



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, DECEMBER 04, 2012

Closed Session – 9:00 a.m.

Regular Meeting – 10:00 a.m.

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

JOHN PEDROZO.....DISTRICT 1
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

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The Agenda is divided into three sections:

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

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

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

SCHEDULED ITEMS

9:00 A. M.

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

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

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT, AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEMS.

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

Presentation of Service Pin Award to Michelle Allison, Workforce Investment for 20 years of service; Alicia Dicochea, Human Services Agency 20 years of service; Rosamaria Centeno, Human Services Agency 15 years of service; and Delilah Garza, Human Services Agency 15 years of service.

A RECEPTION WAS HELD IN ROOM 310 IN HONOR OF AWARDS

Supervisor O'Banion presented Alicia Dicochea with her 20 year service pin. Supervisor Walsh presented Rosamaria Centeno and Delilah Garza with their 15 year service pins.

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 24)

APPROVED AS RECOMMENDED – ITEM NO. 4 CONSIDERED SEPARATELY AYES: ALL

MENTAL HEALTH - PUBLIC HEARING

To consider proposed ordinance amending the Fee Schedule for Mental Health Services (Supersedes Ordinance 1893 and amends County Code Chapter 9.48 Section 9.48.030).

RECOMMENDATION: 1) Open Public Hearing; 2) Waive further reading; 3) Close Public Hearing; and 4) Adopt Ordinance.

REVIEW BOARD ORDER

PUBLIC WORKS - PUBLIC HEARING - CONTINUED FROM NOVEMBER 20, 2012

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

PUBLIC WORKS - PUBLIC HEARING - CONTINUED FROM NOVEMBER 20, 2012

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 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

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

REVIEW BOARD ORDER

CONSENT CALENDAR (Items # 1 - 24)

APPROVED AS RECOMMENDED – ITEM NO. 4 CONSIDERED SEPARATELY

AYES: ALL

Public Works

1. Approve and authorize the Chairman to sign Amendment Contract No. 2011035 with Merced County Association of Governments for the Atwater-Merced Expressway (AME) Project Reimbursement Agreement.
2. Approve and authorize the Chairman to sign Amendment Contract No. 2007259 with Mid Valley Disposal, Inc., for curbside solid waste collection for Merced County Franchise Area No. 8.
3. Approve Budget Transfer in the amount of \$4,615 for unbudgeted repairs to the gas line at the Adobe Building. (4/5 Vote Required)
4. Set a Public Hearing for January 15, 2013 at 10:00 a.m. to consider adoption of a resolution to approve a new freeway agreement for State Route 99 from Merced City Limit 0.22 mile north of Bear Creek to Atwater City Limit at Shaffer Road.

REVIEW BOARD ORDER

Planning

5. Approve and authorize the Chairman to sign Amendment Contract No. 2011008 with George Reed for the consultant EMKO Environmental, Inc., to complete Tasks 11 through 15 as part of the Environmental Impact Report for the George Reed, Inc., Snelling Mine Expansion project (Major Modification MM09-002 to Conditional Use Permit CUP2870/General Plan Amendment GPA05-009/Zone Change ZC05-010).
6. Approve and authorize the Chairman to sign Amendment Contract No. 2011009 with EMKO Environmental, Inc., to complete Tasks 11 through 15 as part of the Environmental Impact Report for the George Reed, Inc. Snelling Mine Expansion project (Major Modification MM09-002 to Conditional Use Permit CUP2870/General Plan Amendment GPA05-009/Zone Change ZC05-010); and approve related Budget Transfer (4/5 Vote Required).

Commerce, Aviation, and Economic Development

7. Set Public Hearing for December 18, 2012, to receive comments on possible applications for funding under the next fiscal year's State Community Development Block Grant (CDBG) Program and possible activities to be included in application and approve a new CDBG Program Income Reuse Plan.

Human Services Agency

8. Approve and authorize the Chairman to sign Amendment Contract No. 2004249 with California Department of Aging for Health Insurance Counseling and Advocacy Program (HICAP) services; and adopt Resolution.

