

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, FEBRUARY 23, 2010

Closed Session – 8:00 a.m.

Interviews - Housing Authority of the County of Merced – 8:30 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  
DEIDRE F. KELSEY....DISTRICT 4  
CHAIRMAN JERRY O’BANION.....DISTRICT 5  
Lydia A. Beiswanger, Chief Clerk

LARRY T. COMBS  
COUNTY EXECUTIVE OFFICER

JAMES N. FINCHER  
COUNTY COUNSEL

*All supporting documentation is available for public review in the Office of the Clerk of the Board of Supervisors located in the County Administration Building, Third Floor, 2222 “M” Street, Merced, California, 95340  
During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.*

**The Agenda is available online at [www.co.merced.ca.us](http://www.co.merced.ca.us)**

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**

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INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

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The Agenda is divided into three sections:

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

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

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

SCHEDULED ITEMS

8:00 A. M.

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

**CLOSED SESSION - 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: (1) Castle Airport, (2) 3020 Apron Avenue, Atwater, CA and (3) 3140 Apron Avenue, Atwater, CA

**REVIEW BOARD ORDER – SEE PAGE 11**

**GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)**

8:30 A. M.

**INTERVIEWS - HOUSING AUTHORITY OF THE COUNTY OF MERCED At Large Positions - 2 Vacant Positions and 2 Expired Term Positions = 4**

**At Large Positions:** Applicants: (1) Michael Kelly, (2) Nellie McGarry, (3) Arturo Lopez, (4) Joseph Zack, (5) Gerald Boyer II, (6) Glenn Lyle Davis, (7) Dr. Bryant Owens, (8) Steven Mua, (9) Rick Osorio, (10) Daniel Kuzakos, (11) Joe Sepulveda, (12) Jose Jesus Delgadillo, (13) Tru Chang, (14) Rachel Perez, (15) Robert Stroup, (16) Daniel Brunger, (17) Jeff Palsgaard, (18) Alfredo Mendoza, (19) Onis Lentz, (20) Don Ramsey

**REVIEW BOARD ORDER – SEE PAGE 11 and 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)**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 20)**

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

10:00 A. M.

**PUBLIC WORKS - PUBLIC HEARING**

To consider proposed Resolution of Necessity to Commence Eminent Domain proceedings to acquire property from the Estate of Adelina Vasquez for the Shanks/Letteau Intersection Project.

RECOMMENDATION: Adopt Resolution

**REVIEW BOARD ORDER – SEE PAGE 12**

**PUBLIC WORKS - PUBLIC HEARING**

To consider proposed Resolution of Necessity to Commence Eminent Domain proceedings to acquire property from Donald and Karen Rinehart for the Shanks/Letteau Intersection Project.

RECOMMENDATION: Adopt Resolution

**REVIEW BOARD ORDER – SEE PAGE 12 AND 13**

**PUBLIC WORKS - PUBLIC HEARING**

To consider proposed Resolution of Necessity to Commence Eminent Domain proceedings to acquire property from Thiara et al for the Campus Parkway Project.

RECOMMENDATION: Adopt Resolution

**REVIEW BOARD ORDER – SEE PAGE 13**

**PLANNING - PUBLIC HEARING**

To consider the Appeal of the Planning Commission failure to approve Minor Modification Application No. MM09-011 filed by applicant Stanislaus County Office of Education. The applicant is requesting removal or modification of approval of Conditions 7 and 8 of Minor Modification No. MM07-025 to allow operation of the Migrant and Seasonal Head Start Child Care Center prior to the opening of the Felix Torres Farm Worker Housing Center on property located on Plainsburg Road, 2000 feet north of Highway 140 in Planada

RECOMMENDATION: Based on Findings, Minor Modification No. MM09-011 to Conditional Use Permit No. CUP05-031 does not require Supplemental Environmental Review and approve Minor Modification No. MM09-011 to Conditional Use Permit No. CUP05-031 based on nine Findings and seven Conditions of Approval (provided in the Staff Report) and uphold the appeal

**REVIEW BOARD ORDER – SEE PAGE 13 THRU 16**

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items #1 - 20)

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

Public Works

1. Authorize Winton Spring Festival Committee a Waiver on the restriction of alcohol and authorize the sale of beer to the public at Winton Park on March 26 and 27, 2010 for the Spring Festival subject to Conditions 1 – 13 required by Public Works and of providing Certificate of Insurance certifying liability and property damage insurance coverage for all activities to be conducted at the Park and for the parade; provide Certificate of Insurance

certifying liability coverage including liquor liability insurance to cover the sale of alcohol beverages to the general public with endorsements and all food vendors are to provide Certificate of Insurance certifying liability and product liability coverage for all activities conducted.

