negative Declaration and Mitigation Monitoring Program with three Mitigation Measures for General Plan Amendment No. GPA08-003, Zone Change No. ZC08-004 and Conditional Use Permit No. CUP08-016 and goes on record of its Intended Decision to approve General Plan Amendment No. GPA08-003, Zone Change No. ZC08-004 and Conditional Use Permit No. CUP08-016 based on 12 Findings and the following Conditions of Approval with the understanding the two additional Conditions recommended by Counsel are part of the Approval:

Planning and Community Development Department

1. Conditional Use Permit No. CUP08-016 grants the construction of a 9,900 square foot church facility and permit the installation of 7,680 square feet of classrooms, office space, and restrooms in a manner that is consistent with the plot plan, elevations, and floor plan and the operational statement. Minor modifications to the approved conditional use permit may be reviewed and approved the by the Development Services Director.

2. The applicant shall comply with all applicable standard conditions of approval listed in the Planning Commission Resolution No. 97-1. The resolution includes the constant maintenance of the property, providing trash enclosure, sign regulations, providing landscaping and irrigation plans, and lighting requirements.
3. For the purpose of conditions monitoring, an inspection fee in the amount of **\$468** shall be required. This fee shall be paid within 30 days of the approval date. Should additional inspections be required, inspection time shall be billed to the applicant/property owner at the established hourly rate at the time of the inspection. This permit will not be considered valid until conditions monitoring fee has been paid.
4. The applicant shall comply with all applicable County, State and Federal regulations.

Public Works/Road Division

5. The applicant shall retain a licensed civil engineer for the construction of a storm drainage basin, drainage plan, and construction of sidewalk to County standards along the Lindsey Court frontage of the property. The plan shall detail which portion of the property (if any) shall remain undeveloped. Developed portions of the property including areas intended for recreation shall have sidewalk constructed along the frontage. An encroachment permit shall be obtained from the Department of Public Works/Road Division for construction of sidewalk and modification of existing curb for driveway. The applicant shall pay necessary plan check and inspections fees.

Fire Department

6. The Minimum required fire flow for the proposed project is 1,500 gpm at 20 psi available for a minimum of 2 hours. Fire flow is determined by the square footage and construction type of the largest building on-site. The proposal does not specify building construction type. This minimum required fire flow is an estimate only. Fire flow shall be available from a County standard hydrant within 400 feet from all portions of all buildings as measured by drivable access (CFC Section 508).
7. An Automatic Engineered Fire Sprinkler System meeting the minimum standards of NFPA 13 may be required depending on the layout of the proposed structure. A licensed C-16 contractor shall do all work associated with the underground and overhead piping systems supplying water to the required fire sprinkler system. Plans and specifications shall be submitted to and approved by the Merced County Fire Department prior to the installation of any portion of the system. Plan review fees shall be assessed upon completion of the review (CFC Section 903).
8. A Supervised Automatic Fire Alarm System shall be required to protect the proposed buildings. Plans and specifications shall be submitted to and approved by the Merced County Fire Department prior to the installation of any portion of the system. Plan review fees shall be assessed upon completion of the review (CFC Section 903).

Public Works/Building & Safety Division

9. The applicant/property owner shall submit 4 sets of plans and 3 sets of all calculations for each building to the Building & Safety Division prior to the start of any construction. The plans shall be prepared by a licensed engineer or architect.

10. All buildings, walkways, restrooms, classrooms, offices, and all other facilities shall be handicap accessible. Handicap accessibility shall be detailed on any plans that are submitted for building permit approval. Handicap parking spaces shall also be required.
11. With the adoption of the new 2007 California Building Code on January 1, 2008, a soils report shall be prepared by a licensed engineer for all new construction. The soils engineer shall make sure that liquefaction be addressed in the report. It would benefit the applicant to have one soils report done that references all proposed construction and examines the entire site. A soils report that examines the entire site would provide the documentation you need to use the report again in the future should further development of the site be proposed.

