



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, NOVEMBER 20, 2012

Regular Meeting – 10:00 a.m.

MERCED COUNTY
ADMINISTRATION BUILDING
2222 “M” STREET
BOARD ROOM, THIRD FLOOR
MERCED, CALIFORNIA 95340
(209) 385-7366

JOHN PEDROZO.....DISTRICT 1
CHAIRMAN HUBERT “HUB” WALSH, JR....DISTRICT 2
LINN DAVIS.....DISTRICT 3
DEIDRE F. KELSEY....DISTRICT 4
JERRY O’BANION.....DISTRICT 5

JAMES L. BROWN
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

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

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

PRESENTATIONS:

Merced County Office of Education/Annual Williams Report for 2012-2013
Merced County Superintendent of Schools Steve Gomes presented the Board with a history and summary of the Annual Williams Report for 2012-2013.

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 12)

1) PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire APN 005-120-0012 from Atwater-Merced Veterinary Property Management LLC for the Atwater-Merced Expressway (AME) Project (4/5 Vote Required)

RECOMMENDATION: Open public hearing, receive comments and adopt Resolution

REVIEW BOARD ORDER

2) PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire a portion of APN 005-110-038 from Atwater South Investors LLC for the Atwater-Merced Expressway (AME) Project (4/5 Vote Required)

RECOMMENDATION: Open public hearing, receive comments and adopt Resolution

REVIEW BOARD ORDER

3) PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire APN 005-182-001 from the RWR Trust and Spalding G. Wathen and Della Wathen for the Atwater-Merced Expressway (AME) Project (4/5 Vote Required)

RECOMMENDATION: Open public hearing, receive comments and adopt Resolution

REVIEW BOARD ORDER

4) PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire a portion of APN 005-120-030 from George Zambelli for the Atwater-Merced Expressway (AME) Project (4/5 Vote Required)

RECOMMENDATION: Open public hearing, receive comments and adopt Resolution

REVIEW BOARD ORDER

5) PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire a portion of APN 005-120-033 from Peter A. Paley for the Atwater-Merced Expressway (AME) Project (4/5 Vote Required)

RECOMMENDATION: Open public hearing, receive comments and adopt Resolution

REVIEW BOARD ORDER

6) PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire a portion of APN 005-120-036, 037, 039, and 040 from the John K. Haskett Revocable Living Trust for the Atwater-Merced Expressway (AME) Project (4/5 Vote Required)

RECOMMENDATION: Open public hearing, receive comments and adopt Resolution

REVIEW BOARD ORDER

7) PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire a portion of APN 005-120-043 from Sukdeep Khatra and Mandeep Khatra for the Atwater-Merced Expressway (AME) Project (4/5 Vote Required)

RECOMMENDATION: Open public hearing, receive comments and adopt Resolution

REVIEW BOARD ORDER

8) PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire APN 005-190-014 from Juan H. Garcia and Janie G. Garcia for the Atwater-Merced Expressway (AME) Project (4/5 Vote Required)

RECOMMENDATION: Open public hearing, receive comments and adopt Resolution

REVIEW BOARD ORDER

9) PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire APN 005-190-012 and 005-190-013 from Juan H. Garcia and Janie Garcia for the Atwater-Merced Expressway (AME) Project (4/5 Vote Required)

RECOMMENDATION: Open public hearing, receive comments and adopt Resolution

REVIEW BOARD ORDER

10) PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire APN 005-190-015 from the estate of Lawrence M. Souza and Bonnie J. Souza (represented by George Souza) for the Atwater-Merced Expressway (AME) Project (4/5 Vote Required)

RECOMMENDATION: Open public hearing, receive comments and adopt Resolution

REVIEW BOARD ORDER

11) PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire APN 005-120-021 from Robert R. Schropp and Bernadette Schropp for the Atwater-Merced Expressway (AME) Project (4/5 Vote Required)

RECOMMENDATION: Open public hearing, receive comments and adopt Resolution

REVIEW BOARD ORDER

12) PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire a portion of APN 005-120-006 from the Foster Family Trust for the Atwater-Merced Expressway (AME) Project (4/5 Vote Required)

RECOMMENDATION: Open public hearing, receive comments and adopt Resolution

REVIEW BOARD ORDER

13) PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire APN 005-190-018 from Antonio August Pereira and Maria F. Pereira for the Atwater-Merced Expressway (AME) Project (4/5 Vote Required)

RECOMMENDATION: Open public hearing, receive comments and adopt Resolution

REVIEW BOARD ORDER

14) PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire a portion of APN 005-110-020 from Brookfield California Land Holdings LLC for the Atwater-Merced Expressway (AME) Project (4/5 Vote Required)

