



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, MARCH 30, 2010
Closed Session – 8:00 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
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

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

8:00 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: PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: County Executive Officer

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 - 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 - 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): (1) SJRRC, POW v. County of Merced, et al., Merced Superior Court case number CV000689; (2) SJRRC; POW v. County of Merced, et al., Merced Superior Court case number CV000688; (3) SJRRC; POW v. County of Merced, et al., Merced Superior Court case number CV000629; (4) City of Merced v. Walnut Creek Development Inc., et al., Merced Superior Court case number CV000643

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): One Case

REVIEW BOARD ORDER – SEE PAGE 11

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 11

PRESENTATION

Recognition of Human Services Agency - Contributions to the State Low Food Stamps Program Error Rate

Presented by: California Dept. of Social Services-Carlos Ocampo (Staff Services Manager and Alice Murrietta (Analyst)

REVIEW BOARD ORDER – SEE PAGE 12

JOINT MEETING OF THE BOARD OF SUPERVISORS AND THE WORKFORCE INVESTMENT BOARD

To Consider and Review The Workforce Investment Board End Of The Year 2008/09 Report and Future Goals

REVIEW BOARD ORDER – SEE PAGE 12

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 32)

APPROVED AS RECOMMENDED AYES: ALL

PLANNING - PUBLIC HEARING

To consider Appeal filed by the San Joaquin Raptor Rescue Center and Protect Our Water relative to MAS06-011 "Lucca Villa" and review and cure and correct the alleged Violation of Ralph M. Brown Act and Appeal of Planning Commission Project Determination and approval of Major Subdivision Application No. MAS06-011 submitted by Pietro Bandoni, Inc. "Lucca Villas" considered by the Planning Commission on October 28, 2009. Said application proposes to divide two parcels totaling 22.2 acres into 17 single-family residential lots ranging in area from 1.0 acre to 1.97 acres on property located on the east side of Leeds Road, 1450 feet north of Olive Avenue in Merced

RECOMMENDATION: Open public hearing, consider testimony and Direct Planning Commission to rescind its Action of October 28, 2009 of the adoption of the Mitigated Negative Declaration and Project Approval of Major Subdivision Application No. MAS06-011 for Lucca Villas and to revise the Agenda for the public hearing by the type of CEQA document under consideration as previously directed by the Board of Supervisors on January 26, 2010 as a matter of sound policy

REVIEW BOARD ORDER – SEE PAGE 12 AND 13

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items #1 - 32)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve and authorize Chairman to sign Amendment to Contract No. 2005062 with Fineline Industries to test newly constructed power boats at Lake Yosemite and extend the term until June 30, 2015.
2. Contract with Sam David for acquisition of road right-of-way for the Shanks/Letteau Intersection Project; accept Grant Deed for road right-of-way needed for construction of the Project; approve payment to Fidelity National Title Company for appraised value of property plus escrow and any other transaction fees and adopt Resolution.

ADOPTED RESOLUTION NO. 2010-62, AUTHORIZED CONTRACT NO. 2010062

Mental Health

3. Approve and authorize Chairman to sign Amendment to Contract No. 2007249 with Aspira Behavioral Health for the WeCan Program to expand services and increase contract from \$1,653,000 to \$2,393,000 through June 30, 2011 and approve the necessary budget transfer-\$370,000. (4/5 Vote Required)
4. Approve and authorize Chairman to sign Renewal Contract No. 2009242 with Probation for Delivery Driver/Mail Courier Services transporting incoming/outgoing mail between Merced, Los Banos and Administration.
5. Approve and authorize Chairman to sign Renewal Contract No. 2004105 with Health Department for Delivery Driver/Mail Courier Services transporting incoming/outgoing mail to satellite clinic in Los Banos.
6. Approve and authorize Chairman to sign Renewal Contract No. 2004103 with Human Services Agency for Delivery Driver/Mail Courier Services transporting incoming/outgoing mail between Merced, Los Banos and Administration.
7. Approve and authorize Chairman to sign Renewal Contract No. 2009168 with Health to provide Alcohol and Drug HIV services.
8. Approve and authorize Chairman to sign Renewal Contract No. 2008104 with Dr. Elmer Ignacio for provision of psychiatric services at the Saturday Meds Clinic.
9. Approve Budget Transfers in the amount of \$12,500 for MHSA Plan purchases needs and \$80,647 for Realignment Revenue increase to cover overdrawn accounts (Revenue will offset) as recommended by Executive Office. (4/5 Vote Required)

