

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, OCTOBER 06, 2009

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
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

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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.

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

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers Association, Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P; Deputy Sheriff Association, Unit 10 and Non-Safety Corrections, Unit 12

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE APPOINTMENT, Title: County Executive Officer

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:15 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

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

BUDGET TRANSFER FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Library-\$10,560

APPROVED AS RECOMMENDED AYES: ALL

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

APPROVED AS RECOMMENDED AYES: ALL

10:00 A. M.

PLANNING - PUBLIC HEARING

To consider the Neighborhood Stabilization Program (NSP) Homeownership Assistance Program Guidelines, the NSP Housing Rehabilitation with Acquisition Program Guidelines and the NSP Program Income Reuse Plan; and, the revisions to the consolidated Housing Rehabilitation Program Guidelines for Cal Home Program, Community Development Block Grant Program and Home Investment Partnership Program

RECOMMENDED ACTION: Adopt Resolution approving the NSP Homeownership Assistance Program and NSP Housing Rehabilitation with Acquisition Program Guidelines and NSP Program Income Reuse Plan and Adopt Resolution approving revisions to consolidated Housing Rehabilitation Program Guidelines for the Cal Home, CDBG and Home Investment Partnership Programs

REVIEW BOARD ORDER – SEE PAGE 9

PLANNING - PUBLIC HEARING

To consider General Plan Text Amendment No. GPTA09-002 Atwater-Merced Expressway - To amend the Circulation Chapter of the Merced County General Plan to include the Atwater-Merced Expressway alignment

RECOMMENDED ACTION: Adopt the Mitigation Measures, Findings of Fact and Statement of Overriding Considerations for the Atwater-Merced Expressway Project Environmental Impact Report in accordance with CEQA Guidelines; approve and make Intended Decision to amend the General Plan by revising the Circulation Map to allow the Atwater-Merced Expressway Alignment

REVIEW BOARD ORDER – SEE PAGE 10

PLANNING - PUBLIC HEARING

To consider 2009 General Plan Cycle III which consists of one application: GPTA09-002, Atwater-Merced Expressway

RECOMMENDED ACTION: Adopt the 2009 General Plan Text Amendment Cycle III and adopt Resolution

REVIEW BOARD ORDER – SEE PAGE 11

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. Set public hearing to consider Proposed Ordinance amending Mental Health Service Fees (Supersedes Ordinance No. 1861 and Amends Chapter 9.48).

2. Proclaim October 25 - 31, 2009 as Red Ribbon Celebration in Merced County and authorize and encourage all Departments and employees to wear red ribbons and to display red ribbons on County buildings and vehicles during that week.
3. Approve and authorize Chairman to sign Amendment to Contract No. 2005149 with Community Social Model Advocates, Inc. for provision of men's and women's Alcohol and Drug Residential Recovery Services reducing contract amount from \$114,000 to \$19,000.
4. Approve and authorize Chairman to sign Amendment to Contract No. 2007178 with Merced Drug for Pharmacy Services reducing the contract amount from \$75,000 to \$50,000.
5. Approve and authorize Chairman to sign Amendment to Contract No. 2006191 with Merced Lao Family Community, Inc. for Southeast Asian Community Advocacy Program (SEACAP) through the MHSA Three Year Plan reducing the contract amount from \$349,010 to \$314,109.
6. Approve and authorize Chairman to sign Amendment to Contract No. 2008104 with Dr. Elmer Ignacio for Psychiatric Services for the Saturday Meds Clinic reducing the contract amount from \$53,000 to \$40,000.
7. Approve and authorize Chairman to sign Amendment to Contract No. 2008008 with Dr. Maria Daisy Ilano for Psychiatric Services reducing the contract amount from \$60,000 to \$30,000.
8. Approve and authorize Chairman to sign Amendment to Contract No. 2007250 with Aspira Foster and Family Services for Specialty Mental Health Services for SB 163 Wraparound Program reducing the contract amount from \$1,739,500 to \$1,549,186.
9. Approve and authorize Chairman to sign Amendment Contract No. 2006018 with Healthy House Within a Match Coalition for Interpreter Services reducing the contract from \$96,000 to \$79,076.

Human Services Agency

10. Approve and authorize Chairman to sign Renewal Contract No. 2007048 with Mental Health for one licensed Mental Health Clinician for counseling.

Health

11. Approve and authorize Chairman to sign Renewal Contract No. 2006037 with Marin County for Medi-Cal Administrative Activities/Targeted Case Management Program for FY 2009/10 and 2010/11.

