



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, APRIL 09, 2013**

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  
LINN DAVIS.....DISTRICT 3  
CHAIRMAN 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](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**

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 action and usually are approved by a single 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**

**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 8**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 15)

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

**CONSENT CALENDAR (Items # 1 - 15)**

**APPROVED AS RECOMMENDED AYES: ALL**

Public Works

1. Set a Public Hearing for May 7, 2013, at 10:00 a.m. to consider changing the name of Alfalfa Avenue to Marino Way in the Merced Area.

Planning

2. Set Public Hearing for May 7, 2013, at 10:00 a.m. to consider Zone Change No. ZC11-001 and Conditional Use Permit No. CUP11-011 for Ibrahim Alwareeth.
3. Set a Public Hearing for May 7, 2013, to consider the 2013 Cycle I General Plan Amendment.

Health

4. Approve and authorize the Chairman to sign Amendment Contract No. 2012093 with Public Health Institute for Chronic Disease and Intervention Services accepting federal fiscal year two funds totaling \$253,000 through September 29, 2016 and program name change to CA4Health.
5. Approve and authorize the Chairman to sign Renewal Contract No. 2012158 with California Health Collaborative for Chronic Disease and Intervention Services.



JoAnn Digiovanni Irrevocable Family Trust, needed for construction of the Atwater-Merced Expressway Project; and Adopt Resolution accepting a Public Utility Easement Deed from Darrell Digiovanni, Trustee.

**AUTHORIZED CONTRACT NO. 2013059 AND ADOPTED RESOLUTION NOS. 2013-49 (Grant Deed ~1,587,753), 2013-50 (GRANT DEED ~849,134), AND 2013-51 (UTILITY DEED ~59,659) AS RECOMMENDED AYES: ALL**

18. Contract with Sanford and Elton Wickum for purchase of real property for acquisition of property for the Atwater-Merced Expressway Project (APN 207-034-001); Adopt Resolution accepting a Grant Deed for property from Sanford and Elton Wickum needed for construction of the Atwater-Merced Expressway; and approve payment to Fidelity National Title Company for the agreed value of the property plus escrow and any other transaction fees.

**AUTHORIZED CONTRACT NO. 2013060 AND ADOPTED RESOLUTION NO. 2013-52 AS RECOMMENDED AYES: ALL**

#### PLANNING

19. Contract with Ecos Energy, LLC for the consultant, EMC Planning Group, Inc., to prepare an Initial Study for the Vassar Solar Facility project (CUP13-001).

**AUTHORIZED CONTRACT NO. 2013061 AS RECOMMENDED AYES: ALL**

20. Contract with EMC Planning Group, Inc., to prepare an Initial Study for the Vassar Solar Facility project (CUP13-001); and approve related Budget Transfer. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2013062 AS RECOMMENDED AYES: ALL**

21. Determine that approval of agricultural conservation easements are exempt from CEQA in accordance with Section 15317 of the CEQA Guidelines; and Adopt Resolution approving use of California Department of Conservation grant funds for the purchase of Teixeira agricultural conservation easement by the Central Valley Farmland Trust.

**ADOPTED RESOLUTION NO. 2013-53 AS RECOMMENDED AYES: ALL**

22. Contract with Self-Help Enterprises for accepting the advance payment of Community Specific Plan Update impact fees in order to help fund completion of the Planada Community Plan Revision, Zoning Consistency Program and Environmental Impact Report.

**AUTHORIZED CONTRACT NO. 2013063 AS RECOMMENDED AYES: ALL**

23. Approve and authorize Chairman to sign Amendment Contract No. 2010212 with Adrienne L. Graham for special services for air quality modeling and addition of text and graphical support to the Planada Zoning Consistency program Environmental Impact Report and associated costs; and approve related budget transfer. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

24. Support the proposed CSAC General Principles and Policy Statements related to CEQA reform issues currently facing the California State Legislature, including establishment of a specialized court to handle CEQA-specific cases; and authorize the Chair to sign letters as necessary and appropriate supportive of CEQA reform as outlined in the CSAC General Principles and Policy Statements.

**APPROVED AS RECOMMENDED AYES: ALL**

#### COMMERCE, AVIATION, AND ECONOMIC DEVELOPMENT

25. Adopt Resolution approving the third expansion of the Merced Regional Enterprise Zone boundaries within Merced County, subject to receipt of expansion approval from the cities of

Atwater, Dos Palos, Gustine, Livingston, Los Banos, and Merced.

