



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, DECEMBER 10, 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

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

9:00 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 and Economic Development pursuant to Government Code Section 54956.8 as follows:

Property: Castle Property located at Castle Commerce Center Agency
Negotiator: Mark Hendrickson, Community and Economic Development Director

Under negotiation: Building 175 and adjacent 60 acres of property

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): 1) Mayfield v. County of Merced, et al., Federal Case No. 1:13-cv-01619-LJO-BAM; 2) County of Merced v. John K. Haskett, as Trustee of the John K. Haskett Revocable Living Trust, et al., Merced Superior Court Case No. CVM014640.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION: It is the intention of the Board to meet in Closed Session concerning Significant Exposure to Litigation pursuant to Government Code Section 54956.9(d)(2): Two Cases

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 - 13)

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

To consider the 2030 Merced County General Plan Update (General Plan Text Amendment No. GPTA09-001):

Recommendation: 1) Open Public Hearing, receive testimony, and close Public Hearing; 2) Certify the Program Environmental Impact Report based on the four (4) listed findings; 2) Make the Intended Decision to take the following actions as part of the General Plan Amendment Cycle II hearing: Adopt the CEQA Findings of Fact and Statement of Overriding Considerations, the Mitigation Monitoring and Reporting Program, and Adopt the 2030 Merced County General Plan, (General Plan Text Amendment No. GPTA09-001), incorporating all mitigation measures and modifications identified in the Planning Commission and Board public hearing packets, with Policy alternatives recommended by the Planning Commission to include Policy AG-2.13a (a 20 acre minimum Agricultural parcel size) and Policy AG-2.15 (adjusting the rules of procedure for the Agricultural Preserve rather than the Preserve boundary), based upon the five (5) listed findings.

REVIEW BOARD ORDER

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

To Consider the 2013 Cycle II General Plan Amendment.

Recommendation: 1) Open the Public Hearing, receive testimony, and close Public Hearing; 2) Adopt the 2013 Cycle II General Plan Amendment Resolution approving General Plan Text Amendment No. GPTA09-001, involving adoption of the 2030 Merced County General Plan.

REVIEW BOARD ORDER

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1 - 13)

APPROVED AS RECOMMENDED

AYES: ALL

Auditor

1. Approve Budget Transfer in the amount of \$24,900 to cover unanticipated required expenses for IRS 415 Replacement Benefits.

Public Works

2. Adopt Resolution designating the intersection of Shaffer Road and Walnut Avenue as an all-way stop intersection; and authorize the Director of Public Works to install stop signs on the Shaffer Road approaches to the intersection.

ADOPTED RESOLUTION

Mental Health

3. Approve and authorize the Chairman to sign Amendment Contract No. 2013117 with U.S. Department of Housing and Urban Development for 2012 Continuum of Care Program Grant Agreement for Project Home Start, to redistribute Supportive Services funds to Outpatient Health Services.
4. Approve and authorize the Chairman to sign Amendment Contract No. 2013170 with Aegis Medical Systems, Inc., for outpatient narcotic treatment services, updating the billable service rates to the State Drug Medi-Cal published rates for 2013-2014.

Department of Workforce Investment

5. Accept Modification Two (2) for Contract No. 2013154 with State of California Employment Development Department adding \$2,430,673 Workforce Investment Act (WIA) funds into Adult, Dislocated Worker, and Rapid Response (Grant Codes 202, 502, 541) funds to Merced County to provide employment and training services to Workforce Investment Act eligible participants.

