



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, NOVEMBER 26, 2013**

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  
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**

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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**

9:00 A. M.

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

**CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATOR:** It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) Mark Hendrickson, Director-Community & Economic Development pursuant to Government Code Section 54956.8 as follows:

**Property:** Castle Property - located on the corner of Spaceport Entry and Shuttle Drive at Castle Commerce Center

**Agency Negotiator:** Mark Hendrickson, Community and Economic Development Director

**Under negotiation:** Approximately 1.4 Acres vacant land

**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 Merced County Sheriff Employee Association (MCSEA), Unit 2 and Non-Safety Corrections, Unit 12. Agency Negotiator: Marci Barrera.

**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): County of Merced v. Juan H. Garcia, et al., Merced Superior Court Case No. CVM014673

**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(d)(4): One Case

**THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT, AND THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION**

### **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 - 15)**

**PUBLIC HEARINGS:**

**PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION**

To consider Proposed Ordinance entitled: Regulating the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Use, Height, Area, and Maintenance of all Buildings or Structures in the County of Merced; and Providing for the Issuance of Building Permits and Collection of Fees Therefore (amending Ordinance No. 1856 and Title 16, Chapter 16.12.020 through 16.50.050 of the Merced County Code-Building and Construction).

**RECOMMENDATION:** Waive further reading; Open Public Hearing and accept public comments; Close Public Hearing and adopt Ordinance.

**REVIEW BOARD ORDER**

**PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION**

To consider Proposed Ordinance entitled: Adopting 2013 California Fire Codes, (amending Ordinance Nos. 1865, 1856, 1791, 1149, 304 and 294, and amends Chapter 9.24 of the Merced County Code).

**RECOMMENDATION:** Waive further reading; Open Public Hearing and accept public comments; Close Public Hearing and adopt Ordinance.

**REVIEW BOARD ORDER**

**COMMUNITY & ECONOMIC DEVELOPMENT - PUBLIC HEARING**

To consider revision of the Community Development Block Grant (CDBG) Program Income (PI) Reuse Plan and the Transfer of Funds.

**RECOMMENDATION:** Open Public Hearing to receive comments; Close Public Hearing; Adopt Resolution approving revision of the CDBG Program Income Reuse Plan through which 100% of Program Income received shall be deposited into the Business Assistance Revolving Loan Account (RLA); transfer \$17,811 from the Housing Rehabilitation RLA to the Business Assistance RLA; and transfer \$22,904 from the Homeownership RLA to the Business Assistance RLA; and authorize the Chairman to sign the CDBG Program Income Reuse Plan for Merced County.

**REVIEW BOARD ORDER**

**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 Public Hearing for December 17, 2013 at 10:00 A.M. to consider Ordinance setting Refuse Service Fees and Charges for County Solid Waste Franchise Areas (Amends Ordinance No. 1902 and Merced County Code Chapter 5.90).
2. Adopt Resolution designating the intersection of Applegate Road and Atwater Jordan Road as an All-Way-Stop Intersection; and authorize the Director of Public Works to install stop signs on the Applegate Road approaches to the intersection.

### **ADOPTED RESOLUTION**

3. Approve Budget Transfer in the amount of \$40,000 for purchase of playground equipment, benches, picnic tables and trash receptacles at the Large Harmony Park on Harmony Ranch Drive in Delhi. (4/5 Vote Required)
4. Approve Budget Transfer in the amount of \$57,745 to increase Revenue to offset an increase in Extra Help and Contracts, revenue tied to additional permits. (4/5 Vote Required)

### Human Services Agency

5. Authorize Human Services Agency to conduct toy drives on behalf of foster youth and disadvantaged children from 10/1/13 until 12/31/13; authorize acceptance of donations for the Operation Holiday Toy Drive; and approve the use of donated funds for Operation Holiday gift purchases.

### Health

6. Approve and authorize the Chairman to sign Renewal Contract No. 2006037 with Marin County as Host County for the Medi-Cal Administrative Activities/Targeted Case Management Program for FY 13/14 and 14/15.

