

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, MAY 07, 2013

Closed Session – 9:30 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
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

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

9:30 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 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(d)(1): Katherine Mathis v. County of Merced, et al., Merced Superior Court case no. CVM014641.

THE BOARD RECESSED AT 9:30 A.M. AND RECONVENED AT 10:00 A.M. WITH SUPERVISORS PEDROZO AND O'BANION NOT PRESENT, AND THE CHAIRMAN ADVISED THE BOARD UNANIMOUSLY APPROVED AND AUTHORIZED THE COUNTY COUNSEL TO TAKE SUCH ACTIONS AS COUNTY COUNSEL DEEMS NECESSARY TO DEFEND THE CASE GENERALLY STYLED AS MATHIS V. MERCED COUNTY, ET AL, AND AUTHORIZED THE CHAIR TO SIGN CONTRACTS CONSISTENT THEREWITH.

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

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

PUBLIC HEARING - PUBLIC WORKS

To consider adoption of Resolution to change the name of Alfalfa Avenue to Marino Way in the Merced Area.

RECOMMENDATION: Open Public Hearing and receive testimony; adopt Resolution changing the name of Alfalfa Avenue to Marino Way in the Merced area; authorize installation and maintenance of new road signs.

CONTINUED
REVIEW BOARD ORDER

PLANNING - PUBLIC HEARING

To consider General Plan Amendment No. GPA11-001, Zone Change No. ZC11-001, and Conditional Use Permit No. CUP11-011 - Ibrahim Alwareeth.

RECOMMENDATION: Open Public Hearing and receive testimony; adopt the Initial Study and Mitigated Negative Declaration for General Plan Amendment No. GPA11-001, Zone Change No. ZC11-001, and Conditional Use Permit No. CUP11-011 in accordance with the CEQA Guidelines based on the two CEQA findings in the Staff Reports; make the intended decision to approve General Plan Amendment No. GPA11-001, Zone Change No. ZC11-001 and Conditional Use Permit No. CUP11-011 based on the 8 project findings and subject to the 16 conditions of approval in the Staff Report, as part of the next General Plan Amendment Cycle.

REVIEW BOARD ORDER

PLANNING - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider the 2013 Cycle I General Plan Amendment.

RECOMMENDATION: Open the Public Hearing and receive testimony; adopt the 2013 Cycle I General Plan Amendment Resolution approving General Plan Amendment No. GPA11-001; adopt Ordinance approving Zone Change Application No. ZC 11-001 and approve Conditional Use Permit No. CUP11-011.

REVIEW BOARD ORDER

PUBLIC HEARING - FIRE - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider amending County Ordinance 1149 and 294 to prescribe regulations governing sale and use of Safe and Sane Fireworks in the unincorporated areas of Merced County.

RECOMMENDATION: Open Public Hearing and receive testimony; adopt Ordinance amending County Ordinance 1149 and 294, amending Merced County Code 9.24 and establishing Chapter 9.26 to prescribe regulations governing sale and use of Safe and Sane Fireworks in the unincorporated areas of Merced County.

CONTINUED TO MAY 21, 2013

REVIEW BOARD ORDER

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-24)

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

Public Works

- 1. PULLED

Planning

- 2. PULLED
- 3. PULLED

Human Services Agency

4. Approve and authorize the Chairman to sign Renewal Interdepartmental Agreement No. 2011060 with the District Attorney for welfare fraud investigation services.
5. Approve and authorize the Chairman to sign Renewal Contract No. 2011071 with Merced County Office of Education for Stage One child care services.
6. Approve and authorize the Chairman to sign Renewal Interdepartmental Agreement No. 2009296 with Merced County Library for Literacy Training services.

Mental Health

7. Approve and authorize the Chairman to sign Renewal Interdepartmental Agreement No. 2004230 with Probation for the services of a Deputy Probation Officer.
8. Approve and authorize the Chairman to sign Renewal Interdepartmental Agreement No. 2009168 with Public Health for alcohol and drug HIV services.
9. Approve and authorize the Chairman to sign Renewal Interdepartmental Agreement No. 2004103 with the Human Services Agency for mail courier services.
10. Approve and authorize the Chairman to sign Renewal Contract No. 2011114 with Healthy House within a Match Coalition for interpreter services.
11. Approve and authorize the Chairman to sign Renewal Contract No. 2009117 with Value Options, Inc., to maintain a mental health services provider network.
12. Approve and authorize the Chairman to sign Renewal Interdepartmental Agreement No. 2012167 with Probation for the services of one Deputy Probation Officer related to the Adult Mental Health Court.

Probation

13. Approve and authorize the Chairman to sign Renewal Contract No. 2004307 with Merced County Office of Education for 100% reimbursement of 1.5 Deputy Probation Officer positions.
14. Approve and authorize the Chairman to sign Renewal Interdepartmental Agreement No. 2012012 with Mental Health for Alcohol and Drug Counselor services at the Iris Garrett Juvenile Justice Complex.

Ag Commissioner

15. PULLED

Department of Workforce Investment

16. Accept Modification nine to Contract No. 2011151 adding exhibits to the Disability Initiative project in Merced County (Grant Code 328) which details the Technical Proposal that the State of California submitted in order to apply for the grant.