County Executive Office

6. Approve travel request received from Sheriff and Health Department as recommended by Executive Office.

Board Recognition

7. Authorize Certificates of Recognition to the following individuals for awards received from the Hispanic Chamber of Commerce as follows: Virginia Vega, Woman of the Year; Samuel Rangel, Man of the Year; Trevino's Mexican Restaurant, Business of the Year; and Marie's Mexican Kitchen, Member of the Year.
8. Proclaim the week of November 22 through November 28, 2013, as "Farm-City Week" in Merced County.
9. Authorize Certificate of Recognition to Professor Jonathan D. Jansen for being selected as the distinguished recipient of the Alice and Clifford Spendlove Prize in Social Justice, Diplomacy and Tolerance.
10. Authorize Certificates of Recognition for accomplishments and graduation from Merced Day Reporting Center for the following individuals: Phillip Lapat, Dustin Dearing, Thomas Maxwell, Roy Shaddock, Isaac Torres, Charles Wade, Max Delphin, Eduardo Rodriguez, Linda Salazar, Sandra Sousa, Maria Torres, Steven Watkins, Jessica Whitaker, and Lo Saephan.
11. Authorize Certificates of Recognition to recipients of the 2013 Ag Leadership Awards as follows: Johnny Andrews, Field Crops; Phil Schiber, Trees and Vines; Dave Gossman, Ag Education; Bobby and Suzy Erickson, Livestock/Dairy; and Modern Dairy, Agribusiness.
12. Authorize Certificate of Recognition for the family of Louis Robert McMullen in honor of Louis Robert McMullen's service aboard the USS Growler SS 215 and in honor of the placement of an official memorial marker at San Joaquin Valley National Cemetery.
13. Authorize Certificate of Recognition in honor of the dedication of the Jose "Shorty" Jimenez Bridge.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

14. 1) Approve the project for re-piping Merced County Fire Station No. 71 in the City of Los Banos with an established budget of \$34,000; 2) approve the related Budget Transfer; 3) authorize the Department of Public Works, in conjunction with Purchasing, to request bids from qualified plumbers for the re-piping work; 4) authorize Purchasing to issue a Purchase Order to the lowest responsible bidder provided said bid is within the established budget; and 5) direct the Department of Public Works to return to the Board with an informational item describing all actions taken.

APPROVED AS RECOMMENDED **AYES: ALL**

15. Accept Final Map for Luis Estates 2, Major Subdivision No. MAS13-001, located in the Santa Nella area.

APPROVED AS RECOMMENDED **AYES: ALL**

16. 1) Approve Plans and Specifications for the refurbishment of warehouse office space for Sheriff/Coroner; 2) authorize the Department of Public Works (DPW) to advertise said plans and specifications for a Public Bid Opening; 3) authorize the Director of DPW to award a Construction Contract to the lowest responsible bidder provided said Bid is within the established budget; 4) authorize the Chairman of the Board to execute the contract upon review of DPW and County Counsel; and 5) Direct the DPW to return to the Board with an Informational Item describing all actions taken.

APPROVED AS RECOMMENDED **AYES: ALL**

17. Contract with Pazin & Myers, Inc. for the furnishing and delivery of vehicle fuels to the Los Banos and Castle locations.

APPROVED AS RECOMMENDED **AYES: ALL**

18. Contract with Southern Counties Oil Co. dba SC Fuels for the furnishing and delivery of vehicle fuels to Merced locations.

APPROVED AS RECOMMENDED **AYES: ALL**

19. 1) Approve the deletion of the Gurr Road Station fixed sign from the Assistance to Firefighters Grant (AFG) Message Board Sign Project; 2) authorize the combining of Budget Unit 25005/84086 into Budget Unit 25005/87102 for a revised Budget of \$133,123; 3) approve related Budget Transfer; and 3) authorize the Chairman to execute a contract to Sign Designs of Modesto, California, in the amount of \$159,842.77 and concurrently execute Change Order No. 1 in the deductive amount of \$38,277.70 for a revised contract amount of \$121,565.07, upon review of County Counsel.

APPROVED AS RECOMMENDED **AYES: ALL**

20. Contract with Merced County Rescue Mission for use of the old Juvenile Hall Recreation Field as a Warming Center.

APPROVED AS RECOMMENDED **AYES: ALL**

REVIEW BOARD ORDER

HEALTH

21. 1) Approve submission of an application for the Waste Tire Enforcement Grant application (Cycle 21) for enforcement activities in FY 2014-2015; 2) adopt Resolution authorizing the

Chairman to sign grant application and related contracts, and designate the Director of Public Health or designee to submit all payments requests and grant activity forms; and 3) direct the Department of Public Health to return to the Board if awarded.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

22. Option 1: 1) Approve and authorize the Chairman to sign the California Department of Public Health (CDPH) Local Primacy Delegation Agreement granting Merced County authority under the California Safe Drinking Water Act to enforce State laws and regulations applicable to the delivery of drinking water to consumers by Small Public Water Systems. 2) Adopt the Local Primacy Delegation Agreement Resolution and associated documents approving the CDPH Grant Funding and designating the Director of Public Health as the Fiscal Agent with authority to sign the related Fiscal Agreement in the amount of \$178,000. 3) Approve the associated LPA program budget transfer (4/5 vote); OR Option 2: Authorize the return of the Local Primacy Agency/Small Public Water Systems Program to CDPH effective 04/10/13 returning regulatory oversight of the existing 67 Small Public Water Systems back to the State.