San Joaquin Valley Air Pollution Control District

12. The applicant shall be required to comply with Rule 9510 (Indirect Source Review). District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. The applicant shall be required to submit an Air Impact Assessment application to the District and pay any applicable off-site mitigation fees before issuance of the first building permit.
13. The project may be subject to Regulations VIII (Fugitive PM10 Prohibitions), Rule 4002 (National Emission Standards for Hazardous Air Pollutants), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

Merced Irrigation District

14. The property owner and MID shall place the Middle Lateral "B" in an appropriately sized pipeline assembly or some other means meeting MID standards to protect the congregation from the lateral.
15. The applicant shall enter into an appropriate crossing agreement with MID for any crossings over or under MID facilities including, but not limited to driveways, utilities or conduits.
16. If storm water is to be discharged to any MID facility, the property owner shall enter into a "Stormwater Drainage Agreement" with the Merced Irrigation District Drainage Improvement District No. 1 (MIDDID No. 1) paying all applicable fees.
17. A signature block shall be provided for MID on all Improvement Plans associated with MID facilities.
18. A "Construction Agreement" between the property owner and MID shall be executed for any work associated with MID facilities.

Mitigation Measures

19. Mitigation Measure Aesthetics-1: To compensate for the change in the existing visual character, the applicant is required to provide architectural materials including roofing materials that are non-reflective and of muted earth tone colors subject to approval by the Planning Department.
20. Mitigation Measure Air Quality-1: The measures, required by the SJVAPCD in the GAMAQI for mitigating emissions from constructions equipment and site grading, shall be implemented by the construction contractor during off and on-site construction activities. A

plan implementing these measures shall be prepared by the County in a form and manner consistent with the SJVAPCD prior to issuance of a building permit.

- The project developer shall limit traffic speed on unpaved roads to 15 miles per hour.
- The project developer shall install sandbags or other control measures to prevent silt runoff to public roadways from areas with a slope greater than 1%.
- The project developer shall install wheel washers for all existing trucks, or wash off all trucks and equipment leaving the site, to prevent track-out of soil to public roadways.
- The project developer shall install windbreaks at windward sides of construction areas, if necessary to prevent wind-blown dust.
- The project developer shall suspend excavation and grading activity when winds exceed 20 miles per hour.
- The project developer shall limit the area subject to excavation, grading, and other construction activity at any one time.
- The project developer shall ensure that the accumulations of mud or dirt is expeditiously removed from adjacent public streets at least once every 24 hours when construction activities are occurring (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit visible dust emissions).
- If feasible, the project developer shall use alternative-fueled construction equipment or diesel construction equipment that uses Nitrous Oxide (NOX) reduction catalysts verified by CARB or US EPA.
- The project developer shall minimize idling time (e.g., 10-minute maximum).
- The project developer shall limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use.
- The project developer shall replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).
- The project developer shall curtail construction during the periods of high ambient pollutant concentrations, including suspension of construction activity during the peak-hour of vehicular traffic on adjacent roadways.
- The project developer shall implement activity management (e.g., reschedule activities to reduce short-term impacts).

21. Mitigation Measure CULT-1: If archeological materials or paleontological materials are identified, work on that portion of the project shall cease until a resources protection plan conforming to CEQA Section 15064.5 is prepared by a qualified archeologist and/or paleontologist and approved by the County of Merced Community Development Director or authorized representative. Project work may resume in compliance with such plan. If human remains are encountered, the County Coroner shall be contacted immediately and the provisions of State Law carried out.

and includes the two additional Conditions to address concerns: Board Condition 1- The County will not accept any applications to subdivide property until the Church is constructed and operational, and Board Condition 2-The Project is subject to Regional Transportation Impact Fees (RTIF's) if required

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

10:00 A.M. SCHEDULED ITEM

2009-07-21 PLANNING – PUBLIC HEARING – ORDINANCE NO. 1867

The time and date previously set for a public hearing to consider the 2009 Cycle II General Plan Amendment for the following project and a related Zone Change Ordinance titled: An Ordinance Changing the Boundaries of and the Classifications of Property Uses within Zones established by Merced County Code titled “Zoning”:

General Plan Amendment No. GPA08-003, Zone Change No. ZC08-004 and Conditional Use Permit No. CUP08-016 submitted by Alliance Church of Merced.

Development Services Director Robert Lewis states the public hearing was held today and reviews the recommendations.

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

Upon motion of Supervisor O’Banion, seconded by Supervisor Pedrozo, duly carried, the Board approves General Plan Amendment No. GPA08-003, Zone Change Application No. ZC08-004 and Conditional Use Permit No. CUP08-016; adopts Cycle II General Plan Amendment and Resolution No. 2009-131 and waives further reading and adopts Ordinance No. 1867.