Human Services Agency

10. Approve and authorize Chairman to sign Amendment to Contract No. 2007015 with California Statewide Automated Welfare System Consortium IV for the design, development, implementation and on-going operation and maintenance of an automated welfare system and modifies the Joint Powers Agreement to implement a regional governance model for the 39-county JPA.
11. Approve and authorize Chairman to sign Renewal Contract No. 2008302 with Merced Lao Family Community, Inc. for Home Visitor services providing outreach to clients.

Planning

12. Approve and authorize Chairman to sign Amendment to Contract No. 2009303 with Michael and Veronica Brasil dba Michael Brasil Dairy to include environmental review process for the Michael Brasil Dairy EIR for CUP07-004 and approve the necessary budget transfer-\$19,660. (4/5 Vote Required)
13. Approve Budget Transfer in the amount of \$17,340 in connection with November 10, 2009 Board Action relative to Michael Brasil Dairy as recommended by Executive Office. (4/5 Vote Required)

Ag. Commission

14. Approve and authorize Chairman to sign Renewal Contract No. 2002112 with Calif. Dept. of Food and Agriculture (CDFA) to conduct targeted detective survey for Red Imported Fire Ant (RIFA) and adopt Resolution.

ADOPTED RESOLUTION NO. 2010-63

Health

15. Approve and authorize Chairman to sign Amendment to Contract No. 2007078 with Air Methods Corp., dba Medi-Flight to provide exclusive air ambulance provider services.

REVIEW BOARD ORDER – SEE PAGE 13

Commerce, Aviation and Economic Development

16. Set public hearing for April 13, 2010 at 10:00 a.m. to consider California Communities to issue bonds to SunEdison, LLC for the purposes of construction a solar energy facility located at 9950 S. Ingomar Grade in Los Banos as required by Section 147(f) of the Internal Revenue Code of 1986.
17. Approve Budget Transfer in the amount of \$5,200 for replacement of pesticide/weed spray rig with funds from prior year revenue as recommended by Executive Office.

Auditor

18. Approve and authorize Chairman to sign Amendment to Contract No. 2007112 with Brown, Armstrong Paulden McCown Starbuck Thornburgh & Keeter Accountancy Corporation for Audit Services of the Comprehensive Annual Financial Report, Federal Single Audit and some of the mandated audits of the Fiscal Years Ending 6/30/10, 6/30/11 and 6/30/12.

Sheriff

19. Approve Budget Transfer in the amount of \$6,500 for modular office furniture required due to relocation (Sheriff's Rural Small County Trust Fund will offset) as recommended by Executive Office.

Executive Office

20. Approve Travel Requests submitted by Retirement and Planning as recommended by Executive Office.

REVIEW BOARD ORDER – SEE PAGE 13

21. Act on Application for Leave to Present a Late Claim filed by Arthur Griffin (2010-018) and authorize Risk Manager to issue Notice of Denial.

22. Approve and authorize Chairman to sign Renewal Contract No. 2004069 with Terry Roberts dba Ashgrove Risk Management Services for Risk Management Consulting Services.

REVIEW BOARD ORDER – SEE PAGE 13

Board Recognition

23. Authorize Certificates of Recognition to Merced County Chamber of Commerce 2009 Awards to: Michael Gallo-Good Business of the year; Nancy Deavours-Businesswoman of the Year; Jeff Pennington-Businessman of the Year; Pocket 8's Suishi and Grill-Business of the Year; Doug Fluetsch-Ambassador of Goodwill; Michele Gabriault-Acosta-10 Years Service; Hubert Walsh-Four Years Service; Mary Ward-Three Years Service; Karen Foster and Mark Erreca-Two Years Service and Nelson Crabb-2008/2009 Outgoing President.