2. Authorize Merced Custom Auto Show Committee to host a Car Show on July 31, 2010 at Lake Yosemite; authorize Committee to charge an Entrance Fee and waive the vehicle Entrance Fee for participants and individuals attending the show and waive the restriction on alcohol and authorize the sale of beer to the public.
3. Adopt Resolution for the Summary Vacation of a portion of Buhach Road located south of Elliott Avenue in the Atwater area.

**ADOPTED RESOLUTION NO. 2010-24**

4. Approve and authorize the Chairman to sign Amendment to Contract No. 2005039 with Calabria Boats to extend the Contract until June 30, 2015, to test newly constructed power boats at Lake Yosemite prior to distribution.
5. Accept Final Map for Failte Meadows Subdivision located in the Atwater area.

**Mental Health**

6. Approve and authorize Chairman to sign Amendment to Contract No. 2008159 with 7th Avenue Center for Mental Health Rehabilitation Center to increase the contract amount total from \$211,335 to \$232,890 and approve the necessary budget transfer-\$20,000.
7. Approve and authorize Chairman to sign Amendment to Contract No. 2009060 with Golden Years Residential Care Home for Residential Care for Consumers and increasing the total contract amount from \$66,000 to \$84,000 and approve the necessary budget transfer-\$9,000.
8. Approve and authorize Chairman to sign Amendment to Contract No. 2007249 with Aspira Behavioral Health for MHSA WeCan Wraparound Services and approve the necessary budget transfer-\$200,000. (4/5 Vote Required)
9. Approve and authorize Chairman to sign Amendment to Contract No. 2008215 with Victor Treatment Center for Residential Treatment Facility for Youth (Ages Seven to Twenty) decreasing the total contract amount from \$720,147 to \$520,147.

**Human Services Agency**

10. Approve and authorize Chairman to sign Amendment to Contract No. 2004249 with California Dept. of Aging for Health Insurance Counseling and Advocacy Program (HICAP) to increase the contract amount by \$20,605 to a new total of \$248,850 and approve the necessary budget transfer-\$20,605. (4/5 Vote Required)
11. Approve and authorize Chairman to sign Amendment to Contract No. 2007103 with ASPIRANET for Youth Housing and Supportive Services decreasing the contract by \$61,356 for a total contract amount of \$277,510.

**Dept. of Workforce Investment**

12. Authorize solicitation of Request for Proposal for Basic Education Services to Adults and Dislocated Workers at Worknet Employment Resources Center Labs and return to the Board with recommendations.

13. Accept Award in the amount of \$250.00 from Pacific Gas & Electric (PG&E) Community Services Award Program donation and authorize the Auditor to establish a Trust Fund managed by Dept. of Workforce Investment for the Merced County Workforce Investment.

#### Fire

14. Adopt Resolution authorizing Chairman to sign Contract with Calif. Dept. of Forestry and Fire Protection (Cal Fire) for Fire Protection for FY 2009/10.

#### **ADOPTED RESOLUTION NO. 2010-25**

#### Planning

15. Approve and authorize Chairman to sign Amendment to Contract No. 2006292 with PBS&J for reimbursement of additional costs in the amount of \$6,208 related to consultant costs for preparation for the public hearing and visual simulations for Robinson Ranch Sand Mine (CUP06-008).

#### Executive Office

16. Approve and authorize Chairman to sign Renewal Contract No. 2005281 with Vision Service Plan for Vision Insurance.
17. Approve Travel Requests for District Attorney and Commerce, Aviation & Economic Development as recommended by Executive Office.

#### Board Recognition

18. Authorize Certificate of Recognition to Merced College in Celebration of 10 years of the Customer Service Academy and Business Center Open House.
19. Authorize Certificate of Recognition to Planada Elementary School District Groundbreaking Ceremony of the Cesar E. Chavez Middle School Multipurpose Room (Gymnasium).
20. Authorize Certificates of Recognition to 4-H Honorees from the Dos Palos, El Nido, Hilmar Colony, Lander, Le Grand, Los Banos Community, McSwain, Merced River, St. Anthony's, Weaver, Lancers, Le Grand, McSwain, OLF, Westside, and Countywide for their commitment and dedication to the 4-H.

#### **REVIEW BOARD ORDER – SEE PAGE 16**

### REGULAR CALENDAR

### BOARD ACTION

#### PUBLIC WORKS

21. Approve plans and specifications for the installation of Backflow Prevention Devices at the Ag. Center and Human Services Agency (including new meters-HSA only) on Wardrobe Avenue and Mental Health at 480 E. 13th Street, Merced; authorize Public Works to advertise bids and conduct bid opening and authorize contract award to the lowest responsible bidder if within the established budget; authorize Chairman to sign Contract subject to review of Counsel; direct a report back on Board Information of actions taken and

approve necessary budget transfers-\$75,000 from DPW-CIP and Human Services Agency.