### Mental Health

7. Accept donation from Windecker, Inc. in the amount of \$100 in memory of Brenda Barcellos and approve the use of the donated funds for consumer needs and activities.
8. Approve and authorize the Chairman to sign Amendment Contract No. 2009249 with Golden Valley Health Centers for implementation of the Integrated Mental Health in Primary Care Setting Program as part of the Mental Health Services Act Prevention and Early Intervention Plan.
9. Approve and authorize the Chairman to sign Amendment Contract No. 2010006 with Golden Valley Health Center for implementation of the Cultural Brokers for Mental Health Services Program for Spanish speakers as part of the Mental Health Services Act Prevention and Early Intervention.
10. Approve and authorize the Chairman to sign Amendment Contract No. 2013030 with Solano County to update the rates for the 2013-2014 portion of the contract.

Community & Economic Development

11. Set a Public Hearing for December 10, 2013 at 10:00 a.m. to receive public testimony, consider the Planning Commission's recommendation, certify the Program Environmental Impact Report, adopt the CEQA Finding of Fact, and Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program; and make an intended decision to adopt the 2030 Merced County General Plan (General Plan Text Amendment No. GPTA09-001) as part of the General Plan Amendment Cycle II hearing.

**REVIEW BOARD ORDER**

12. Set a Public Hearing for December 10, 2013 at 10:00 a.m., to consider the 2013 Cycle II General Plan Amendment.
13. Accept \$5,000 charitable contribution from Pacific Gas and Electric Company in support of the County's economic development programs, and direct staff to place the funds in Budget Unit 18200 Account 97992.

Sheriff

14. Authorize the Sheriff to use the Southeast corner of the County parking lot located on "M" Street and 23rd Street, Tuesday December 3, 2013 from 7:00am to 6:00pm for the acceptance of donations of toys for the Operation Christmas Toy Drive for the disadvantaged children in Merced County.

Executive Office

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

**REGULAR CALENDAR**

**BOARD ACTION**

PUBLIC WORKS

16. Approve the increase in Budget Unit 17200/87107 from \$35,000 to \$113,000 for the additional fencing project at the John Latorraca Correctional Facility; authorize Administrative Services/Purchasing to issue a Purchase Order to Golden Bay Fence Plus Iron Works, Inc., of Stockton, CA in the amount of \$111,823; and approve the related budget transfer. (4/5 Vote Required)

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

17. Contract with Gamble and Morehouse dba Merced Truck and Trailer for use of Merced County's subsurface remediation system, located on the Public Works property at 715 Martin Luther King Jr. Way, Merced, CA.

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

**REVIEW BOARD ORDER**

HEALTH

18. Authorize the Department of Public Health to establish a Public Health Internship Program with institutions of higher learning; and adopt Resolution authorizing the Director of Public Health to sign Internship Program Memorandum of Understandings with concurrence of County Counsel and Risk Management.

**ADOPTED RESOLUTION AS RECOMMENDED**                      **AYES: ALL**

19. Approve submission of the Medi-Cal Outreach and Enrollment Grant to the State Dept. of Health Care Services for Medi-Cal outreach, enrollment and retention activities for priority populations; and return to the Board if awarded.

**APPROVED AS RECOMMENDED**                      **AYES: ALL**  
**REVIEW BOARD ORDER**

20. Contract with Calif. Dept. of Public Health-Office of AIDS for HIV Care services from July 1, 2013 through March 31, 2014.

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

21. Contract with Calif. Dept. of Public Health-Office of AIDS for HIV/AIDS Surveillance services from July 1, 2013 through June 30, 2016; and approve related budget transfer. (4/5 Vote Required)

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

22. Contract with Calif. Dept. of Public Health-Immunization Branch for immunization subvention services; and approve the related budget transfer. (4/5 Vote Required)

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

23. Contract with Decade Software Company, LLC to include new and enhanced web-based customer service products.

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

#### MENTAL HEALTH

24. Contract with Shasta County for the provision of inpatient services at Marie Green Psychiatric Health Facility.

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

25. Contract with Siskiyou County for the provision of inpatient services at Marie Green Psychiatric Health Facility.

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

#### SHERIFF

26. Contract with Associated Lock & Safe Service for the purchase and installation of proximity door locks.

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

#### PROBATION

27. Contract with Behavioral Interventions, Inc. to provide a juvenile and adult GPS monitoring and surveillance program.

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

28. Contract with Behavioral Interventions, Inc. to provide an adult day reporting center.

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

#### DEPT. ADMINISTRATIVE SERVICES

29. Declare that the trucks, vans and cars identified (listed on Exhibit A) as Surplus Property as recommended and authorize its disposal by approved internet public auction.