24. Authorize Certificates of Recognition to the finest agriculture students from Merced County 11 High Schools that participate in the Merced/Mariposa Section FFA Project Competition.

REVIEW BOARD ORDER – SEE PAGE 14

25. Authorize Certificates of Recognition from Merced River Chapter, National Society of the Daughters of the American Revolution honoring the Daughters of the American Revolution Good Citizens from Atwater High School-John Guerrero and Merced High School-Pang Kou Chang.

26. Authorize Certificates of Recognition to the Merced County Historical Society 2009 Awards: Joanne Mueller-2009 Heacox Pioneer Award, Durell Ewing-2009 Docent of the Year Award, Castle Air Museum-2010 Estep-Burchell Community Grant, Bob Taniguchi-2009 Letus Wallace Award, Myriam Zavalza-Museum Youth Volunteer Award, Lourdes Miranda-Museum Youth Volunteer Award and Marisela Miranda-Museum Youth Volunteer Award, Timmie Bressler-Museum Staff and Volunteer, Bob Souza-Past President, 2009 Historical Society Leadership and Ann Wieser-1999-2009 services to the Board.

27. Authorize Certificate of Recognition to Andrea Baptie upon selection as Travis Credit Union Manager of the Year.

28. Authorize Certificate of Recognition to El Centro for Grand Opening Celebration.

29. Authorize Certificates of Recognition to Gustine Chamber of Commerce Annual Awards to: Alfred A. Souza, Sr.-Lowell N. Peters Award; Tiffany Vitorino and Joann Freitas-Citizens of the Year Award and John B. San Filippo and Son, Inc.-Agriculturalist of the Year; Nunes Auto Care-Business of the Year and Leonard Holmquist-Special Chamber Award.

30. Authorize Certificates of Recognition to Student of the Quarter for Bellevue Elementary-Miguel Hernandez, Mitchell Senior-Jonathan Morrow, Volunteer of the Quarter to Shauna Wiess and Business of the Quarter to Mid-Valley Publications as recognized by Atwater Chamber of Commerce.

31. Authorize Certificate of Recognition to Satellite Dialysis Center for Ribbon Cutting.

Library

32. Approve Budget Transfer in the amount of \$15,000 for unexpected expenses with funds from Other Revenue and Merced Library Trust Fund as recommended by Executive Office.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

33. Approve the Lake Yosemite Main Beach and Concession Area Improvement Project; approve combining the established CIP Funding in the amount of \$229,594 for the Concession Building Upgrade with the remaining Proposition 40 Grant Funds in the amount of \$387,906 for a total project budget of \$617,500; authorize Public Works to approve plans and specifications for the Project when completed and authorize advertisement of bids and conduct Public Bid Opening; authorize Public Works to award to the lowest responsive bidder provided said bid is within the project budget; authorize Chair to sign subject to review of Counsel and understanding Public Works is returning to the Board with report of action taken and approve the necessary budget transfer. (4/5 Vote Required)

REVIEW BOARD ORDER – SEE PAGE 14

34. Contract Award to Wood Brothers, Inc. for Highway 59 Landfill Phase 1-4 Final Closure, Phase 5 Partial Closure Project.

REVIEW BOARD ORDER – SEE PAGE 15 AND 16

35. Approve plans and specifications for the Construction of Avenue Two Over Canal Creek Bridge, Atwater with Public Works to proceed as authorized and return to the Board with Information of action taken.

APPROVED AS RECOMMENDED AYES: ALL

36. Approve plans and specifications for Merced Veteran's Memorial Building Main Hall Ceiling and Lighting Retrofit; authorize Public Works to advertise for bids/conduct public bid opening and award contract to the lowest responsive bidder as long as within contract amount and authorize Chairman to sign Contract subject to Counsel review and direct Public Works to report back to the Board on actions taken.

AUTHORIZED CONTRACT NO. 2010066 AS RECOMMENDED AYES: ALL

37. Authorize Sole Source Contract with Severn-Trent Water Purification, Inc. for Arsenic Reduction media Replacement Services and authorize issuance of Blanket Purchase Order in a not to exceed amount of \$182,000.