District Attorney

12. Approve and authorize Chairman to sign Renewal Contract No. 2009258 with U.S. Dept. of Justice for Federal Equitable Sharing Agreement and Certification for Federal Forfeiture Program for FY 2008/09.

Board Recognition

13. Authorize Certificate of Recognition to "Yosemite Area Regional Transportation System (YARTS)" for 10th Anniversary Celebration.
14. Authorize Certificate of Recognition to Golden Valley Health Centers in celebration of National Health Centers Week.

15. Authorize Certificate of Recognition to City of Merced for the Grand Opening of the "Rossotti Ed-Zoo-Cation Center".
16. Authorize Certificate of Recognition to Scott Lower for over 30 years of dedicated service to Grassland Water District and Grassland Resource Conservation District.
17. Authorize Certificate of Recognition to Eric Beiswanger for his achievement to practice law in the State of California.
18. Authorize Certificates of Recognition to "Rabobank" for Grand Opening and Ribbon Cutting of three new locations.
19. Authorize Certificates of Recognition to the following individuals and employers for participation in the Merced County Dept. of Workforce Investment - California Youth @ Work Program: Michael Graces-Summer Youth Participant of the Program-2009; Rachelle Parker-Merced County Child Support; LaReesha Thompson-Greater Chamber; Ben Roos-Planada Beautification Project; Lazaro Hernandez-Winton Super Market; Allen Perrault-Los Banos Fire Department and Golden Valley Health Centers, Dos Palos Youth and Crisis Outreach, Merced County Fire Dept./Cal Fire and Winton Super Market/Pizza + Fun.
20. Authorize Certificate of Recognition to "Planada Nursery" for Ribbon Cutting.
21. Authorize Certificate of Recognition to "Central Valley Community Bank" for Ribbon Cutting.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

22. Approve plans and specifications for the Shanks/Letteau Box Culvert Project and authorize Public Works to separately bid and award the procurement of the pre-cast concrete box culvert sections from a materials supplier; approve necessary budget transfer and direct Public Works to report back on actions taken at subsequent board meeting as informational item. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2009266 (CONSTRUCTION) AND 2009284 (PROCUREMENT) AS RECOMMENDED AYES: ALL

23. Approve plans and specifications for the Highway 59 Landfill New Vehicle Weighing and Processing Facility (Scalehouse); authorize Public Works to advertise, set bid opening and award the project if within the budget; authorize contract subject to review of Counsel and direct Public Works to return to the Board on results as informational item.

AUTHORIZED CONTRACT NO. 2009270 AS RECOMMENDED AYES: ALL

24. Approve and authorize Chairman to sign Contract with Lyons Investments for acquisition of right-of-way for Campus Parkway Project; accept Irrigation and Drainage Easement Deeds and Access Easement Deed for right-of-way and Temporary Construction Easement Deeds needed for construction of the Campus Parkway Project; authorize Farm License Agreement and approve payment to Trans County Title Company for the appraised value of property plus escrow and any other transaction fees and adopt Resolution.

REVIEW BOARD ORDER – SEE PAGE 11

MENTAL HEALTH

25. Authorize submission of Merced County Mental Health Services Act Capital Facilities and Technological Needs Plan to the State Dept. of Mental Health and authorize Director to sign the necessary documents.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

26. Contract with First 5 Merced County for Universal Developmental Screening for Merced County Program.

AUTHORIZED CONTRACT NO. 2009278 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

27. Authorize Human Services Agency to accept donations for toy drives during the Holiday Season beginning October 1 through December 31, 2009.

APPROVED AS RECOMMENDED AYES: ALL

28. Authorize Administration Building Parking Lot use located at 2222 M Street, Merced from 7:30 a.m. until 2:30 p.m. on November 30, 2009 to start the "Operation Holiday Toy Drive" collection benefiting children of Merced County.

APPROVED AS RECOMMENDED AYES: ALL

29. Contract with Livingston Medical Group for support of Boot Camp for New Dads Training.

AUTHORIZED CONTRACT NO. 2009279 AS RECOMMENDED AYES: ALL

30. Contract Amendment No. 2004222 with Calif. Dept. of Aging to decrease the FY 2009/10 contract amount from \$1,191,336 by \$268,793 to a new contract amount of \$922,543 which will affect the following programs: Funding increase to Ombudsman Special Deposit Fund of \$8,543 and Funding elimination to the following programs: Alzheimer's Day Care Resource Center Services of \$54,052, Brown Bag Services of \$15,796, Linkages of \$172,741, Senior Companion Services of \$16,865, Respite Services of \$6,205 and Community Based Service Programs Administration of \$11,677 and approve the necessary budget transfers-\$41.00 and \$238,433.00. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2004222 AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN. SERVICES

31. Contract with ISINC Innovative Solutions to provide training and mentoring services relative to the migration from Novell to a Windows based environment.