APPROVED AS RECOMMENDED (OPTION 2) AYES: ALL
REVIEW BOARD ORDER

MENTAL HEALTH

23. Authorize the Department of Administrative Services, on behalf of Mental Health Department, to release a Request for Proposal to secure a qualified provider of medical services consisting of physical exams and histories for patients admitted to the Marie Green Psychiatric Center, to select the most responsive bidder, to negotiate an agreement; and return to the Board for final agreement execution.

APPROVED AS RECOMMENDED AYES: ALL

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

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

25. Adopt Resolution approving the fifth expansion of the Merced Regional Enterprise Zone boundaries in Merced County and contiguous boundaries in Madera County, subject to receipt of expansion approval from the cities of Atwater, Chowchilla, Dos Palos, Gustine, Livingston, Los Banos, Madera, Merced and the County of Madera.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

26. 1) Simultaneously rescind existing Williamson Act contract and re-enter into a new Williamson Act contract with the following property owners to reflect new property lines resulting from prior approved property line adjustments: Larry Thompson, Scott Souders, and Michael Kemps (Williamson Act No. WA2000-0237); 2) make the seven (7) legal findings required by Williamson Act Section 51257(a); and authorize the Chairman to sign the new Williamson Act contract and forward to County Recorder.

APPROVED AS RECOMMENDED AYES: ALL

27. Contract with LRC Engineering for lease of Building 175 and approximately 60 acres of property at Castle Commerce Center Generally bounded by Hospital Road, Wallace Road,

Bomber Drive, Thunderbird Avenue, Turbine Drive, Challenger Drive, Apron Avenue, A Street, B Street, Heritage Drive, and E Street.

APPROVED AS RECOMMENDED **AYES: ALL**

FIRE

28. Contract with California Department of Forestry and Fire Protection for FY 13 Volunteer Fire Assistance (VFA) Grant Program in the amount of \$20,000; adopt Resolution; and authorize Administrative Services, in conjunction with Merced County Fire, to purchase 10 sets of Structural Personal Protective Equipment and 100 sets of Wildland Personal Protective Equipment.

ADOPTED RESOLUTION AS RECOMMENDED **AYES: ALL**

COUNTY EXECUTIVE OFFICE

29. Approve and authorize the Chairman to sign the CSAC-EIA Medical Malpractice MOU effective 10-1-2013; Designate the Assistant CEO as the Authorized Representative to sign the Extended Participation Agreement (EPA) effective 10-1-2013, and any subsequent EPAs that do not require a corresponding MOU amendment.

APPROVED AS RECOMMENDED **AYES: ALL**

30. Adopt the Board of Supervisors 2014 Calendar for the regularly scheduled meetings.

APPROVED AS RECOMMENDED **AYES: ALL**

BOARD OF SUPERVISORS

31. Authorize \$300 of District Four's Special Board Project Funds to be forwarded to the Hot Rod Diner in Hilmar for weekly meeting space for Hilmar Senior Social Club from January through March 2014.

APPROVED AS RECOMMENDED **AYES: ALL**

32. Authorize \$500 of District One's Special Board Project Funds to be forwarded to the Merced City School District to offset costs of event for students scoring perfect on one or more of the California Standards Tests.

APPROVED AS RECOMMENDED **AYES: ALL**

BOARD APPOINTMENTS

33. Appoint Robert L. Plass to serve as a member of the Library Advisory Commission, representing District Five until August 31, 2017.

APPROVED AS RECOMMENDED **AYES: ALL**

34. Appoint Amie Marchini to serve as Business/Private Sector representative and John Jepson as One Stop Partners/CVOC on the Workforce Investment Board.

APPROVED AS RECOMMENDED **AYES: ALL**

BOARD INFORMATION & POSSIBLE ACTION

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

35. Merced County Mosquito Abatement District October 2013 Manager's Report.
36. City of Gustine Notice of Public Hearing on proposed rate increase for water and sewer service.

**THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF CARROLL OLDS,
TONY LOPES, AND BRETT LEE, AND ADJOURNED THE MEETING UNTIL TUESDAY,
DECEMBER 10, 2013, AT 10:00 A.M.**