**ADOPTED RESOLUTION NO. 2013-54 AS RECOMMENDED AYES: ALL**  
**REVIEW BOARD ORDER – SEE PAGE 8 AND 9**

**HUMAN SERVICES AGENCY**

26. Contract with Merced County Office of Education for Child Development Specialist.

**AUTHORIZED CONTRACT NO. 2013064 AS RECOMMENDED AYES: ALL**

**HEALTH**

27. Contract with California Forensic Medical Group, Inc. (CFMG) for Correctional Health Services.

**PULLED – NO ACTION TAKEN**

**MENTAL HEALTH**

28. Contract with California Institute for Mental Health for services related to clinical supervision and license training preparation.

**AUTHORIZED CONTRACT NO. 2013065 AS RECOMMENDED AYES: ALL**

29. Contract with National Alliance on Mental Illness for Mental Health Services Act Prevention and Early Intervention capacity building activities and support services.

**AUTHORIZED CONTRACT NO. 2013066 AS RECOMMENDED AYES: ALL**

30. Contract with United Way of Merced County for services related to planning and implementation of the Strategic Prevention Framework State Incentive Grant project to reduce underage and excessive drinking among youth and young adults.

**AUTHORIZED CONTRCT NO. 2013067 AS RECOMMENDED AYES: ALL**

31. Contract with Maxim Healthcare Services, Inc., dba Maxim Staffing Solutions, for temporary nursing services; and approve the related budget transfer.

**AUTHORIZED CONTRACT NO. 2013068 AS RECOMMENDED AYES: ALL**

32. Authorize Mental Health to work in conjunction with the City of Merced Fire Department to hang a banner over G Street between 19th and 20th Streets for up to two weeks starting on April 14, 2013, as part of the Mental Health Services Act Prevention and Early Intervention Public Awareness and Education Campaign.

**APPROVED AS RECOMMENDED AYES: ALL**

**SHERIFF**

33. Contract with Merced County Fair - 35th District Agriculture Association for law enforcement services at the Merced County Fair from June 12, 2013, to June 16, 2013.

**AUTHORIZED CONTRACT NO. 2013069 AS RECOMMENDED AYES: ALL**

**EXECUTIVE OFFICE**

34. Authorize Administrative Services, in conjunction with Risk Management, to prepare and release a Request for Proposal (RFP) for an Employee Assistance Program (EAP for Merced County employees, to select the most responsive provider for such services, negotiate an agreement, and return to the Board for contract approval.

**APPROVED AS RECOMMENDED AYES: ALL**

HUMAN RESOURCES

35. Approve the exemption of the position of Assistant Director of Child Support Services, classification #7649 from LAPS/Merit System Services, adopt position as a County position, and approve the changes to the job specification.

**APPROVED AS RECOMMENDED                      AYES: ALL**

36. Approve re-establishment of the position of Assistant Director-Workforce Investment, classification #1243; approve modifications to classification specification; and approve amendments to the Position and Salary Allocation Resolutions.

**PULLED – NO ACTION TAKEN**

37. Approve the title change of Deputy Public Health Director to Assistant Director Public Health; approve modifications to the job specification; add one Supervising Health Educator; and approve amendments to the Position Allocation Resolution.

**ADOPTED RESOLUTION NO. 2013-55 AS RECOMMENDED                      AYES: ALL**

BOARD OF SUPERVISORS

38. Authorize Special Board Project Funds-District One in the amount of \$1,000 to be forwarded to the Livingston 4th of July Committee to support their annual 4th of July Festival.

**APPROVED AS RECOMMENDED                      AYES: ALL**

39. Authorize Special Board Project Funds-District One in the amount of \$500 to be forwarded to the City of Livingston Recreation to support the 2nd Annual Kite Festival.

**APPROVED AS RECOMMENDED                      AYES: ALL**

40. Authorize Special Board Project Funds-District Four in the amount of \$2,000 to be forwarded to the Winton Community Law Enforcement Office (CLEO) to support their office operations and activities in the communities.

**APPROVED AS RECOMMENDED                      AYES: ALL**

41. Authorize Special Board Project Funds-District Four in the amount of \$2,500 to be forwarded to the Winton Baseball and ASA Cheer Committee to support their baseball program for Winton area youth.

**APPROVED AS RECOMMENDED                      AYES: ALL**

42. Authorize Special Board Project Funds-District Four in the amount of \$2,500 to be forwarded to the Delhi Community Unity to assist with costs of the Delhi Multi Cultural Festival.

**APPROVED AS RECOMMENDED                      AYES: ALL**

43. Authorize Special Board Project Funds-District Four in the amount of \$1,400 to be forwarded to the Hilmar Chamber of Commerce to provide a weekly meeting space for the Hilmar Senior Social Club.

**APPROVED AS RECOMMENDED                      AYES: ALL**

44. Authorize Special Board Project Funds-District Four in the amount of \$1,800 to be forwarded to the Church of the Cross for support of the Delhi Community Vegetable Garden project.