**AUTHORIZED CONTRACT NO. 2010040 AS RECOMMENDED AYES: 1, 2, 3, 5  
NOT PRESENT: 4**

22. Approve plans and specifications for the Santa Nella Fire Station Fencing and Parking Lot Refurbishment; authorize Public Works to advertise for bids and conduct public bid opening and award the Project to the lowest responsive bidder if within the established budget; authorize Chairman to sign Contract upon review of Counsel and Public Works; direct Public Works to return to the Board with report of actions taken; approve the use of Special Board Project Funds-District Five in the amount of \$52,500 and approve the necessary budget transfers-52,500 and \$7,500 from Fire. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2010041 AS RECOMMENDED AYES: 1, 2, 3, 5  
NOT PRESENT: 4**

23. Contract with Peterson Brustad, Inc. for project management and engineering services for the Merced County Streams Group Flood Control Project and approve the necessary budget transfer.

**REVIEW BOARD ORDER - SEE PAGE 17**

24. Contract with Atwell Howlett and Tom Howlett for acquisition of an Easement for the Shanks/Letteau Intersection Project; accept Easement Deed for a Public Utility Easement needed for construction of the Project; approve payment to Fidelity National Title Company for escrow and any other transaction fees and adopt Resolution.

**ADOPTED RESOLUTION NO. 2010-26 AND AUTHORIZED CONTRACT NO. 2010028 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

25. Contract with Richard and Linda Duke for acquisition of Easement for the Shanks/Letteau Intersection Project; accept Easement Deed for a Public Utility Easement needed for construction of the Project; approve payment to Fidelity National Title Company for escrow and any other transaction fees and adopt Resolution.

**ADOPTED RESOLUTION NO. 2010-27 AND AUTHORIZED CONTRACT NO. 2010029 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

27. Contract with Estanislao and Catalina Buenrostro for acquisition of Road Right-of-Way and a Public Utility Easement for the Shanks/Letteau Intersection Project; accept Grant Deed for Road Right-of-Way and Public Utility Easement needed for construction of the Project; approve payment to Fidelity National Title Company for the appraised value of property plus escrow and any other transaction fees and adopt Resolutions.

**ADOPTED RESOLUTION NO. 2010-28 (GRANT DEED) AND NO. 2010-29 (UTILITY EASEMENT) AND AUTHORIZED CONTRACT NO. 2010030 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

28. Contract with Brandon Wright for acquisition of Road Right-of-Way and a Public Utility Easement for the Shanks/Letteau Intersection Project; accept Grant Deed for road Right-of-Way and Public Utility Easement needed for construction of the Project; approve payment to Fidelity National Title Company for the appraised value of property plus escrow and any other transaction fees and adopt Resolutions.

**ADOPTED RESOLUTION NO. 2010-30 (GRANT DEED) AND NO. 2010-31 (UTILITY EASEMENT) AND AUTHORIZED CONTRACT NO. 2010031 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

28. Contract with Arnolde and Maria Garcia for acquisition of Road Right-of-Way and a Public Utility Easement for the Shanks/Letteau Intersection Project; accept Grant Deed for Road Right-of-Way and Public Utility Easement needed for construction of the Project; approve payment to Fidelity National Title Company for the appraised value of property plus escrow and any other transaction fees and adopt Resolutions.

**ADOPTED RESOLUTION NO. 2010-32 (GRANT DEED) AND NO. 2010-33 (UTILITY EASEMENT) AND AUTHORIZED CONTRACT NO. 2010032 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

29. Contract with Raul and Marilyn Rocha for acquisition of Road Right-of-Way and a Public Utility Easement for the Shanks/Letteau Intersection Project; accept Grant Deed for Road Right-of-Way and Public Utility Easement needed for construction of the Project; approve payment to Fidelity National Title Company for the appraised value of property plus escrow and any other transaction fees and adopt Resolutions.

**ADOPTED RESOLUTION NO. 2010-34 (GRANT DEED) AND NO. 2010-35 (UTILITY EASEMENT) AND AUTHORIZED CONTRACT NO. 2010033 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

30. Contract with Marcos and Maria Aispuro for acquisition of Road Right-of-Way and a Public Utility Easement for the Shanks/Letteau Intersection Project; accept Grant Deed for Road Right-of-Way and Public Utility Easement needed for construction of the Project; approve payment to Fidelity National Title Company for the appraised value of property plus escrow and any other transaction fees and adopt Resolutions.

**ADOPTED RESOLUTION NO. 2010-36 (GRANT DEED) AND NO. 2010-37 (UTILITY EASEMENT) AND AUTHORIZED CONTRACT NO. 2010034 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

31. PULLED

#### HEALTH

32. Authorize submission of Waste Tire Enforcement Grant Application for FY 2009-2010 (Cycle 17) and authorize Chairman to sign Application with California Dept. of Resources Recycling and Recovery in the amount of \$126,600 with contract to be returned to the Board if awarded.