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

30. Contract with Houston-Galveston Area Council (HGACBuy) for Cooperative Purchasing; and authorize Administrative Services/Purchasing to use HGACBuy contracts to procure

equipment vehicles, and services when it is in the best interest of the County.

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

**COMMUNITY & ECONOMIC DEVELOPMENT**

31. Contract with Richard Guthmiller for the consultant, Environmental Planning Partners, Inc. to prepare an Initial Study for the Cressey Basin Sand Stockpile project (CUP13-010).

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

32. Contract with Environmental Planning Partners, Inc. to prepare an Initial Study for the Cressey Basin Sand Stockpile project (CUP13-010); and approve the related budget transfer. (4/5 Vote Required)

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

33. Deny the Appeal and uphold the Planning Commission's approval of Conditional Use Permit No. CUP12-002; Certify the Project Environmental Impact Report and adopt the CEQA Finding of Fact; and adopt the Statement of Overriding Considerations, approve the Mitigation Monitoring and Reporting Program; and approve the Conditional Use Permit No. CUP12-002 for a maximum of 4,590 cows based on the 9 findings and subject to the 21 conditions of approval and including the 28 mitigation measures.

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

**REVIEW BOARD ORDER**

**CHILD SUPPORT SERVICES**

34. Contract with Contra Costa Dept. of Child Support Services for early intervention delinquency prevention services.

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

**FIRE**

35. Approve payment of late fees to Chevron (\$579.87) and Direct TV (\$714.78).

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

**LIBRARY**

36. Contract with Le Grand Union High School District for Library Services; and authorize closure of Le Grand Library for cleaning repairs during the period December 18, 2013 through January 4, 2014.

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

**RETIREMENT**

37. Establish the classification of Retirement Fiscal Supervisor, classification 7854, salary range 73.2; Change one filled Fiscal Supervisor, classification 7509, position number 3, salary range 71.3 in Budget Unit 76600 to Retirement Fiscal Supervisor, Classification 7854, salary range 73.2, as approved by the Retirement Board; upon retirement of the current incumbent in 2014, approve modifications to the job specification of the Retirement Plan Administrator, classification 7623, and adjust salary range to 87.7, as approved by the Retirement Board; and approve amendments to the Position and Salary Allocation Resolutions.

**APPROVED RESOLUTIONS AS RECOMMENDED**    **AYES: 1, 2, 4, 5**    **NOES: 3**

**REVIEW BOARD ORDER**

TREASURER/TAX COLLECTOR

38. Accept the Quarterly Investment Report for the period of July 1, 2013 to September 30, 2013.

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

BOARD OF SUPERVISORS

39. Authorize \$1,000 of District Four's Special Board Project Funds to be forwarded to the Winton Chamber of Commerce for graffiti abatement efforts.

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

40. Authorize \$2,500 of District Four's Special Board Project Funds to be forwarded to the East Merced Resource Conservation District to support their efforts for the conservation of natural resources; and approve the related budget transfer.

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

BOARD APPOINTMENTS

41. Appoint Kim Porter to serve as a member of the Le Grand Municipal Advisory Council, until December 7, 2017.

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

42. Appoint Josefina Ochoa to serve as a member of the Winton Municipal Advisory Council, until March 31, 2017.

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

43. Appoint Crystal Vierra-Casey 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**

44. Public Works re: Contract No. 2013194 awarded to MPI Prime Construction, Inc., Visalia, CA in the amount of \$94,000 for the Public Defender Remodel at the Kane Building Project.

**CONTRACT**

45. U.S. Dept. of the Interior re: Release of the Restoration of the Mariposa Grove of Giant Sequoias Final Environmental Impact Statement (Mariposa Grove FEIS).

46. Dept. of Fish and Wildlife re: Extension of Public Review Period and Additional Public Meetings for the Draft Environmental Impact Report Regarding the Proposed Salmon Conservation and Research Facility and Related Management Actions Project.

**THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF DORIS KROTIK, MARVIN KAHL, HENRY B. GREENE, RALPH WITTROCK, MARJORIE BARGER, AND MELVIN BLANKENSHIP, AND ADJOURNED THE MEETING UNTIL TUESDAY, DECEMBER 10, 2013, AT 10:00 A.M.**