ADOPTED RESOLUTION

Mental Health

9. Adopt Resolution to authorize the Director of Mental Health/Alcohol and Drug Program Administrator to: 1) sign the Initial Application for Certification of Alcohol and/or Other Drug (AOD) Programs; 2) sign the Certification Extension for AOD Programs every two years; and 3) sign the Application for Drug Medi-Cal Program Participation certifying alcohol and other drug treatment services provided by the County.

ADOPTED RESOLUTION

10. Approve Budget Transfer in the amount of \$55,000 to add three new Polycom lines for Los Banos, B Street, and 13th Street and to add financial support for two attorneys in the Mental Health Court. (4/5 Vote Required)

Health

11. Approve acceptance of Maternal, Infant and Early Childhood Home Visiting (MIECHV)-California Home Visiting Program (CHVP) funding for the California Home Visiting Program/Nurse Family Partnership for FY 12-13.

Department of Workforce Investment

12. Accept Modification two to Contract No. 2012177 adding Workforce Investment Act (WIA) Adult, Dislocated Worker, and Rapid Response funds to provide employment and training services to WIA eligible participants.

Assessor-Recorder

13. Set Public Hearing for December 18, 2012 at 10:00 A.M. to consider the proposed ordinance amending Recorder's Office Fee Schedule in the Merced County Code, Chapter 5.36 and amending Ordinance No. 1881.

Fire

14. Approve and authorize the Chairman to sign Renewal Contract No. 2005019 with California Department of Forestry and Fire Protection for fiscal years 11/12, 12/13, and 13/14; and adopt Resolution.

ADOPTED RESOLUTION

Treasurer

15. Adopt Resolution delegating investment authority to the County Treasurer for 2013 pursuant to Government Code Section 27000.1 and 53607.

ADOPTED RESOLUTION

Executive Office

16. Act on Claims for Damages received from Christian Vera-Martinez, Paul Lopez, Tiffany Bonvie, Mason Bonvie, Maddox Bonvie, Isabella Bonvie, and Kevin Bonvie.
17. Approve Budget Transfer in the amount of \$5,000,000 for increased revenue based on payments received from CSAC EIA as reimbursement for the 2006 flood claim settlement. (4/5 Vote Required)

Board of Supervisors

18. Authorize Resolution of Appreciation commending David Hatcher for 24+ years of service to the County of Merced.
19. Authorize Certificate of Recognition and plaque for the City of Gustine in celebration of New Gustine City Hall and refurbished Police Department.
20. Authorize Certificates of Recognition to the following individuals for their accomplishments and graduation from Merced Day Reporting Center: Adam Bailey, Christine Carrillo, Sundeep Dhillon, Guadalupe Hernandez, Unice Martinez, Sergio Salcido, and Daniel Machado.
21. Authorize plaque for Saint Jude Thaddeus Catholic Church in recognition of their 75th anniversary.
22. Authorize Certificate of Recognition for Hampshire Retirement Residence for Grand Re-Opening and Ribbon Cutting.
23. Authorize Certificate of Recognition for El Portal Pharmacy for Grand Opening and Ribbon Cutting.
24. Authorize Certificates of Recognition for being selected by the Hispanic Chamber of Commerce as follows: Fantastic Furniture, Business of the Year; Golden Valley Health Centers, Member of the Year; Anthony Mendez, Man of the Year; and Fabiola Cervantes, Woman of the Year.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

25. Contract with Abel D. Serrano for purchase of Real Property for acquisition of right of way for the Walnut Avenue Rule 20A and Pedestrian Project; approve payment to Fidelity National Title Company for the accepted value of property plus escrow and any other transaction fees; and adopt Resolution accepting the Grant Deed from Abel D. Serrano for the Walnut Avenue Rule 20A & Pedestrian Project.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

26. Contract with Rogina, Inc., for license agreement for cultivation and harvesting of agricultural crops on 16.2 acres acquired as part of the Campus Parkway project, and authorize the Director of Public Works to sign amendments to annually extend the term. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