RECOMMENDATION: Open public hearing, receive comments and adopt Resolution

REVIEW BOARD ORDER

15) PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire a portion of APN 005-120-013 from the Pacific Telephone and Telegraph Company (AT&T) for the Atwater-Merced Expressway (AME) Project (4/5 Vote Required)

RECOMMENDATION: Open public hearing, receive comments and adopt Resolution

REVIEW BOARD ORDER

16) PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire a portion of APN 005-120-004 and 005 from Joe B. Amarant and Helen J. Amarant for the Atwater-Merced Expressway (AME) Project (4/5 Vote Required)

RECOMMENDATION: Open public hearing, receive comments and adopt Resolution

REVIEW BOARD ORDER

17) PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire a portion of APN 005-110-031 from U.S. Bank for the Atwater-Merced Expressway (AME) Project (4/5 Vote Required)

RECOMMENDATION: Open public hearing, receive comments and adopt Resolution

REVIEW BOARD ORDER

18) PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire a portion of APN 005-120-041 from Noah Williams and Lorna Williams for the Atwater-Merced Expressway (AME) Project (4/5 Vote Required)

RECOMMENDATION: Open public hearing, receive comments and adopt Resolution

REVIEW BOARD ORDER

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-12)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Set Public Hearing for December 18, 2012 at 10:00 A.M. to consider Amending Chapter 5.90 of the County Code and Ordinance No. 1892 setting refuse service fees and charges for County Solid Waste Franchise Areas.

Health

2. Approve Budget Transfer in the amount of \$9,946 to replace a CO2 incubator which is no longer able to be repaired. (4/5 Vote Required)
3. Approve and authorize the Chairman to sign Amendment Contract No. 2000241 with Dignity Health, dba Mercy Medical Center amending the Master Operating agreement for Health Care services replacing section 3.4a in its entirety.
4. PULLED

Mental Health

5. Approve and authorize the Chairman to sign Amendment Contract No. 2011194 with Gary C. Ernst for consulting services related to State cost reporting procedures and administrative claiming; and approve related budget transfer. (4/5 Vote Required)
6. Approve and authorize the Chairman to sign Renewal Contract No. 2004016 with Mental Health, District Attorney, Probation Department, Public Defender, Sheriff's Department and Superior Court of California for operation of the County Adult Drug Treatment Court Program.
7. Approve and authorize the Chairman to sign Renewal Contract No. 2008070 with Mental Health, District Attorney, Human Services Agency, Probation Department, Public Defender, Merced County Office of Education and Superior Court of California for operation of the County Juvenile Drug Treatment Court Program.

Fire

8. Approve Budget Transfer in the amount of \$8,540 for two Toughbook series mobile laptops for Battalion Chiefs to allow personnel access to information in the field during severe conditions.

Sheriff

9. Approve Budget Transfer in the amount of \$18,000 to replace failing door locks in several Sheriff's facilities county wide. (4/5 Vote Required)

Library

10. PULLED

Board of Supervisors

11. Authorize Certificate of Recognition to Los Banos Tomato Festival Committee for 2nd Annual Tomato Festival.
12. Authorize plaque to Merced College in recognition of 50th Anniversary.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

13. Approve a temporary cash flow loan to the following Zones of Benefit from CSA Emergency Fund #8200; fund #8884 loan amount \$3,500, El Capitan & Hollywood Park Lighting and

Landscaping #265 and fund #8831 loan amount \$1,000, Hillcrest Estates Lighting and Drainage #318; and authorize the Auditor-Controller to transfer the funds from the CSA Emergency Fund #8200 to the Zones of Benefit funds.

APPROVED AS RECOMMENDED AYES: ALL

14. Contract with Joseph B. Amarant and Helen J. Amarant for purchase of Real Property for acquisition of right-of-way for the Buhach Road and Ashby Road project; authorize the Chairman to sign the Real Estate contract listing the terms and conditions of the acquisition; adopt resolution accepting the Grant Deed from Joseph B. Amarant and Helen J. Amarant; and approve payment to Fidelity National Title Company for the accepted value of property plus escrow and any other transaction fees.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

15. Contract with Department of Transportation (CalTrans) for Local Programs-Projects Lapsing on June 30, 2013.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

16. Approve application for Waste Tire Enforcement Grant (Cycle 20) for enforcement activities for FY 2012-2013 in the amount of \$120,000, and return to the Board if awarded and adopt resolution.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

MENTAL HEALTH

17. Approve and authorize Mental Health to apply for the Strategic Prevention Framework State Incentive Grant funds in the amount of \$380,000 for the period of April 1, 2012 through September 28, 2015; return to the Board for grant acceptance upon full execution of grant documents by the State of California; authorize the Chairman to sign all grant related documents for submission to the State.

