

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, MARCH 11, 2014  
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  
DEIDRE F. KELSEY.....DISTRICT 4  
CHAIRMAN 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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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 Properties located at Castle Commerce Center Agency

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

**Under negotiation:** 1) Buildings 1146, 1110 and 1107 at Castle Commerce Center; 2) 27.7 Acres of Vacant Land

**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

**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): California Clean Energy Committee v. County of Merced, Real Parties in Interest Bob Borba, aka Bobby Borba, an individual; Bob Borba Dairy, Merced Superior Court Case No. CVM017121

**THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH SUPERVISOR O'BANION AND SUPERVISOR KELSEY NOT 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 – SEE PAGE 8**

**JOINT MEETING - BOARD OF SUPERVISORS AND WORKFORCE INVESTMENT BOARD** Review and presentation by Workforce Investment Board of the End of the Year 2012/2013 Report and Future Goals

**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 EXCEPT ITEMS 3, 5 AND 11 PULLED FROM AGENDA AND ITEM 15 IS HEARD SEPARATELY AYES: 1, 2, 3 NOT PRESENT: 4, 5**

Public Works

1. Approve and authorize the Chairman to sign Amendment Contract No. 2011221 with Malm Fagundes LLP for legal services related to the Campus Parkway right-of-way acquisition.
2. Authorize the replacement of the boiler to be added to the HVAC Upgrade Project at Human Services Agency; authorize the increase of the project budget from \$650,000 to \$750,000; authorize the Director of Public Works to negotiate and execute a Change Order in an amount not to exceed \$85,000 to Airco Mechanical to complete the work before June 30, 2014; approve the related Budget Transfer; and direct Public Works to return to the Board with a final negotiated and executed Change Order.

Health

3. Approve budget transfer in the amount of \$69,659 to purchase 25 tablets, printers and extra batteries to be used for Certified Unified Program Agency (CUPA) related activities. (4/5 Vote Required)

**PULLED FROM AGENDA – NO ACTION TAKEN**

4. Approve and authorize the Chairman to sign Renewal Contract No. 2007030 with the California Dept. of Health Care Services and approve the Merced County Public Health's acceptance of the Child Health and Disability Prevention Program, the Health Care Program for Children in Foster Care, and the California Children's Services Program funding, terms and conditions as stated in the submitted contract.

Mental Health

5. Approve and authorize the Chairman to sign Amendment Contract No. 2011089 with 7th Avenue Center, LLC for client placement services; and approve the related budget transfer. (4/5 Vote Required)

**PULLED FROM AGENDA – NO ACTION TAKEN**

Human Services Agency

6. Approve and authorize the Chairman to sign Renewal Contract No. 2010283 with Caton Properties for the period February 1, 2014 through January 31, 2017, in the amount of

\$171,000 for lease space located at 1579 Main Street, Merced for Visitation for Child Welfare Families.

Community & Economic Dev.

7. Set a Public Hearing for April 8, 2014 at 10:00 a.m. to receive public testimony; consider the Planning Commission's recommendation, adopt the Mitigated Negative Declaration; approve Conditional Use Permit No. CUP13-009; and remove the project site from the Williamson Act Agricultural Preserve - Sun Harvest Solar LLC project applicant - To construct and operate a 1.5 megawatt solar photovoltaic energy generation facility on an 11 acre portion of a 40 acre parcel, on property located on the east side of San Juan Road, 550 feet north of Highway 152 in the Dos Palos area. The property is designated Agricultural land use in the General Plan and zoned A-1( General Agricultural).
8. Set a Public Hearing for March 25, 2014 at 10:00 a.m., to receive public testimony, consider the Planning Commission's recommendation, determine the project is exempt from CEQA review, and make an intended decision to approve General Plan Amendment No. GPA14-001 and Parallel Zone Change No. ZC14-001 - Multiple Property Owners - To change the land use designation of five parcels, consisting of 5.4 acres, from Delhi Urban Community - Business Park to Low Density Residential, and to change the zoning from M-1 (Light Manufacturing) to R-1-5,000 (Single-Family Residential), on property located on the east side of Hillside Drive and south of South Avenue.
9. Set a Public Hearing for March 25, 2014 at 10:00 a.m., to receive public testimony, consider the Planning Commission's recommendation, determine the project is exempt from CEQA review, and make an intended decision to approve General Plan Amendment No. GPA13-002 and Parallel Zone Change No. ZC13-003 - Abel Serrano property owner - To change the land use designation of a 0.75 acre parcel from Winton Urban Community Medium Density Residential to General Commercial and to change the zoning from R-2 (Two Family Residential) to C-2 (General Commercial) on property located on the north side of Walnut Avenue, 150 feet east of Santa Fe Drive.
10. Set Public Hearing for March 25, 2014 at 10:00 a.m., to receive public testimony, and make a determination on the 2014 Cycle I General Plan Amendment consisting of two applications: 1) General Plan Amendment No. GPA14-001 and Parallel Zone Change No. ZC14-001 - Multiple Property Owners - To change the land use designation of five parcels, consisting of 5.4 acres, from Delhi Urban Community - Business Park to Low Density Residential, and adopt the related Zone Change Ordinance to change the zoning from M-1 (Light Manufacturing) to R-1-5,000 (Single-Family Residential), on property located on the east side of Hillside Drive and south of South Avenue; and 2) General Plan Amendment No. GPA13-002 and Parallel Zone Change No. ZC13-003 - Abel Serrano property owner - To change the land use designation of a 0.75 acre parcel from Winton Urban Community Medium Density Residential to General Commercial and adopt related Zone Change Ordinance to change the zoning from R-2 (Two Family Residential) to C-2 (General Commercial) on property located on the north side of Walnut Avenue, 150 feet east of Santa Fe Drive.