REVIEW BOARD ORDER – SEE PAGE 16

HEALTH

38. Contract with County of San Joaquin for Immunization Registry Services for a Grant with the State Dept. of Public Health and approve the necessary budget transfer-\$20,042. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2010060 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

39. Authorize preparation and release of Request for Proposal for Men's and Women's Residential Alcohol and Other Drug Treatment Services, select the most responsive provider and return to the Board with contract recommendation.

APPROVED AS RECOMMENDED AYES: ALL

40. Award RFP No. 6489 to Kings View Corporation as successful bidder for Patients' Rights Advocate services and authorize Chairman to sign Contract.
AUTHORIZED CONTRACT NO. 2010068 AS RECOMMENDED AYES: ALL
41. Accept funds and authorize Contract with California Emergency Management Agency for Recovery Act Justice Assistance Grant for Substance Abuse Offender Treatment Program, add two Alcohol and Drug Counselors and one Program Assistant to BU 41524, approve the necessary budget transfer-\$80,013 and adopt Resolution. (4/5 Vote Required)
APPROVED RESOLUTION NO. 2010-64 AND CONTRACT NO. 2010069 AS RECOMMENDED AYES: ALL
42. Authorize Mental Health to work with City of Merced Fire Department to hang a banner over and above the streets between 19th and 20th Streets in the City of Merced for one week starting June 20, 2010 as part of the Mental Health Services Act Prevention and Early Intervention Public Awareness and Education Campaign.
APPROVED AS RECOMMENDED AYES: ALL
43. Authorize submission of the Mental Health Services Act Fiscal Year 2010-2011 Annual Plan Update to the State Dept. of Mental Health and Mental Health Services Oversight and Accountability Commission and authorize the Director to sign the necessary documents.
APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

44. Contract with Chae Sun Lee Family Revocable Living Trust for lease at 1471 B Street, Livingston, CA for Human Services Agency Cal Works Services.
AUTHORIZED CONTRACT NO. 2004046 AS RECOMMENDED AYES: ALL
45. Contract with California Statewide Automated Welfare System Consortium IV for the design, development, implementation and on-going operation and maintenance of an automated welfare system creating a single 39-county MOU merging the existing MOU's into a single MOU/Contract.
AUTHORIZED CONTRACT NO. 2010063 AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

46. Contract with Madera County Superintendent of Schools to implement Merced County's portion of a regional "Central Valley Vet Connect" project to facilitate employment and advancement of veterans in Merced County and approve the necessary budget transfer-\$26,938. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2010070 AS RECOMMENDED AYES: ALL
47. Contract with Commerce, Aviation and Economic Development for period of August 18, 2009 through December 16, 2021 as a Supplement Memorandum of Understanding to the Dept. of Housing and Community Development agreeing to formally designate the Director of Dept. of Workforce Investment as the new Merced County Enterprise Zone (EZ) Manager.
AUTHORIZED CONTRACT NO. 2010071 AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN. SERVICES

48. Consider and provide staff direction for the State Fair Exhibit: Option A-Not enter an Exhibit for the 2010 State Fair; Option B-Modify the RFP scope and requirements and re-release the RFP; and Option C-Contact the County Chamber and/or vendor that submitted the

unsolicited proposal.

REVIEW BOARD ORDER – SEE PAGE 17

TREASURER-TAX COLLECTOR

49. Authorize the discharge of Tax Collector's Accountability for Uncollectible Unsecured Taxes Against those persons/entities listed (shown on Exhibit A) for failure to pay their Unsecured Property Taxes in the total sum of \$1,120,351.07, duly assessed for the calendar years 1984 through 2000, plus \$112,021.69 in penalties and \$4,470.00 in cost on unpaid unsecured property taxes.

REMOVED FROM THE AGENDA - NO ACTION TAKEN

BOARD OF SUPERVISORS

50. Authorize Special Board Project Funds-District Four in the amount of \$1,750 to be forwarded to Winton CLEO to support programs in the community of Winton.