Ayes: Kelsey, Pedrozo, Walsh, Nelson, O’Banion

10:00 A.M. SCHEDULED ITEM

2009-07-21 PLANNING AND COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT– PUBLIC HEARING

The time and date previously set for a public hearing to consider the Annual Grantee Performance Report for the County's 2005/2006/2007 Community Development Block Grant General Allocations for the Homebuyer Assistance and Housing Rehabilitation Programs (05-STBG-1409), the Final Grantee Performance Report for the 2005 CDBG Economic Development Allocation for Public Airport Infrastructure (05-EDBG-2201), the Program Income Reuse Activities for Business Assistance, Housing Rehabilitation and Housing Acquisition for Homebuyer Assistance and future activities under the 2010 CDBG funding cycle and the Proposed changes to the Housing Rehabilitation Program Guidelines from Planning and Commerce, Aviation and Economic Development.

Development Services Director Robert Lewis reviews the Staff Report.

Sheri Rawlings, Self Help Enterprises Representative, reviews the Grantee Performance Report and Housing Rehabilitation Program Guidelines for the Homebuyer Assistance and Housing Rehabilitation Programs.

Commerce, Aviation and Economic Development Director Mark Hendrickson reviews the Staff Report on the Economic Development Allocation for Public Airport Infrastructure (05-EDBG-2201).

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

Supervisor Walsh clarifies the use of funds received for housing rehabilitation stating if Merced County is utilizing the funds for owner/occupied and not owner/investor, he requests the guidelines be amended to reflect the current practice.

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board approves the Revisions to the County of Merced Housing Rehabilitation Program Guidelines for Cal Home Program, Community Development Block Grant Program and HOME Investment Partnership Program and adopts Resolution No. 2009-132.

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

10:00 A.M. SCHEDULED ITEM
2009-07-21 HEALTH – PUBLIC HEARING

The time and date previously set for a public hearing to consider proposed health care service reduction or elimination of Certain Indigent Health Care Program Services as required by California Health and Safety Code Section 1442.5 (Beilenson Act) from the Health Department.

Director of Public Health John Volanti reviews the Staff Report stating there are significant decreases in Health Realignment revenue as well as Tobacco products which support the Medical Assistance Program and he outlines the proposed decreases in services provided through the Medical Indigent Program as well as the limit on eligibility of County residents in the program.

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

Dr. Frank Baudino, Family Physician, speaks against the reduction in services stating individuals will not be able to afford prescriptions, will go untreated and supports the MAP eligibility remaining at 200%.

Michelle Gioni, Central California Legal Services, suggests the hearings be re-advertised for an evening meeting to allow more public input.

Marilyn Rochelle, Clinical Director of Healthy House, states concerns in the change of the poverty level.

Bob McGloughin, Mercy Medical Center Merced, states they are committed to providing care to the community and the proposed changes will limit many patients from receiving preventative care and will cause an increase rise in emergency room visits.

Dr. Salvador Sandoval speaks against the reduction in services stating this is the only way some individuals receive care.

Gloria Sandoval speaks against the reduction in services, reads and submits an Article from Sara Robinson and states the Board will be in violation of the 5 Principals of Public Service Ethics if services are reduced.

The Chairman closes the Public Hearing.

The Board discusses the cost savings to be had, MAP recipients and program operation, General Funds use, changes in services, pharmacy provisions and fixed incomes.

Following a lengthy discussion, Supervisor Walsh moves, seconded by Supervisor Kelsey, the Board continue the public hearing known as the Beilenseon Hearing to August 18, 2009 Budget Hearing session for a better understanding of the States impact on the County.

Following further discussion, the Chairman calls for a Vote on the Motion.

Supervisors Nelson and O'Banion vote "no". Motion carries.