Executive Office

17. Approve travel request received from Human Services Agency as recommended by County Executive Office.

Board Recognition

18. Proclaim May 2013 as Neurofibromatosis Awareness Month in Merced County
19. Proclaim May 5-11, 2013, as "Wildfire Awareness Week" in Merced County.
20. Proclaim May 19-25, 2013, as Emergency Medical Services Week in Merced County.
21. Authorize plaque and certificate for Judge Hugh M. Flanagan in recognition of 13 years of dedicated service to the Superior Court bench.
22. Authorize Certificates of Recognition to various individuals for recognition of graduation from Junior Leadership Merced Class 9.
23. Authorize Certificates of Recognition to various individuals in honor of attaining 85 years of age and 50 years residency in the County of Merced.
24. Proclaim April 27, 2013, as Relay for Life Day and urge citizens to honor survivors and remember those who have lost the battle to cancer.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

25. Contract with Nolte Associates, Inc., for Construction Management Services for the Atwater-Merced Expressway (AME) Project.
MODIFIED RECOMMENDATION AYES: 2, 3, 4 NOT PRESENT: 1, 5
REVIEW BOARD ORDER
26. Approve sole source selection of Mark Thomas & Company to provide Construction Support Services for the Atwater-Merced Expressway (AME) Project; Contract with Mark Thomas & Company for Design Support Services during construction of the AME Project.
APPROVED AS RECOMMENDED AYES: 2, 3, 4 NOT PRESENT: 1, 5
27. Authorize Valve Burners Car Club to have exclusive use of Henderson Park on Sunday, September 8, 2013, for their annual car show; waive the County's vehicle entrance fee and authorize the Valve Burners Car Club to charge a \$4.00 entrance fee; authorize vendors to sell products during the event.
APPROVED AS RECOMMENDED AYES: 2, 3, 4 NOT PRESENT: 1, 5
28. Relieve the Public Works Department of accountability for Fixed Asset #0053148 (reach-In refrigerator) and approve the Auditor-Controller's Office to remove the item from the Building Services Fixed Asset inventory.
APPROVED AS RECOMMENDED AYES: 2, 3, 4 NOT PRESENT: 1, 5
29. Approve the Plans and Specifications for construction of the Castle Taxiway B Construction Project; set public bid opening for Thursday, June 13, 2013; authorize the Director of Public Works to award the Castle Taxiway B Construction Project if within the established budget and upon concurrence of the Federal Aviation Administration; and direct the Public Works and Commerce Aviation and Economic Development Department to return to the Board of Supervisors for grant acceptance for this project.
APPROVED AS RECOMMENDED AYES: 2, 3, 4 NOT PRESENT: 1, 5
30. Contract with Joseph T. Foster and Camilla S. Foster for acquisition of real property for the Atwater-Merced Expressway Project (APN: 005-120-006); adopt Resolution accepting a Grant Deed for property from Joseph T. Foster and Camilla S. Foster needed for

construction of the Atwater-Merced Expressway Project; approve payment to Fidelity National Title Company for the agreed value of the property plus escrow and any other transaction fees.

ADOPTED RESOLUTION AS RECOMMENDED AYES: 2, 3, 4 NOT PRESENT: 1, 5

HUMAN SERVICES AGENCY

31. Contract with Aspiranet for Transitional Housing Program-Plus services.

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

32. Authorize the Human Services Agency, in conjunction with Administrative Services support services, to negotiate a sole source contract for a web-based software system with CareAccess; return to the board for approval and signature.

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

33. Ratify the Senior Medicare Patrol Volunteer Liaison Agreement between California Health Advocates (CHA) and Merced County HICAP; accept the CHA award in the amount of \$4,000 to provide volunteer liaison support for the Senior Medicare Patrol program for FY 12-13.

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

MENTAL HEALTH

34. Contract with California Department of Health Care Services for a Managed Mental Health Care Plan; and adopt Resolution.

ADOPTED RESOLUTION AS RECOMMENDED AYES: 2, 3, 4 NOT PRESENT: 1, 5

35. Authorize termination of Contract No. 2011205 with Mother Cynthia's Residential Care Facility, pursuant to the Termination for Convenience clause; and authorize the issuance of a thirty calendar day written notice to Mother Cynthia's Residential Care Facility of termination of Contract No. 2011205.

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

PROBATION

36. Contract with PbS Learning Institute, Inc., for participation in the Performance-based Standards program.

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

37. Declare 32 expired ballistic vests as surplus property and authorize the donation of this property to Merced Community College for use by the Criminal Justice program.

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

FIRE

38. PULLED

HEALTH

39. Contract with Fitch & Associates, LLC for consultant services for the Ground Ambulance and Secondary public safety answering point services procurement process.

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

REVIEW BOARD ORDER

BOARD OF SUPERVISORS

40. Authorize Special Board Project Funds-District One in the amount of \$500 to be forwarded to the Sober Grad 2013 Committee at Livingston High School for support of their Sober Graduation program.

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

41. Authorize Special Board Project Funds-District Four in the amount of \$2,250 to be forwarded to the East Merced Resource Conservation District to offset their costs of hiring a grant writer to place an educational element into the IRWIMP.

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

42. PULLED

BOARD INFORMATION & POSSIBLE ACTION

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

43. Mental Health re: Updates to the Grant/Contract Signature Authorization Form on the State Department of Rehabilitation Agreement No. 28375 (County Contract No. 2011164).
44. Merced County Mosquito Abatement District re: March 2013 Manager's Report.

**ADOPTED RESOLUTIONS IN MEMORY OF LAURIE BUENDIA, JOE VIERRA,
EMIL ALBERTI JR., AND DOROTHY MALLONEE AND ADJOURNED THE MEETING
UNTIL TUESDAY, MAY 21, 2013 AT 10:00 A.M.**