AUTHORIZED CONTRACT NO. 2009280 AS RECOMMENDED AYES: ALL

PROBATION

32. Grant promotion to Employee #74053, BU 23300 (Position 69) from Juvenile Institutions Officer I, Range 60.8, Step 2 to Juvenile Institutions Officer II, Range 62.8, Step 1 retroactive from September 18, 2008, pay period 20 ending September 13, 2009 due to an administrative oversight.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF-CORONER

33. Accept funding and approve Grant Award from U.S. Dept. of Justice for the FY 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program in the amount of \$54,826

to fund a criminal investigation and enhancement project to purchase equipment to improve criminal investigations in Merced County.

AUTHORIZED CONTRACT NO. 2009281 AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

34. Authorization to submit Grant Application for reconstruction improvements to Lettau Avenue and Stephens Street in Delhi to Caltrans Highway Safety Improvement Program and direct Staff to return for Board acceptance if awarded.

APPROVED AS RECOMMENDED AYES: ALL

COUNTY COUNSEL

35. Contract with American Arbitration Association to provide Neutral External Hearing Officers for Personnel matters.

AUTHORIZED CONTRACT NO. 2009282 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

36. Authorize Special Board Project Funds-District Four in the amount of \$5,500 to be forwarded to Snelling Courthouse Historical Foundation for the purchase of shelving for the Courthouse.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

37. San Luis Resource Conservation District – Reappointed Cannon Michael until February 26, 2012.

APPROVED AS RECOMMENDED AYES: ALL

38. Merced Cemetery District – Reappointed Robert Saling until August 16, 2013.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

39. Fire re: Notification of Fire Department teaming up with National Fire Protection Association for Fire Prevention Week 2009 set for October 4 - 10, 2009.

40. Commerce, Aviation and Economic Development re: Facility Use Agreement with Caylym Technologies and TBM, Inc. for firefighting system demonstration held on September 16-20, 2009.

CONTRACT NO. 2009283

41. Calif. Emergency Services Agency re: Notification of U.S. Dept. of Agriculture granting a Secretarial disaster designation for the primary counties of Alameda, Colusa, Contra Costa, Inyo, Kern, Kings, Lake, Marin, Mariposa, Mendocino, Merced, Mono, Riverside, San Benito, San Joaquin, San Luis Obispo, Santa Clara, Sonoma, Stanislaus, Sutter, Tehama and the contiguous counties due to agriculture losses caused by drought beginning January 1, 2009 and continuing.

42. State Water Resources Control Board re: Board Meeting set for October 6, 2009.

43. State Fish and Game Commission re: Copy of continuation notices of proposed regulatory actions relative to Sport Fishing Regulations in sections identified in Title 14, Calif. Code of Regulations, which will appear in Calif. Regulatory Notice Register on September 25, 2009.
44. Central Valley Regional Water Quality Control Board re: Notice of Public Meeting set for October 7, 2009 and October 8, 2009.
45. Federal Emergency Management Agency re: Notice to Flood Insurance Rate Map User, Community-Merced County, Unincorporated and Incorporated Areas - revised DFIRM database that became effective on December 2, 2008 to correct the flood zone mismatch found between the DFIRM database and the Flood Insurance Rate Map (FIRM), copy of the Digital Flood Insurance Rate Map provided.

ADJOURNED MEETING UNTIL TUESDAY, OCTOBER 27, 2009 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 6, 2009

10:00 AM SCHEDULED ITEM **2009-10-06 PUBLIC OPPORTUNITY**

Assistant Development Services Director Bill Nicholson states a Special Achievement Award was received for the Hilmar Community Plan from the San Joaquin Valley Blueprint efforts that represents eight counties; and on behalf of the Planning Department he would like to state the Hilmar Plan is and was the only Plan that met all 12 Judging factors criteria.

Chairman Kelsey echoes the comments made by Mr. Nicholson stating the Hilmar Plan preceded planning principles established by the Governor's Blueprint Planning process.