APPROVED AS RECOMMENDED AYES: ALL

51. Authorize Special Board Project Funds-District Three to be utilized for purchase and installation of two doors from San Joaquin Glass for the Atwater Veterans Hall and direct a Purchase Order in an amount not to exceed \$7,700.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

52. Authorize the elimination of two 10% Special Pay Differentials provided for assigned duties on top of their normal workload for Deputy County Counsel positions; add one Chief Deputy County Counsel Position, Range 86.0 to BU 12500 and adopt Resolutions.

ADOPTED RESOLUTION NO. 2010-65 (POSITION ALLOCATION) AND NO. 2010-66 (SALARY) AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

53. Winton Cemetery District – Reappointed Dave Honey until February 18, 2014.

APPROVED AS RECOMMENDED AYES: ALL

54. Workforce Investment Board re – Appointed Charles Falkenstein, representing Private Business Sector, until 6/30/2012.

APPROVED AS RECOMMENDED AYES: ALL

55. Mental Health Advisory Board – Appointed Kim Carter, representing District Five, until June 30, 2013.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

56. Public Works re Notification of Contract No. 2009237 awarded to Forderer Cornice Works for the Install Food Pass-Cuffing Doors at the Iris Garrett Juvenile Justice Facility.

REVIEW BOARD ORDER – SEE PAGE 16 AND 17

57. State Water Resources Control Board re: Notice of Adopted Meeting - Proposed Water Quality Control Policy on the use of Coastal and Estuarine Waters for Power Plant Cooling on May 4, 2010, Sacramento.
58. Pacific Gas & Electric Company re: Merced Falls Hydroelectric Project, FERC No. 2467, New Study Plan for Gravel and Sediment Mobility.
59. California High Speed Rail Authority jointly with the Federal Railroad Administration re: Notice of Availability and Notice of Public Meeting - Bay Area to Central Valley Revised Draft Program Environmental Impact Report Material, Public Comments to be received through April 26, 2010 and notice of Public Meetings scheduled for April 7, 2010 in San Jose, CA.
60. California Water Boards re: Requirement that all monitoring projects have a Quality Assurance/Quality Control plan and notice that the Surface Water Ambient monitoring Program developed a computer based tool that helps users produce the documents.
61. State Water Resources Control Board re: Public Notice of water transfers: (1) temporary change to authorize the transfer of up to 10,000 acre-feet of water to the Westlands Water District (Comments due April 9, 2010) and (2) temporary change to authorize the transfer of up to 10,000 acre-feet of water to the Metropolitan Water District of California (Comments due April 12, 2010).
62. California Gas Gathering, Inc. re: Verified Statement and Annual Payment re: Franchise Ordinance No. 1650, Right-of-Way #19CGG0003-00.
63. State Fish and Game Commission re: Continuation Notice of proposed regulatory action relative to Section 632, Title 14, Calif. Code of Regulations, relating to Marine protected areas.
64. State Fish and Game Commission re: Notice of proposed regulatory action resulting from March 3, 2010 meeting when a finding pursuant to Section 2075.5, Fish and Game Code, that California tiger salamander (*Ambystoma Californiense*) warrants listing to threatened species status.
65. State Fish and Game Commission re: Notice of proposed regulatory action relative to "Mammal Hunting Regulations" in the sections identified in Title 14, California Code of Regulations, which appeared in the California Regulatory Notice Register on February 19, 2010.
66. SafetyBeltSafe U.S.A. re: Safety Seat Check up Week is April 11 through 17, 2010.

ADOPTED RESOLUTION IN MEMORY OF PEARL MADKINS AND ADJOURNED THE MEETING UNTIL TUESDAY, APRIL 13, 2010 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 30, 2010

8:00 A.M. SCHEDULED ITEM
2010-03-30 CLOSED SESSION

The Board recesses into Closed Session at 8:00 a.m. and reconvenes at 10:00 a.m. with all members present.

County Counsel James Fincher states in Closed Session the Board provided direction to County Counsel 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, Kelsey

10:00 A.M. SCHEDULED ITEM
2010-03-30 PUBLIC OPPORTUNITY

The Chairman calls for anyone interested in speaking at the Public Opportunity

Tom Grave, Merced, informs the Board of his concern of recyclables not being collected for recycling and instead going in the trash advising he has contacted Public Works and Waste Management and the County and no one has updated information for him.