District Attorney

11. Approve the District Attorney's participation in the Anti-Drug Abuse Enforcement Program and authorize the District Attorney to accept a grant award from the Board of State and Community Corrections in the amount of \$147,245 for FY 13/14; adopt the Resolution

authorizing the District Attorney to execute the FY 13/14 grant award agreement; and approve the related budget transfer. (4/5 Vote Required)

**PULLED FROM AGENDA – NO ACTION TAKEN**

Sheriff

12. Authorize the Sheriff's Department, in conjunction with Administrative Services, to find and negotiate a lease agreement and direct Administrative Services to return to the Board with the agreement upon review by County Counsel for the final contract approval.

Fire

13. Approve and authorize the Chairman to sign Amendment Contract No. 2013105 with Howell Consulting to create the Pre-Disaster Hazard Mitigation Plan for the County of Merced and Cities of Atwater, Dos Palos, Gustine, Livingston, Los Banos, and Merced.

Executive Office

14. Approve travel requests received from Public Health, District Attorney and Fire as recommended by Executive Office.

Board of Supervisors

15. Approve Minutes for January 15, January 29, February 5, February 26, March 12, March 26, March 26-IHSS, March 26-PFC, April 9, April 23, May 7, May 21, 2013, January 14, and January 14, 2014 Addendum as submitted.

**COUNTY COUNSEL JAMES FINCHER STATES THERE IS A CORRECTION TO THE MINUTES OF JANUARY 14, 2014, TO REFLECT THAT THE CHAIR ERRONEOUSLY ANNOUNCED THAT SUPERVISOR KELSEY HAD DECLARED A CONFLICT AND WAS NOT PRESENT. MINUTES SHOULD REFLECT THAT SUPERVISOR KELSEY WAS NOT PRESENT AND SENT AN E-MAIL TO COUNTY COUNSEL, COUNTY EXECUTIVE OFFICER, AND THE CHAIR TO INFORM THAT SHE WAS NOT AVAILABLE FOR THE CLOSED SESSION OF THAT DATE.**

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

16. Authorize the Department of Public Works to circulate Requests for Qualifications (RFQ) for professional services in Architecture, Electrical Engineering, Mechanical Engineering, and Hazards Materials Testing/Investigation; and authorize Public Works to review and rank Statements of Qualifications in each discipline as well as negotiate the retainer contracts to be submitted to the Board of Supervisors for consideration.

**AUTHORIZED CONTRACT NOS. 2014026 (Architecture/Planning) 2014027 (Mechanical Engineering), 2014028 (Electrical Engineering), 2014029 (Hazardous Materials Testing and Investigation) AS RECOMMENDED AYES: 1, 2, 3 NOT PRESENT: 4, 5**

MENTAL HEALTH

17. Contract with State Dept. of Rehabilitation for vocational rehabilitation services for clients; authorize Chairman to sign agreement, Contractor Certification Clause and Signature

Authorization Form; and adopt resolution.

**AUTHORIZED CONTRACT NO. 2014030 AND ADOPTED RESOLUTION NO. 2014-19 AS RECOMMENDED AYES: 1, 2, 3 NOT PRESENT: 4, 5**  
**REVIEW BOARD ORDER – SEE PAGE 8 AND 9**

HUMAN SERVICES AGENCY

18. Contract with LTG Associates, Inc. to provide evaluations for the "All Dads Matter" and "All Moms Matter" programs.  
**AUTHORIZED CONTRACT NO. 2014031 AS RECOMMENDED AYES: 1, 2, 3**  
**NOT PRESENT: 4, 5**  
**REVIEW BOARD ORDER – SEE PAGE 9**

COMMUNITY & ECONOMIC DEV.