**ADOPTED RESOLUTION NO. 2010-38 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

#### MENTAL HEALTH

33. Authorize submission of Grant Application for the Offender Reentry Program with Substance Abuse & Mental Health Services Administration for up to \$400,000 per year for three years, authorize Christopher Jensen as Mental Health's Authorized Organization Representative to submit the electronic grant application through grants.gov and authorize the Mental Health Director to sign all documents necessary for the application submittal with the Contract to be returned to the Board if awarded.

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

#### HUMAN SERVICES AGENCY

34. Contract with District Attorney for In-Home Supportive Services Program Fraud Investigation and Prevention Services in the amount of \$109,623 with a District Attorney match of \$17,770 and approve the necessary budget transfers-\$91,853 (Human Services Agency)

and \$91,853 (District Attorney). (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2010043 AS RECOMMENDED AYES: 1, 2, 3, 5**  
**NOT PRESENT: 4**

35. Contract with Foundation for Improved Living-Merced for services using the Circles (TM) Campaign 18-Session "Getting Ahead" Training and approve the necessary budget transfer-\$62,250. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2010044 AS RECOMMENDED AYES: 1, 2, 3, 5**  
**NOT PRESENT: 4**

ASSESSOR-RECORDER

36. Contract with Brown's River Marotti Company for Records Restoration and Repair Services for maintenance of Vital Records pursuant to Government Code Section 27322.2.

**REVIEW BOARD ORDER – SEE PAGE 17**

MERCED COUNTY SPRING FAIR

37. Contract with Speeda Sound to provide sound services at the Spring Fair for the period of May 1, 2010 through 30, 2014.

**REVIEW BOARD ORDER – SEE PAGE 17 AND 18**

38. Authorize the procurement purchase of Livestock Pens from Plymouth Manufacturing and issue a Purchase Order for said purchase; approve use of Special Board Project Funds-District Five in the amount of \$35,000 and approve the necessary budget transfers (2). (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2010047 AS RECOMMENDED AYES: 1, 2, 3, 5**  
**NOT PRESENT: 4**

SHERIFF

39. Accept donation of \$500 from Yosemite Kennel Club of Mariposa for the Sheriff's K-9 Unit and approve the necessary budget transfer. (4/5 Vote Required)

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

DISTRICT ATTORNEY

40. Approve the District Attorney's participation in the Anti-Drug Abuse Enforcement Team Recovery Act Program and authorize Chairman to sign Contract with CalEMA for grant funds in the amount of \$313,492 and the Certificate of Assurance of Compliance; authorize the addition of one Legal Assistant to BU 20404; approve the necessary budget transfers-\$40,184 and adopt Resolutions. (4/5 Vote Required)

**ADOPTED RESOLUTION NO. 2010-39 (ANTI-DRUG PROGRAM GRANT) AND 2010-40 (POSITION ALLOCATION) AND AUTHORIZED CONTRACT NO. 2010038 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

COUNTY CLERK

41. Contract with DRM Associates for the EIMS Election Management System.

**AUTHORIZED CONTRACT NO. 2010048 AS RECOMMENDED AYES: 1, 2, 3, 5**  
**NOT PRESENT: 4**



BOARD OF SUPERVISORS

42. Authorize Special Board Project Funds-District Five in the amount of \$60,000 to the Los Banos Cemetery District to assist with the building of a Rotunda Building to hold memorial services.

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

43. Authorize Special Board Project Funds-District One in the amount of \$6,000 to be utilized by Public Works-Parks to assist with utilities, maintenance, supplies and repairs for the El Nido Community Hall.

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

44. Authorize Special Board Project Funds-District One in the amount of \$3,000 to Post 660, American Legion to assist with repairs/maintenance of the Le Grand Legion Hall.

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

45. Resolution supporting the High Speed Rail for California and Route A2 Alignment from Fresno to Merced.

**ADOPTED RESOLUTION NO. 2010-41 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

46. Resolution in support of Senator Feinstein's Emergency Water Supply Amendment to ensure improved water flows to California's Central Valley Farmers and authorize notification to the California's Congressional Delegation.

**ADOPTED RESOLUTION NO. 2010-42 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

47. Recognize April 18-24, 2010 as "Volunteer Week" in order to coincide with National Volunteer Week; direct Staff to coordinate applications, nominations and Screening Committee for the Volunteer Recognition Program-2010; set April 2, 2010 as the deadline to receive applications and nominations; Set April 27 as the date for awarding the Volunteer Recognition and Service Program Certificates.

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

EXECUTIVE OFFICE

48. Amend Application and Appointment Procedures for At Large Committee Members to allow incumbents who have been selected through the At Large Appointment Process that fill an unexpired term that is under one year may be considered for appointment by the Board at a regular meeting; and, adopt Resolution to amend Resolution No. 2008-28.

**REVIEW BOARD ORDER – SEE PAGE 18**

49. Environmental Health - Authorize submittal of amendment to the Grant Application and Amendment to Contract No. 2008163 with Calif. Environmental Protection Agency for the Aboveground Petroleum Storage Act Program Grant for amended period of 1/1/2008 through 5/1/2011, not to exceed total grant allocation amount of \$73,100.39; authorize Environmental Health Director to sign the application and all payment requests, Chairman to sign Contract and adopt Resolution.