APPROVED AS RECOMMENDED AYES: ALL

18. Contract with Tuolumne County Behavioral Health for the provision of inpatient services at the Marie Green Psychiatric Health Facility.

APPROVED AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

19. Approve and accept the Bill of Sale for the former Air Force treatment plant containment pad and 1,000 sq. ft. control building at the former Groundwater Treatment Plant for OU-1 located on Castle Commerce Center and authorize the Chairman to sign the Bill of Sale.

APPROVED AS RECOMMENDED AYES: ALL

20. Authorize the Chairman to sign the FAA grant application related to the construction of Taxiway "B"; and direct CAED/DPW to return to the Board for acceptance of the FAA grant.

APPROVED AS RECOMMENDED AYES: ALL

21. Authorize the Department of Administrative Service, in conjunction with CAED, to prepare and release a Request for Proposal (RFP) to hire a contractor to manage and maintain the Castle Airport Community Water System, and select the most responsive provider and return to the Board for approval.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

22. Contract with Taher, Inc. for Congregate and Home-Delivered Meal Production Services for seniors in the amount of \$119,250 beginning 12/1/2012 and ending 3/31/2013.

APPROVED AS RECOMMENDED AYES: ALL

23. Contract with Merced County Rescue Mission for Congregate Site Management and Home-Delivered Meals Delivery Services for seniors in the amount of \$125,625 beginning 12/1/2012 and ending 6/30/2013.

APPROVED AS RECOMMENDED AYES: ALL

24. Approve the release of the RFP for a Congregate Site Management and Home Delivered Meals Delivery Program; authorize the AAA in conjunction with Admin/Support Services to prepare the RFP, solicit and select potential vendors, negotiate the preparation of the necessary agreements; and return to the Board for approval.

APPROVED AS RECOMMENDED AYES: ALL

25. Approve the release of the RFP for a Home Delivered Meals and Congregate Meals Production Program; authorize the AAA in conjunction with Admin/Support Services to prepare the RFP, solicit and select potential vendors, negotiate the preparation of the necessary agreements; and return to the Board for approval.

APPROVED AS RECOMMENDED AYES: ALL

TREASURER

26. Accept the Quarterly Investment Report for the period of July 1, 2012 to September 30, 2012.

APPROVED AS RECOMMENDED AYES: ALL

27. Approve the selling of properties subject to the Tax Collector's power to sell at a Public Internet Auction March 2-5, 2013; and authorize the Tax Collector to reduce the minimum bid price if no bids are received or approve the re-offer of unsold parcels at the same day or next scheduled auction within 90 days with parties of interest notification.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER

PROBATION

28. Provide the Board an Update on the allocation of State criminal justice realignment funding based on AB 109 offender caseloads for fiscal years 2012/2013 and 2013/2014; and approve the resolution requesting a static funding formula for all California counties related to AB 109 offenders within a county's supervision.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER

HUMAN RESOURCES

29. Grant registration of Teamsters Local No. 856 as an employee organization at Merced County and adopt the resolution.

ADOPTED RESOLUTION AS RECOMMENDED AYES: 2, 4, 5 NOES: 1, 3

BOARD OF SUPERVISORS

30. Authorize \$2,000 of District Four's Special Board Project Funds to be forwarded to the Winton Community Hall Board for use in upgrading the air conditioning system at Winton Community Hall.

APPROVED AS RECOMMENDED AYES: ALL

31. Authorize \$15,000 of District Five's Special Board Project Funds to be forwarded to the San Joaquin River Exchange Contractors Water Authority, c/o Steve Chedester, for a study of the water subsidence issues on the Westside of Merced County.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

32. Appoint Kathleen Grassi, Public Health Director, to serve as the designated Public Health Director category on the Santa Cruz-Monterey-Merced Managed Medical Care Commission to fill an unexpired term until April 7, 2013.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

33. State Dept. of Fish and Game re: Notice of Findings regarding the Gray Wolf which was published in the California Regulatory Notice Register on November 2, 2012.
34. State Dept. of Fish and Game re: Notice of Proposed Changes in Regulations regarding the Sierra Nevada yellow-legged frog.

ADOPTED RESOLUTIONS IN MEMORY OF DORIS SPURLOCK, FRANK GUERRERO, MAX MURALT, EARL DOWNEY, AND ROBERT TEMAN JOHNSON, AND ADJOURNED THE MEETING UNTIL DECEMBER 4, 2012, AT 10:00 A.M