19. Approve the Sales and Use Tax Implementation agreement with Solar Star California XIII, LLC, a Delaware Corporation for the Quinto Solar PV Project (CUP10-008).  
**AUTHORIZED CONTRACT NO. 2012226 AS RECOMMENDED AYES: 1, 2, 3**  
**NOT PRESENT: 4, 5**

AUDITOR

20. Accept the audited Merced County Comprehensive Annual Financial Report for the fiscal year ending June 30, 2013.  
**APPROVED AS RECOMMENDED AYES: 1, 2, 3 NOT PRESENT: 4, 5**  
**REVIEW BOARD ORDER – SEE PAGES 9 AND 10**

SPRING FAIR

21. Contract with Holland Racing Promotions to host the destruction derby events during the Merced County Spring Fair for the period of May 2-3, 2014.  
**AUTHORIZED CONTRACT NO. 2014032 AS RECOMMENDED AYES: 1, 2, 3**  
**NOT PRESENT: 4, 5**  
**REVIEW BOARD ORDER – SEE PAGE 10**

BOARD OF SUPERVISORS

22. Authorize \$1,000 of District Four's Special Board Project Funds to be utilized to reimburse Public Works Roads Division for the cost of field survey work for the Ballico Community Services District replacement well control zone.  
**APPROVED AS RECOMMENDED AYES: 1, 2, 3 NOT PRESENT: 4, 5**

BOARD APPOINTMENTS

23. Reappoint Jose Mercado to serve as a member of the Ballico Community Service District until December 1, 2017.  
**APPROVED AS RECOMMENDED AYES: 1, 2, 3 NOT PRESENT: 4, 5**
24. Reappoint Jeannie Giampaoli to serve as a member of the Le Grand Recreation Committee, until December 1, 2017.  
**APPROVED AS RECOMMENDED AYES: 1, 2, 3 NOT PRESENT: 4, 5**

BOARD INFORMATION & POSSIBLE ACTION

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

25. Health re: The Central California Alliance for Health is exercising their option to amend the Physician Services Agreement with the Merced County Department of Public Health, per Article V, Section 5.1 of Contract No. 2010280.
26. State Water Resources Control Board re: Notice of Petitions for Temporary Change Involving the Transfer/Exchange Under Department of Water Resources Permit 16479 (Application 14443) and the Specified License and Permits of the U.S. Bureau of Reclamation.
27. Fish and Game Commission re: Notice of Proposed Emergency Action - Low Flow Closures to Fishing Due to Drought Conditions.
28. State of Calif. Natural Resources Agency re: 2014 Petition for Temporary Change to Modify the State Water Project and Central Valley Project Authorized Places of Use.

**THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF MICHAEL BLISS AND DAVID GONZALVES AND ADJOURNED THE MEETING UNTIL TUESDAY, MARCH 25, 2014 AT 10:00 A.M.**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 11, 2014**

### **10:00 A.M. SCHEDULED ITEM**

#### **2014-03-11 PUBLIC OPPORTUNITY**

Helen Buford, Carrie Young, and Edith Fandry, Merced residents, speak in support of a pay raise for In-Home Supportive Services providers. Mark Faurot, Merced resident, submits a 55 page brief alleging that Nicole Ramos, Deputy Sheriff for Merced County and former Parole Agent Craig Donnahoe, kidnapped him. Mr. Faurot also submits conflict of interest documents, Sheriff's Booking Sheet, and Department of Corrections and Rehab documents. Karen Ann, Merced County resident, addresses the Board regarding community issues and the location of Supervisor Pedrozo's town meeting. Victoria Castillo, Merced resident, speaks regarding her husband's, Richard Yanez Castillo Jr., incarceration and need for medical treatment. A concerned citizen speaks regarding economic decline, minimal public trust, and mental health problems in our community.

Present: Davis, Pedrozo, Walsh

Not Present: Kelsey, O'Banion

### **10:00 A.M. SCHEDULED ITEM**

#### **2014-03-11 JOINT MEETING – BOARD OF SUPERVISORS & WORKFORCE INVESTMENT**

Director of Workforce Investment Robert Morris introduces WIB member Mike Altomare, Jackie Walther-Parnell, Operations Director, and Alfredo Mendoza, Special Projects Manager. Mr. Morris provides the Board with a powerpoint presentation on the Workforce Investment Board's End of Year Report for 2012/2013 and their future goals. Mr. Morris covered the following topics during the powerpoint presentation: Business Services, Enterprise Zone, Total Visits to Worknet Employment Resource Centers Merced & Los Banos, Visits to Worknet and Unemployment Rate Merced County PY 2012/13, Number and Type of Services Provided through Worknet 2012/13, Customer Service/Satisfaction Data, Youth Council, Youth Council Members 12/13, Performance Measure-Youth Programs, Performance Measures-Adult Programs, Performance Measures-Dislocated Worker Program, Fiscal Information-Formula, Fiscal Information-Other Grants and Contracts, WIB Direction for 2013/14, and WIB Members 2012/13.