**ADOPTED RESOLUTION NO. 2010-44 AND AUTHORIZED CONTRACT NO. 2008163 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

## BOARD APPOINTMENTS

50. Housing Authority of the County of Merced - (1) Select and appoint up to four At-Large Members of the Housing Authority of the County of Merced, based on the high scores of candidates, above the 70% threshold, (2) Determine the term which each newly appointed member should be assigned, recommendation is to assign the candidate who had the lowest score to the shorter term and that the Board assign the appointee with the highest score to the longer term, (3) Should less than two candidates be selected, instruct the Clerk of the Board to continue to receive applications for any positions that remain.

**REVIEW BOARD ORDER – SEE PAGE 11 AND 12**

51. Henry Miller Reclamation District – Reappointed David Pruitt, Aldo Sansoni, Cannon Michael and David Carlucci until November 3, 2013.

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

52. Mental Health Advisory Board – Appointed Mary Hoffman, representing District Five, to serve an unexpired term until June 30, 2012.

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

53. Law Library Board of Trustees – Appointed Linda Groth, Board Appointee, until 1/1/2011 and Alfred Whitehurst, Board Appointee, until 1/1/2011.

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

## BOARD INFORMATION & POSSIBLE ACTION

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

54. Mercy Medical Center Merced re: Closure of Mercy Medical Center Merced - Dominican Campus, Notice in compliance with requirements of AB 2400 of March 6 official closure and removal from the hospital license.
55. State Water Resources Control Board re: Notice of Public Informational Proceeding to develop flow criteria for the Delta Ecosystem necessary to protect public trust resources on March 22, 2010 in Sacramento.
56. State Dept. of Water Resources re: Initiation of Process to develop biological objectives for freshwater streams and rivers in California - invitation to participate in kickoff meetings on March 8, 2010 in Sacramento and March 11, 2010 in Costa Mesa.
57. Board Travel Summaries for period of November, 2009 through January, 2010 pursuant to Government Code Section 53232.3(d).

**RECESSED TO MEET AS REDEVELOPMENT AGENCY AND RECONVENED AS A BOARD OF SUPERVISORS.**

**ADOPTED RESOLUTIONS IN MEMORY OF IDA OLSON, JAMES COOK AND HUGO KAJI AND ADJOURNED THE MEETING UNTIL TUESDAY, MARCH 16, 2010 AT 10:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – FEBRUARY 23, 2010**

**8:00 A.M. SCHEDULED ITEM**  
**2010-02-23 CLOSED SESSION**

The Board recesses into Closed Session at 8:00 a.m. and reconvenes at 8:40 a.m. with all members present.

County Counsel James Fincher states in Closed Session, the Board gave County Counsel direction to file a writ with respect to (1) SJRRC, POW v. County of Merced, et al., Merced Superior Court case number CV000689, and (2) SJRRC; POW v. County of Merced, et al., Merced Superior Court case number CV000629.

Mr. Fincher advises the Board provided Staff direction on the remainder of Closed Session matters.

Present: O'Banion, Pedrozo, Walsh, Nelson

Not Present: Kelsey

**8:30 A.M. SCHEDULED ITEM/ ACTION ITEM 50**  
**2010-02-23 HOUSING AUTHORITY OF MERCED**

The time and date previously set for interviews for Four At-Large Members to be appointed by the Board of Supervisors to serve on the Housing Authority of the County of Merced.

Director of Governmental Affairs Katie Albertson advises 20 applications were received, and 17 applicants to be interviewed for the position are present.

The Board interviews Michael Kelly, Arturo Lopez, Joseph Zack, Glenn Lyle Davis, Dr. Bryant Owens, Rick Osorio, Joe Sepulveda, Tru Chang, Rachel Perez, Robert Stroup, Alfredo Mendoza, Onis Lentz, and Don Ramsey.

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Later in the day, the Clerk announces Action Item 50, Appointment to the Housing Authority of the County of Merced is before the Board for consideration.

The Chairman recommends the Board take action to reappoint Mr. Delgadillo who has contacted the Board of his consideration for reappointment.

Upon motion of Supervisor Nelson, seconded by Supervisor Walsh, duly carried, the Board reappoints Jose Delgadillo to serve as a member on the Housing Authority of the County of Merced until February 18, 2014 in accordance with Action Item No. 48 approval.

Ms. Albertson reviews the scores for the At-Large Members interviewed stating the Applicants met the criteria of 70% threshold and the top three scores are: Michael Kelly–314, Glenn Lyle Davis–312, and Rachel Perez–298.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board appoints Michael Kelly until February 18, 2014, Glenn Lyle Davis until February 18, 2012, and Rachel Perez until February 18, 2012 to serve as members of the Housing Authority of the County of Merced.