**APPROVED AS RECOMMENDED                      AYES: ALL**

## BOARD APPOINTMENTS

45. Reappoint Dennis Haines to serve as a member of the Franklin/Beachwood Municipal Advisory Council until April 6, 2017.

**APPROVED AS RECOMMENDED**                      **AYES: ALL**

46. Appoint Jason Castro to serve as a member of the Hilmar Municipal Advisory Council until May 3, 2017.

**APPROVED AS RECOMMENDED**                      **AYES: ALL**

## **BOARD INFORMATION & POSSIBLE ACTION**

**ACCEPTED AND PLACED ON FILE**                      **AYES: ALL**

47. Department of Public Works: Contract No. 2012192A awarded to Best Electric, Inc. of Merced, California, in the amount of \$373,800 with the concurrent deductive Change Order No. 1 of \$98,900 to reduce the contract amount to \$274,900 for the Castle-Building 1360 Electrical Systems Restoration project.

**CONTRACT NO. 2012192A**

48. Department of Public Works re: Contract No. 2013021 awarded to Harris Builders, Inc., of Hilmar, California, in the amount of \$278,450 for the remodel at the Ag Center project.

**CONTRACT NO. 2013021**

49. Department of Public Works re: American Tower Corporation is exercising their option to renew Contract No. 2003091 (lease agreement) for the Operation and Maintenance of a wireless communications tower on the Sandy Mush Adult Correctional Facility per Section 4 of the Contract.

50. Merced County Mosquito Abatement District re: Manager's Report for February 2013.

51. Fish and Game Commission re: Notice of Findings regarding the Clear Lake hitch (*Lavinia exilicauda chi*) which was published in the California Regulatory Notice Register on March 22, 2013.

52. Fish and Game Commission re: Notice of Findings regarding November 7, 2012, vote to set aside its September 15, 2012, findings rejecting the petition filed by the Center for Biological Diversity to list the Pacific fisher (*Martes pennanti*) as a threatened or endangered species under the California Endangered Species Act (CESA). Setting aside its prior decision and findings, the Pacific fisher is a candidate species for purposes of CESA.

53. Central Valley Regional Water Quality Control Board re: Public meeting agenda for April 11, 2013 at 9:00 a.m. and Friday April 12, 2013 at 9:00 a.m. in Rancho Cordova and Fresno, California.

**THE BOARD ADOPTED RESOLUTION IN MEMORY OF JOE AMARANT, AND JACQUES IZOCO AND ADJOURNED THE MEETING UNTIL TUESDAY, APRIL 23, 2013, AT 10:00 A.M.**

## BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 9, 2013

### **10:00 A.M. SCHEDULED ITEM** **2013-04-09 PUBLIC OPPORTUNITY**

District Attorney Larry Morse addresses the Board regarding the senseless tragedy involving the murder of three teenagers in Merced County. He speaks of the gang problems in Merced County and informs the Board of the actions by the District Attorney's office by law enforcement in general over the past several years. District Attorney Morse states that a short and long-term strategy is needed, and in the short-term we need to recommit to providing the resources necessary to fight the gangs in the neighborhoods in which they are operating. He states that the long-term strategy involves the commitment of leaders, faith-based organizations, and community activists to devise, develop, and sustain programs that keep kids out of gangs. He commended the Boys and Girls Club and Merced County Project 10% for their efforts and commitment.  
Present: Kelsey, Pedrozo, Walsh, Davis, O'Banion

### **CONSENT ITEM NO. 12** **2013-04-09 BOARD RECOGNITION**

The Clerk announces the 2013 Proclamation for Year of the Child is before the Board for consideration.

Director of First Five Martha Hermosillo provides the Board with brief background information, and states that by adopting this Proclamation the Board is committing to focus on what elected officials can do for our children.

Supervisor O'Banion suggests that any impact on children being considered as items are brought before the Board for consideration.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board proclaims 2013 the Year of the Child in Merced County.  
Ayes: Kelsey, Pedrozo, Walsh, Davis, O'Banion

### **ACTION ITEM NO. 25** **2013-04-09 PLANNING**

The Clerk announces a Resolution to approve the third expansion of the Merced Regional Enterprise Zone boundaries is before the Board for consideration.

Supervisor Walsh states that at some point there is a limit on the number of amendments we can do and asks if we are approaching the limit.

Director of Commerce, Aviation and Economic Development Mark Hendrickson informs the Board that the State allows for Enterprise Zone expansion by no more than 15% of the total acreage within the Zone, and we have 4,300 acres remaining in the Zone for future expansions.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board adopts Resolution No. 2013-54 approving the third expansion of the Merced Regional



Enterprise Zone boundaries within Merced County, subject to receipt of expansion approval from the cities of Atwater, Dos Palos, Gustine, Livingston, Los Banos, and Merced.  
Ayes: Kelsey, Pedrozo, Walsh, Davis, O'Banion