Ayes: Kelsey, Pedrozo, Walsh

Noes: Nelson, O'Banion

CONSENT ITEM NO. 21

2009-07-21 BOARD OF SUPERVISORS

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board authorizes Certificates of Recognition to the individuals selected as 2009 Father of the Year Essay Contest Winner's Grades Kindergarten through High School: (Kindergarten) Contest Winner-Damien Juarez, 1st Runner Up-Evan Sanchez, 2nd Runner Up-Angelo Vegas; (1st Grade) Contest Winner-Cossette Asenjo, 1st Runner Up-Alex Orquiz, 2nd Runner Up-Harrison Saeteurn; (2nd Grade) Contest Winner-Benjamin Trevino, 1st Runner Up-Joshua Heupel, 2nd Runner Up-Riley Hanson; (3rd Grade) Contest Winner-Thomas Rowan, 1st Runner Up-Jasmine Vega, 2nd Runner Up-Adeline Vasquez; (4th Grade) Contest Winner-Azhly Pulido, 1st Runner Up-Armando Casanova, 2nd Runner Up-Jimmy'e Davis; (5th Grade) Contest Winner-Jessica Pfeiff, 1st Runner Up-Vanessa Anna Fernandez Santos, 2nd Runner Up-Randee Pursley; (6th & 7th Grades) Contest Winner-Maggi Strom, 1st Runner Up-Will Mitchell, 2nd Runner Up-Madeline Roche; (8th Grade) Contest Winner-Jaia Vang, 1st Runner Up-Stephanie Ramirez, 2nd Runner Up-Anthony Ruezga; and (High School) Contest Winner-Alyssa Oilvencia, 1st Runner Up-Cheyenne Chavez, 2nd Runner Up-Rusty Hernandez.

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

ACTION ITEM NO. 26

2009-07-21 PUBLIC WORKS

The Clerk announces the Purpose and Need Statement to be incorporated in the State Route 165 Project Study Report from Public Works is before the Board for consideration.

Following discussion and upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board approves the Purpose and Need Statement to be incorporated in the State Route 165 Project Study Report as revised.

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

ACTION ITEM NO. 27

2009-07-21 PUBLIC WORKS

The Clerk announces Rate Adjustments for Collection Services provided by Waste Management Inc from Public Works is before the Board for consideration.

The Board discusses the rate increases and the concerns on recyclable loads being mixed with waste.

Public Works Director Paul Fillebrown reviews the staff report advising Waste Management Inc. will be investigating the concerns.

Supervisor Kelsey states refunds have been requested by constituents if mixed loads occurred.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board approves the rate adjustments for Solid Waste Collection Services as provided by Waste Management Inc. effective July 1, 2009.

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

ACTION ITEM NO. 28

2009-07-21 PUBLIC WORKS

The Clerk announces the Black Rascal Diversion Channel PAL Agreement extension from Public Works is before the Board for consideration.

Public Works Director Paul Fillebrown reviews the Staff Report and recommends approval of the request for extension in order to allow time to determine if the Black Rascal Diversion Channel can meet the minimum criteria to receive accreditation due to the State's notification their geotechnical data will not be completed until November, 2009.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board authorizes the Chairman to sign the letter to the U.S. Dept. of Homeland Security, FEMA, requesting an extension of the Black Rascal Diversion Channel Provisionally Accredited Levee (PAL) Contract No. 2007197.

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

ACTION ITEM NO. 38

2009-07-21 EXECUTIVE OFFICE

The Clerk announces a Resolution in support of the Merced Stand Down 2009 from Executive Office is before the Board for consideration.

Kathleen Gorman, Army Veteran, speaks in support of Merced Stand Down 2009 stating Merced County has over 12,000 registered veterans, has no services for women veterans and this does not include unregistered veterans.

Upon motion of Supervisor Nelson, seconded Supervisor O'Banion, duly carried, the Board approves support of Merced Stand Down 2009 for veterans in our community and adopts Resolution No. 2009-129.

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

ACTION ITEM NO. 42

2009-07-21 DEPT. OF WORKFORCE INVESTMENT

The Clerk announces the San Joaquin Valley California Green Jobs Corps Grant from Dept. of Workforce Investment is before the Board for consideration.

Dept. of Workforce Investment Assistant Director Joanne Presnell reviews the Staff Report and clarifies the grant amount of \$937,890 is for the entire project not just for Merced County.

Upon motion of Supervisor Walsh, seconded by Supervisor Nelson, duly carried, the Board approves and authorizes Contract No. 2009190 with State Employment Development Department accepting WIA Governor's Discretionary 15 Percent Funds in the amount of \$937,890 to implement a Regional California Green Jobs Corps in Merced County and the San Joaquin Valley Region and authorizes the Dept. of Workforce Investment to negotiate contracts and return to the Board for approval.

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

ACTION ITEM NO. 45

2009-07-21 BOARD OF SUPERVISORS

The Clerk announces a Resolution supporting the Castle Air Museum from Supervisor Nelson is before the Board for consideration.

Joe Pruzzo, Director of Castle Air Museum, speaks in support of the Castle Air Museum and the Grant Applications and extends an invitation for a special tour to the Board.

Upon motion of Supervisor O'Banion, seconded by Supervisor Walsh, duly carried, the Board expresses their support of the Castle Air Museum Grant Applications and recognizes and honors the Castle Air Museum for their important place in our community and adopts Resolution No. 2009-130.

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