Present: O'Banion, Pedrozo, Walsh, Nelson

Not Present: Kelsey

**10:00 A.M. SCHEDULED ITEM**  
**2010-02-23 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider a Resolution to commence eminent domain proceedings to acquire property from the estate of Adelina Vasquez for the Shanks/Letteau Intersection Project submitted by Public Works.

Public Works Director Paul Fillebrown reviews the Staff Report and recommendations.

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

The Chairman closes the public hearing.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board adopts the Resolution of Necessity to commence eminent domain proceedings to acquire property from the Estate of Adelina Vasquez which includes a portion from APN 009-340-026 and an adjacent public utility easement and slope easement on property that is located on the north side of Letteau Avenue, zoned R-1 (Single Family Residential) for the Shanks/Letteau Intersection Project in the Delhi area and adopts Resolution No. 2010-21.

Ayes: O'Banion, Pedrozo, Walsh, Nelson

Not Present: Kelsey

**10:00 A.M. SCHEDULED ITEM**  
**2010-02-23 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider a Resolution to commence eminent domain proceedings to acquire property from Donald and Karen Rinehart for the Shanks/Letteau Intersection Project submitted by Public Works.

Public Works Director Paul Fillebrown reviews the Staff Report and recommendations.

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

The Chairman closes the public hearing.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board adopts the Resolution of Necessity to commence eminent domain proceedings to acquire property from Donald and Karen Rinehart which includes a portion from APN 009-320-003 and an adjacent slope easement on property that is located on the south side of Letteau Avenue, zoned R-1 (Single Family Residential) for the Shanks/Letteau Intersection Project in the Delhi area and adopts Resolution No. 2010-22.

Ayes: O'Banion, Pedrozo, Walsh, Nelson

Not Present: Kelsey

**10:00 A.M. SCHEDULED ITEM**

**2010-02-23 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider a Resolution to commence eminent domain proceedings to acquire property from Thiara et al for the Campus Parkway Project submitted by Public Works.

Public Works Director Paul Fillebrown reviews the Staff Report and recommendations.

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

The Chairman closes the public hearing.

Upon motion of Supervisor Walsh, seconded by Supervisor Nelson, duly carried, the Board adopts the Resolution of Necessity to commence eminent domain proceedings to acquire property from Thiara et al which includes portions of APNs: 061-010-008, 061-330-012, 061-330-021, 061-330-028, 061-330-030, 061-330-031 and 238-040-019 on property located north of State Route 140 within the unincorporated area of Merced County for the Campus Parkway Project and adopts Resolution No. 2010-23.

Ayes: O'Banion, Pedrozo, Walsh, Nelson

Not Present: Kelsey

**10:00 A.M. SCHEDULED ITEM**

**2010-02-23 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider an Appeal received from Stanislaus County Office of Education to the Planning Commission failure to approve Minor Modification Application No. MM09-011; Application requests removal or modification of Approval Condition Nos. 7 and 8 of Minor Modification No. MM07-025 to allow operation of the Migrant and Seasonal Head Start Child Care Center prior to opening the Felix Torres Farm Worker Housing Center on property located on Plainsburg Road, 2000 feet north of Highway 140 in Planada.

Development Services Director Robert Lewis reviews the Staff Report.

Senior Planner James Holland reviews the PowerPoint presentation.

County Counsel James Fincher states for the record Supplemental Material has been received from Bryant Owens and documents are available for the public.

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

The following speak in support:

Maria Baptista, Planada resident and Planada Municipal Advisory Council member;  
Alicia Rodriguez, Planada Municipal Advisory Council member;  
Deborah Peguero-Clipper, Stanislaus County Office of Education, Executive Director of the Child Family Services Division;  
Rachel Perez, Planada resident;  
Ana Maria Moreno, Planada resident and employee of Child Development Center;  
Mary Ellen Chavez, Planada resident; and,  
Yolanda Garcia through interpreter Mary Ellen Chavez, Planada resident.

Mr. Bryant Owens, Planada resident, speaks in opposition.

The Chairman closes the public hearing.

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor Walsh, duly carried, the Board determines that Minor Modification No. MM09-011 to Conditional Use Permit No. CUP05-031 is within the scope of the Initial Study and Mitigated Negative Declaration previously circulated and adopted for the Felix Torres Housing Center Project as the Responsible Agency and Minor Modification No. MM09-011 to Conditional Use Permit No. CUP05-031 does not require supplemental environmental review based on the following Findings:

Finding 1. Minor Modification Application No. MM09-025 proposes a slight change in timing to one part of a project that was previously the subject of an Initial Study and Mitigated Negative Declaration (State Clearinghouse No. 2005101023).

Finding 2. Minor Modification Application No. MM09-011 does not propose any expansion or change in intensity of use of the project site beyond that considered under the CEQA Initial Study.