27. Contract with Michael Angelo and Tracie L. Angelo for purchase of Real Property for acquisition of right of way for the Atwater-Merced Expressway Project; approve payment by the Merced County Association of Governments to Fidelity National Title Company for the agreed value of the property plus escrow and any other transaction fees; and adopt Resolution accepting the Grant Deed from Michael Angelo and Tracie L. Angelo for construction of the Atwater-Merced Expressway Project.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

28. Contract with Joe T. Pedras for property acquisition for the Atwater-Merced Expressway Project; approve payment by the Merced County Association of Governments to Fidelity National Title Company for the agreed value of the property plus escrow and any other transaction fees; and adopt Resolution accepting a Grant Deed from Joe T. Pedras for construction of the Atwater-Merced Expressway Project.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

DEPARTMENT OF WORKFORCE INVESTMENT

29. Approve recommendation to appoint Norma Cardona, Representative of Organization with Experience Relating to Youth Activities; and Monica Barragan, Representative of Public Housing Authorities, to serve on the Merced County Youth Council.

APPROVED AS RECOMMENDED AYES: ALL

TREASURER

30. Accept the 2013 Investment Policy and the 2013 Treasury Oversight Committee Directive.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

31. Adopt the recommended Board of Supervisors 2013 Calendar for the regularly scheduled meetings.

APPROVED AS RECOMMENDED AYES: ALL

32. Confirm appointment of Diane R. Satchwell as the County Librarian and approve "A" level benefits effective January 2, 2013.

APPROVED AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER

33. Approve appointment of Barbara Levey as the Assessor/Recorder/Clerk/ROV and approve Elected "A" level benefits effective December 31, 2012.

APPROVED AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER

34. Reappoint Mr. James Fincher as County Counsel effective December 4, 2012; approve the employment agreement with the provisions as included and authorize the Chairperson to execute the agreement.

APPROVED AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER

BOARD OF SUPERVISORS

35. Accept recommendations from (1) Merced Irrigation District; (2) Hilmar Water District; (3) Livingston Union High School District; (4) Merced County Office of Education; (5) Merced Union High School; and (6) Weaver Union School District; and approve the amendments to their Conflict of Interest Code as submitted and authorize notification to the agencies of action taken.

APPROVED AS RECOMMENDED AYES: ALL

36. Authorize \$500 of District Four's Special Board Project Funds to be forwarded to the Merced County Farm Bureau to support "Farm to Fridge Day" held on November 15, 2012.

APPROVED AS RECOMMENDED AYES: ALL

37. Authorize \$5,000 of District Four's Special Board Project funds to be forwarded to the Delhi Community Unity to build and install Welcome to Delhi Sign(s).

APPROVED AS RECOMMENDED AYES: ALL

38. Authorize \$6,000 of District Four's Special Board Project funds to be forwarded to Winton Lifeline to support community development and working with at-risk youth.

APPROVED AS RECOMMENDED AYES: ALL

39. Authorize \$5,000 of District Four's Special Board Project funds to be forwarded to Merced Rescue Mission in support of their activities.

APPROVED AS RECOMMENDED AYES: ALL

40. Authorize \$1,000 of District One's Special Board Project funds to be forwarded to Tri City Football organization to support their program in the Planada/Le Grand/Plainsburg area.

APPROVED AS RECOMMENDED AYES: ALL

41. Adopt Resolution supporting the efforts of the Joint Water Policy Work Group of the California Partnership for the San Joaquin Valley and the Delta Counties Coalition.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

42. Mental Health re: Annual Report for Fiscal Year 2011-2012.

43. County Executive Office re: Advise the Board of Supervisors and general public of the upcoming office closures during Merced County furlough days.
44. Merced County Mosquito Abatement District re: October 2012 Manager's Report.
45. California Department of Fish and Game re: Notice of Preparation of a draft Environmental Impact Report for the San Joaquin River Restoration Program - Salmon Conservation and Research Facility (SCARF) and related management actions project.

ADOPTED RESOLUTIONS IN MEMORY OF PRISCILLA FITCHETT, ALEXANDER KROTIK, AND DOMENICO MARCHINI, AND ADJOURNED THE MEETING UNTIL JANUARY 15, 2013, AT 10:00 A.M.