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

10:00 AM SCHEDULED ITEM **2009-10-06 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider the Neighborhood Stabilization Program (NSP) Homeownership Assistance Program Guidelines, the NSP Housing Rehabilitation with Acquisition Program Guidelines and the NSP Program Income Reuse Plan; and, the revisions to the consolidated Housing Rehabilitation Program Guidelines for Cal Home Program, Community Development Block Grant Program and Home Investment Partnership Program submitted by the Planning Department.

Development Services Director Robert Lewis reviews the Staff Report and Recommendation.

Following questions by the Board relative to use of funds by non-profit organizations and purchase of homes by the County, Director Lewis responds stating funds are for homeowners only and the County assists with the program but is not involved with the acquisition activity.

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

The Chairman closes the public hearing.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Walsh, duly carried, the Board approves the Neighborhood Stabilization Program (NSP) Homeownership Assistance Program and NSP Housing Rehabilitation with Acquisition Program Guidelines and NSP Program Income Reuse Plan, approves revisions to consolidated Housing Rehabilitation Program Guidelines for the Cal Home, Community Development Block Grant and Home Investment Partnership Programs and adopts Resolution No. 2009-200 (NSP Guidelines) and 2009-201 (Housing Rehab Guidelines).

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

10:00 AM SCHEDULED ITEM
2009-10-06 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider General Plan Text Amendment No. GPTA09-002 Atwater-Merced Expressway to amend the Circulation Chapter of the Merced County General Plan to include the Atwater-Merced Expressway alignment submitted by the Planning Department.

Development Services Director Robert Lewis reviews the Staff Report.

Planner James Holland reviews the powerpoint presentation.

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

Kenneth Worley, Atwater, speaks in opposition and asks where traffic will come from to use the expressway stating there doesn't seem to be a reason for the project at this time.

Ezio Sansoni, Atwater, speaks in support stating this project will provide the cities of Atwater and Merced an adequate thoroughfare which is needed.

The Chairman closes the public hearing.

Planner Holland advises, in responses to questions, the project is not funded at this time, but is a major step in completing the circulation system for Atwater and Merced and will allow staff to focus and review on a case by case basis any future land uses in and around the areas of the proposed expressway.

Following questions on potential federal funding, Merced County Association of Governments (MCAG) Director Jesse Brown states there is only a California Environmental Quality Act (CEQA) document for this project; however, if there is a possibility of receiving federal funds in the future, the appropriate documents could be completed and staff could proceed with that process.

Following further discussion and upon motion of Supervisor Nelson, seconded by Supervisor Walsh, duly carried, the Board adopts the Mitigation Measures, Findings of Fact and Statement of Overriding Considerations for the Atwater-Merced Expressway Project Environmental Impact Report in accordance with CEQA Guidelines; and makes its Intended Decision to approve and amend the General Plan by revising the Circulation Map to allow the Atwater-Merced Expressway Alignment.

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

10:00 AM SCHEDULED ITEM
2009-10-06 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider 2009 General Plan Cycle III which consists of one application: GPTA09-002, Atwater-Merced Expressway submitted by the Planning Department.

Development Services Director Robert Lewis reviews the Staff Report.

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

The Chairman closes the public hearing.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board approves the General Plan Text Amendment No. GPTA09-002 Atwater-Merced Expressway which will amend the Circulation Plan of the Merced County General Plan to include the Atwater-Merced Expressway Alignment and adopts 2009 General Plan Cycle III and adopts Resolution No. 2009-202.

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

ACTION ITEM NO. 24

2009-10-06 PUBLIC WORKS

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2009271-Real Estate Contract and No. 2009272-Farm License Contract with Lyons Investments for Right-of-Way Campus Parkway property acquisition; authorizes payment to Trans County Title Company for the appraised value of property plus escrow and any other transaction fees and adopts the following Resolution Nos. 2009-203, Irrigation and Drainage Easement; 2009-204, Grant of Access Easement; 2009-205, Temporary Construction Easement Deed for APN 061-340-015 with 11,571 square feet, more or less; 2009-206, Temporary Construction Easement for APN 061-340-015 for 12,570 square feet, more or less; 2009-207, Grant Deed for APN 061-340-015 for 635,189 square feet, more or less; 2009-208, Grant Deed for APN 061-340-015 for 8,160 square feet, more or less; 2009-209, Grant Deed for APN 061-340-015 for 453,636 square feet more or less; and 2009-210, Grant Deed for APN 061-340-014 containing 0.34 acres, more or less.

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