Kristy Waskiewicz, AFCSME Local No. 2703, speaks to the Board on the highly contagious scabies skin disease issue at Juvenile Hall stating the department has failed to take appropriate action. Human Resources is not aware of the issue, and Public Health and Risk Management are aware of the issue due to the claims that have been filed and she requests information from the County on what is being done to correct this issue.

California High Speed Rail Authority Regional Director Carrie Bowen and Project Manager Dick Wenzel are present and provide an update of the Project and the realignment alternatives.

Matt Rocha, Merced resident, presents photographs of bicycle carts and other items located at the dump stating he has been in contact with Environmental Health to recycle the items.
Present: O'Banion, Pedrozo, Walsh, Nelson, Kelsey

10:00 A.M. SCHEDULED ITEM

2010-03-30 PRESENTATION

The Clerk announces Recognition of the Low Food Stamp Program Error Rate is before the Board.

Kathy Hassett, Deputy Director-Human Services Agency, introduces Ana Pagan, Director-Human Services Agency and California Department of Social Services Staff Services Manager Carlos Ocampo and Analyst Alice Murrietta. Mr. Ocampo presents the Human Services Agency with a Recognition Plaque for their contribution to California's historical low food stamp program error rate which is way below the National average. Ana Pagan accepts the plaque on behalf of the Human Services Agency staff.

The Board thanks the Human Services Agency staff for their hard work.
Present: O'Banion, Pedrozo, Walsh, Nelson, Kelsey

10:00 A.M. SCHEDULED ITEM

2010-03-30 JOINT MEETING - WORKFORCE INVESTMENT BOARD

Department of Workforce Investment Director Andrea Baker acknowledges the members of the Workforce Investment Board that are present and reviews a powerpoint presentation highlighting 2008/09 Accomplishments, Business Services, State Performance Measures, Fiscal Reports, and 2009/10 goals.

Workforce Investment Board Chairman Albert Montejano reviews the powerpoint presentation on Business Services and Youth.

The Board thanks the members for their services. Having no further business to consider in the Joint Meeting, the meeting is concluded.
Present: O'Banion, Pedrozo, Walsh, Nelson, Kelsey

10:00 A.M. SCHEDULED ITEM

2010-03-30 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider an Appeal filed by the San Joaquin Raptor Rescue Center and Protect Our Water relative to MAS06-011 "Lucca Villa" and review and cure and correct the alleged Violation of Ralph M. Brown Act and Appeal of Planning Commission Project Determination and approval of Major Subdivision Application No. MAS06-011 submitted by Pietro Bandoni, Inc. "Lucca Villas" considered by the Planning Commission on October 28, 2009. Said application proposes to divide two parcels totaling 22.2 acres into 17 single-family residential lots ranging in area from 1.0 acre to 1.97 acres on property located on the east side of Leeds Road, 1450 feet north of Olive Avenue in Merced.

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

Dave Gilbert, Senior Planner, reviews the powerpoint presentation.

Several Board members request additional information on the zoning. Mr. Gilbert responds and provides an overview of the zoning in the area stating the zoning is consistent with the General Plan.

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

Jean Okuye speaks in opposition and requests that the Board not approve the major subdivision.

The Chairman closes the public hearing.

Following discussion and upon motion of Supervisor Nelson, seconded by Supervisor Walsh, duly carried, the Board directs the Planning Commission to rescind its Action of October 28, 2009 of the adoption of the Mitigated Negative Declaration and Project Approval of Major Subdivision Application No. MAS06-011 for Lucca Villas and to revise the Agenda for the public hearing by the type of CEQA document under consideration as previously directed by the Board of Supervisors on January 26, 2010 as a matter of sound policy.

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

CONSENT ITEM NO. 15

2010-03-30 HEALTH

The Clerk announces the amendment to contract with Air Methods Corp., dba Medi-Flight to provide exclusive air ambulance provider services is before the Board for consideration. The Clerk states the contract has been revised and been provided to the Board and the public.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board approves and authorizes the Chairman to sign Amendment to Contract No. 2007078 with Medi-Flight, as revised, to provide exclusive air ambulance services through March 31, 2013.