Finding 3. This determination is solely based on the independent judgment of the County.

Ayes: O'Banion, Pedrozo, Walsh, Nelson

Not Present: Kelsey

Following further discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board approves Minor Modification No. MM09-011 to Conditional Use Permit No. CUP05-031 subject to the following Conditions and thereby upholding the appeal based on the listed Findings as follows:

### **Project Findings**

Finding 1. On May 2, 2006, the Board of Supervisors adopted the Merced County Housing Authority CEQA Initial Study and Mitigated Negative Declaration and approved Conditional Use Permit No. CUP05-031, allowing the construction and operation of the Felix Torres Housing Center. Minor Modification No. MM07-025, the first modification to Conditional Use Permit No. CUP05-031, together with Minor Deviation No. MD08-004, was approved by the Board of Supervisors on April 9, 2008.

Finding 2. Minor Modification No. MM09-011, being the 2<sup>nd</sup> Modification to Conditional Use Permit No. CUP05-031, proposes to revise the conditions of approval for the Migrant and Seasonal Head Start Child Care Center provided by Minor Modification No. MM07-025 by deleting Approval Condition No. 7 and revising Approval Condition No. 8 to allow the Child Care center to accept clients from the Planada area farm worker community prior to the opening of the Felix Torres Housing Center.

Finding 3. The project site is located on the west side of Plainsburg Road, approximately one quarter mile north of the Planada SUDP Boundary.

Finding 4. The project site is designated Agricultural in the General Plan and zoned A-1 (General Agricultural).

Finding 5. The proposal was referred to the following County and public agencies for review: Department of Public Works Roads Division, Building and Safety Division, Department of Health Environmental Health Division, Merced County Fire Department, Merced Irrigation District, and Planada Community Services District.

Finding 6. The proposal application is consistent with the Merced County General Plan and complies with all applicable standards of the Merced County Zoning Code, subject to the recommended conditions of approval.

Finding 7. The project, as conditioned, is compatible with adjacent land uses, properties, and neighborhoods.

Finding 8. The project, as conditioned, will not be a nuisance or detrimental to the public health, safety, and general welfare.

Finding 9. The public hearing has been adequately noticed and advertised.

#### **CONDITIONS OF APPROVAL:**

1. Minor Modification No. MM09-011 to Conditional Use Permit No. CUP 05-031 is granted to allow operation of the previously approved Felix Torres Migrant and Seasonal Head Start Child Care Center prior to the construction and opening of the adjacent Felix Torres Housing Center.
2. The project site shall be developed and operated in a manner that is consistent with the site plan approved for applications MM07-025 and MD08-004 and the Applicant's Operational Statement.
3. All conditions of approval and mitigation measures required for CUP05-031, MM07-025, and MD08-004 shall remain in effect for this modification unless already complied with or specifically amended or deleted by the Planning Commission or Board of Supervisors.
4. All children enrolled in the Felix Torres Migrant and Seasonal Head Start Child Care Center shall be transported to and from the site in a passenger van provided by the Stanislaus County Office of Education if no private transportation is available. No new pedestrian traffic along Plainsburg Road shall be directly generated by operation of this facility.

5. Following the Certificate of Occupancy for the Felix Torres Housing Center, a minimum of seventy five percent (75%) of the children attending the Felix Torres Migrant and Seasonal Head Start Child Care Center shall be residents of the Felix Torres Center housing units.
6. Prior to the opening of the Felix Torres Housing Center, children attending Felix Torres Migrant and Seasonal Head Start Child Care Center may be drawn from the general Planada area community, subject to meeting program eligibility requirements.
7. For the purpose of conditions monitoring, an inspection fee in the amount of \$324 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 at the established hourly rate at the time of the inspection. This permit will not be considered valid until the conditions monitoring fee has been paid.

Ayes: O'Banion, Pedrozo, Walsh, Nelson

Not Present: Kelsey

**CONSENT ITEM NO. 20**

**2010-02-23 BOARD RECOGNITION**

Upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board authorizes Certificates of Recognition to the following individuals for their commitment and dedicated service to the 4-H Clubs:

Silver Clover Award – 5 Years of Service: Julie Trinidad-Countywide; Noelle Westbrook and Scott Westbrook-Dos Palos; Dean Johnson-El Nido; DeEtte Cooper and Greg Cooper-Hilmar Colony; C. A. Russell and Kirsten Russell-Hilmar Colony; Nancy Hass-Lander; Lora Fielder-Lander; Susan Grinder-Le Grand; Nancy Marchini-Le Grand; Cynthia Ragus-Le Grand; Chris Terra-Le Grand; Lynn Wakeling-Los Banos Community; Patty Aue-McSwain; Denise Homen-McSwain; Stacey Machado-McSwain; Mary Minor-Burroughs-Merced River; Babette Pareira-Merced River; Amanda Schoonhoven and Kevin Schoonhoven- St. Anthony's; Karen Wallace-Weaver; Donya Avila-Weaver; Carolyn McCrary-Weaver; Bryan Smith-Westside.