Supervisors Walsh and Davis compliment Mr. Morris, staff, and WIB for the private sector business focus in terms of services and direction of the WIB in reducing the unemployment in Merced County.

Present: Davis, Pedrozo, Walsh

Not Present: Kelsey, O'Banion

### **ACTION ITEM NO. 17**

#### **2014-03-11 MENTAL HEALTH**

The Clerk announces a contract with State Department of Rehabilitation for vocational rehabilitation services for clients is before the Board for consideration.

Concerned citizen states that several people have complained regarding conflict of interest stating the program should be consumer-driver, and the location of the Department of



Rehabilitation has become an issue. Concerned Citizen states she is not in support of the Board's authorization of the contract.

Supervisor Walsh requests a staff report from Interim Mental Health Director Scott DeMoss to address the purpose of the contract and where the services are provided.

Interim Mental Health Director Scott DeMoss states the contract is between the State of California Rehabilitation and Merced County to fund 20% of the Vocational Rehabilitation Counselor and .36 FTEs of a Consumer Assistance Worker. Mr. DeMoss states the Vocational Counselor is located at the Wellness Center and that it is the intention of the department, in relation to this program, to make vocational rehabilitation services available within the Wellness Center, and states that the Wellness Center is consumer driven.

Upon motion of Supervisor Walsh, seconded by Supervisor Pedrozo, duly carried, the Board authorizes Contract No. 2014030 with the State of California, Department of Rehabilitation for vocational rehabilitation services for clients for July 1, 2014 through June 30, 2017 in the amount of \$181,818; authorizes the Contractor Certification Clause and the Signature Authorization Form; and adopts Resolution No. 2014-19.

Ayes: Davis, Pedrozo, Walsh

Not Present: Kelsey, O'Banion

#### **ACTION ITEM NO. 18**

#### **2014-03-11 HUMAN SERVICES AGENCY**

The Clerk announces a contract with LTG Associates for evaluation of the "All Dads Matter" and "All Moms Matter" programs is before the Board for consideration

Mary Ann Gentry, Merced resident, requests clarification of the intention of the contract before the Board.

Director of Human Services Agency (HSA) Ana Pagan informs the Board that the evaluation process is to move HSA toward becoming evidence-based to ensure that there is ongoing federal support for both programs.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Walsh, duly carried, the Board authorizes Contract No. 2014031 with LTG Associates, Inc., in an amount not to exceed \$63,000 to provide program evaluation for the period of March 11, 2014 through May 31, 2015.

Ayes: Davis, Pedrozo, Walsh

Not Present: Kelsey, O'Banion

#### **ACTION ITEM NO. 20**

#### **2014-03-11 AUDITOR**

The Clerk announces the audited Merced County Comprehensive Annual Financial Report for the year ending June 30, 2013 is before the Board for consideration.

Concerned citizen asks if the Comprehensive Report includes actions that may have been in the financial reports.

The Chairman states that he cannot answer her question but can direct staff to provide an answer but will need contact information to do so.

Concerned citizen states she can be contacted through Mark Faurot who spoke at Public Opportunity.

County Executive Officer James Brown informs the Board that this item is the annual comprehensive audit, and the contract with outside auditors who are independent and objective, and they look at the whole County system.

Upon motion of Supervisor Walsh, seconded by Supervisor Pedrozo, duly carried, the Board accepts the audited Merced County Comprehensive Annual Financial Report for the fiscal year ended June 30, 2013.

Ayes: Davis, Pedrozo, Walsh

Not Present: Kelsey, O'Banion

### **ACTION ITEM NO. 21**

#### **2014-03-11 SPRING FAIR**

The Clerk announces the contract with Holland Racing to provide fair event production is before the Board for consideration.

Mary Ann Gentry, Merced resident, states there should be more publicity to promote the Spring Fair.

Supervisor Pedrozo states that Supervisor O'Banion posts signs and there is promotion of the Spring Fair on the radio. He states that the week of the Fair, the Merced County Times offers information on the Fair.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Walsh, duly carried, the Board authorizes Contract No. 2014032 with Holland Racing Promotions to host the destruction derby events during the Merced County Spring Fair for the period of May 2–3, 2014.

Ayes: Davis, Pedrozo, Walsh

Not Present: Kelsey, O'Banion