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

CONSENT ITEM NO. 20

2010-03-30 EXECUTIVE OFFICE

The Clerk announces the Travel Request for the Planning Department has been removed and the Travel Request for Retirement is before the Board for consideration.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board approves the Travel Request for Retirement as recommended by Executive Office.

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

CONSENT ITEM NO. 22

2010-03-30 EXECUTIVE OFFICE

The Clerk announces the contract renewal with John T. Roberts, dba Ashgrove Risk Management Services is before the Board for consideration. The Clerk states the contract has been revised and has been provided to the Board and the public.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board approves and authorizes the Chairman to sign Renewal Contract No. 2004069 with John T. Roberts, as revised, to provide Risk Management Consulting Services.

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

CONSENT ITEM NO. 24

2010-03-30 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 accomplishments in the Merced/Mariposa FFA project completions:

Atwater FFA Gold: Corey Mesa, Laura Gonzalez, Brianna Hamamoto, Amanda Buckley, and Nikki Schiber; Silver: Gabby Valdivia, Matt Woods, Marisa Jorge, Carolyn Schiber, and John Johnston
Buhach Colony FFA Gold: Lindsay Olds, Kaitlyn Ryan, Vincent Migliazzo, Loren Migliazzo, Kathleen Migliazzo, Garrett Morales, Megen Morales, and Montanna Oh; Silver: Mitchell Avila and Jared Pareira

Dos Palos FFA Gold: Cody Hamilton, Brandon Malm, Ryan Malm, Jessica Vause, and Chris Weaver; Silver: Hannah Coleman and Donald Frey

Golden Valley FFA: Gold: Chris Wells, Craig Benson, Josh Rogina, and Robert Ryland; Silver: Trevor Coelho and Stormy Aue

Gustine FFA: Gold: Ashley Oliveira, Cody Mees, Shane Rose, and Kevin Azevedo; Silver: Ashley Souza and Kyle Teixiera

Hilmar FFA: Gold: Kasidi Barcelos, Anton Fernandes, Devin Baptista, Brandon Xavier, Jordyn Cooper, and Deidre Tash; Silver: Deven Bandoni, Joshua Medeiros, and Jonathon Sousa

Le Grand FFA Gold: Anna Farnsworth; Silver: Justin Gonzales and Travis Coniff

Livingston FFA Gold: Gavin Abraham and Collin Abraham

Los Banos FFA Gold: Nick Gilardi, Flavio Castro, Antoinette Silva; Taylor Pires, Derek Neves; Silver: Dustin Helmer and Alyssa Melo

Merced FFA Gold: Amber Long, Dana Contreras, Lauren Elliot, and Ryan Odishoo; Silver: Kamie Coleman

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

ACTION ITEM NO. 33

2010-03-30 PUBLIC WORKS

The Clerk announces the Lake Yosemite Main Beach and Concession Area Improvement Project is before the Board for consideration.

Public Works Director Paul Fillebrown reviews the Staff Report stating several buildings in Lake Yosemite Park are in poor condition and/or beyond repair due to age and substandard construction of many years ago. Mr. Fillebrown states Proposition 40 Grant funds were received

in 2002 for improvements at Lake Yosemite Park and were used for irrigation/domestic water system which has been completed. The availability of the Grant funds expires in March, 2011 and there is a balance remaining of \$387,906. Mr. Fillebrown reviews the designated improvements that are being requested for the Main Beach area and recommends combining the remaining balance of these Grant Funds with the designated Capital Improvement Project (CIP) funds for this Main Beach and Concession Area Improvement Project to insure use of the Grant funds