Gold Clover Award – 10 Years of Service: Bernie Marks-Lancers; Dina Ray-Lancers; Wendi Hill-Lander; Stephanie Marchini-Le Grand; Cynthia Cassidy-McSwain; Bruce Pearson-McSwain; Mary Harris-OLF; Lucia Farao-Westside.

Pearl Clover Award – 15 Years of Service: Kim Cruz-Marks-Lancers; Fred Lewis-Los Banos Community; Eileen Dugan-Vaughn-OLF; Margaret Patricio-OLF; Charlie Alamo-Westside.

Diamond Clover Award – 20 Years of Service: Mark Migliazzo-Countywide.

Ruby Clover Award – 30 Years of Services: Susan Mahacek-Lancers.

2009 Tak Date Service Award-Meritorious Award: Lee Anderson, Superintendent MCOE.

2008 Tak Date Service Award-Meritorious Award: Tim Rice, Save Mart, #53 Merced.

2009 Rollo Spina Leader Award-Meritorious Award: Ka Xiong, Weaver 4-H Club.

Master Gardener Program-Merced County – 5 Years of Service: Pamela Cornelison

Ayes: Pedrozo, Walsh, Nelson, O'Banion

Not Present: Kelsey



**ACTION ITEM NO. 23**

**2010-02-23 PUBLIC WORKS**

The Clerk announces the contract with Peterson Brustad, Inc. to provide management and engineering services is before the Board for consideration.

Public Works Director Paul Fillebrown appears and recommends the Professional Liability be amended from \$5,000,000 to \$2,000,000 in the contract.

County Counsel James Fincher states he has reviewed the recommendation from \$5,000,000 to \$2,000,000 and it is appropriate for this contract.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Walsh, duly carried, the Board approves the contract with Peterson Brustad, Inc. for Project Management and Engineering Services for the Merced County Streams Group Flood Control Project and approves the necessary budget transfer-\$95,000.

Ayes: O'Banion, Pedrozo, Walsh, Nelson

Not Present: Kelsey

**ACTION ITEM NO. 36**

**2010-02-23 ASSESSOR-RECORDER**

The Clerk announces the Contract with Brown's River Marotti Company for Records Restoration and Repair Services is before the Board for consideration.

County Counsel James Fincher advises there is an amendment in the Professional Liability from \$5,000,000 to \$2,000,000 in the Contract and states this is appropriate for this contract.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Walsh, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2010045 with Brown's River Marotti Company for Records Restoration and Repair Services for Maintenance of Vital Records pursuant to Government Section 27322.2, including the change in Professional Liability to \$2,000,000.

Ayes: O'Banion, Pedrozo, Walsh, Nelson

Not Present: Kelsey

**ACTION ITEM NO. 37**

**2010-02-23 MERCED COUNTY SPRING FAIR**

The Clerk announces the contract with Speeda Sound to provide sound services at the Spring Fair is before the Board for consideration.

County Counsel James Fincher states the contract needs to be amended and identified as follows: The start date is April 1, 2010, not May 1, 2010; no end date was identified in the contract, and the end date should reflect May 6, 2014. He recommends the Contract be approved with these corrections.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2010046 with Speeda Sound to provide sound services at the Spring Fair with a start date of April 1, 2010 and end date of May 6, 2014 as recommended by Counsel.

Ayes: O'Banion, Pedrozo, Walsh, Nelson

Not Present: Kelsey

**ACTION ITEM NO. 48**

**2010-02-23 EXECUTIVE OFFICE**

The Clerk announces Amendment to the At Large Committee process by Resolution is before the Board for consideration.

Several Board members question the amendment to the Rules.

County Executive Officer Larry Combs clarifies the proposed change in policy stating the proposal would only allow the incumbents that have been selected and interviewed through the At Large Appointment Process who fill an unexpired term that is under one year to be eligible. Then the incumbent shall contact the Board for consideration and complete the necessary forms to be considered for reappointment. He states this would ensure continuity and retain qualified applicants.

Bryant Owens questions if any applicants would be affected by this Resolution that are currently being considered for the Housing Authority of the County of Merced.

Chairman O'Banion states currently Mr. Delgadillo serves on the Housing Authority of the County of Merced, he was appointed by the Board and has served less than one year.

Following discussion and upon motion of Supervisor Nelson, seconded by Supervisor Walsh, duly carried, the Board amends Resolution No. 2008-28, Standing Rules, Application and Appointment Procedures for County Boards, Committees and Commissions (BCC's) to allow Incumbents who have been selected through the At Large Appointment Process and interviewed by the Board and who fill an unexpired term that is under one year to be considered for appointment by the Board at a regular meeting and adopts Resolution No. 2010-43.

Ayes: O'Banion, Pedrozo, Walsh, Nelson

Not Present: Kelsey