Upon motion of Supervisor Pedrozo, seconded by Supervisor Walsh, duly carried, the Board: 1) approves the Lake Yosemite Main Beach and Concession Area Improvement Project; 2) approves combining the established CIP funding in the amount of \$229,594 for the concession building upgrade with the remaining Proposition 40 Grant funds in the amount of approximately \$387,906 for a total project budget of \$617,500; 3) authorizes the Public Works Director, on behalf of the Board, to approve the plans and specifications for the Lake Yosemite Main Beach and Concession Area Improvement Project when completed; 4) authorizes Public Works to advertise for bids and conduct a Public Bid Opening; 5) authorizes Public Works to award a Construction Contract to the lowest responsible bidder provided said bid is within the project budget; 6) authorizes the Chairman to sign the Construction Contract upon review of County Counsel; 7) directs Public Works to return to the Board with a summary of all actions taken; and 8) approves the related budget transfer-\$617,500.00. (4/5 Vote Required)

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

ACTION ITEM NO. 34

2010-03-30 PUBLIC WORKS

The Clerk announces Highway 59 Landfill Phase 1-4 Final Closure, Phase 5 Partial Closure Project is before the Board for consideration.

Attorney Ken Schumaker, Law Firm Murphy Austin-Sacramento, representing Ford Construction Company, Inc. states a Protest was filed on the bid submitted by Wood Brothers as the initial bid submitted was improper and incomplete. Mr. Schumaker reviews the non-responsive bid process that occurred and states the process provided the Wood Brothers an unfair advantage.

Jim Lee, representing the Wood Brothers, Inc. advises the bond was complete and reviews the process stating there are no requirements relative to the principle signature, and further states there are no inconsistencies that occurred to require a waiver.

Deputy County Counsel Michael Calabrese states some of this had been addressed in a privileged memo to the Board and CEO. Mr. Calabrese states in response to Schumaker that "the 2nd low bidder Ford Construction pointed out alleged defects in the original bid bond of Wood Brothers to Public Works, Public Works consulted our office and we determined it would take a few days to make a legal conclusion as to whether there were fatal defects. We advised Public Works to request a new bid bond from Wood Brothers, in the interim, in order to be sure we could hold them to this bid. The suggestion that this request evidenced that the original bid bond was invalid and that was not the intention of the request".

Following discussion and upon motion of Supervisor Walsh, seconded by Supervisor Pedrozo, duly carried, the Board awards and authorizes the Chairman to sign Contract No. 2009238 with Wood Brothers, Inc. for the Highway 59 Landfill Phase 1-4 Final Closure, Phase 5 Closure Project.

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

ACTION ITEM NO. 37

2010-03-30 PUBLIC WORKS

The Clerk announces the Arsenic Reduction Media Replacement for the Sandy Mush Correctional Facility Water Treatment Plant is before the Board for consideration. The Clerk states the contract had draft notations; however, this is the final contract that is being recommended for approval.

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor Walsh, duly carried, the Board authorizes Administrative Services to name Severn-Trent Water Purification, Inc. as Sole Source Provider of Arsenic Reduction Media Replacement Services and authorizes issuance of a Blanket Purchase Order, Contract No. 2010067 to Severn-Trent Water Purification, Inc. in a not to exceed amount of \$182,000 to complete said services in FY 2010/2011.

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

ACTION ITEM NO. 48

2010-03-30 DEPT. OF ADMIN. SERVICES

The Clerk announces consideration and staff direction for the State Fair Exhibit is before the Board for consideration.

Administrative Services Director Mark Cowart reviews the staff report advising the deadline for intent was March 26.

Jean Okuye speaks in favor of a State Fair Exhibit.

The Board discusses the time frame and previous exhibits.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Nelson, duly carried, the Board selects Option A: Not enter an exhibit for the 2010 State Fair.

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

INFO ITEM NO. 56

2010-03-30 PUBLIC WORKS

The Clerk announces notification of contract award for the Iris Garrett Juvenile Justice Facility is before the Board. The Clerk states the contract was not provided in the packets for the

Board or the public; however, it is on file and available for review in the main office and the summary Staff Report on the contract is provided.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board accepts the report of Contract Award to Forderer Cornice Works for the Installation of the Food Pass-Cuffing Doors at Iris Garrett Juvenile Justice Facility Project and notification that the Public Works Director has signed Contract No. 2009237 as authorized by the Board.

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