

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, JANUARY 27, 2015
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

CHAIRMAN JOHN PEDROZO.....DISTRICT 1
HUBERT “HUB” WALSH, JR.....DISTRICT 2
DARON McDANIEL.....DISTRICT 3
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

Persons who require accommodation for any audio, visual or other disability in order to review an agenda, or to participate in a meeting of the Board of Supervisors per the American Disabilities Act (ADA), may obtain assistance by requesting such accommodation in writing addressed to the Clerk of the Board, 2222 M Street, Merced, CA 95340 or telephonically by calling (209) 385-7366. Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested

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 THREE MINUTES PER PERSON**

**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): In Re: Lynda Bennett, State Personnel Board, Case No.: 14-1204

**THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT
10:00 A.M. WITH SUPERVISOR WALSH AND O'BANION 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 three minutes
per person)**

REVIEW BOARD ORDER – SEE PAGE 7

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 8)

PUBLIC HEARING:

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE

To consider amending Ordinance entitled "Conduct in Parks" (Amends Ordinance Nos. 1922, 1889, 1813, 1719, 1388 and 1231 and amends Chapter 10.28.040 of the Merced County Code).

RECOMMENDATION: Waive further reading; open Public Hearing; receive testimony; close Public Hearing; Adopt Proposed Ordinance (Amends

Ordinance Nos. 1922, 1889, 1813, 1719, 1388 and 1231 and amends Chapter 10.28.040 of the Merced County Code).

REVIEW BOARD ORDER – SEE PAGE 7

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1 - 8)

APPROVED AS RECOMMENDED EXCEPT ITEM 4 PULLED

AYES: 1, 3, 4

NOT PRESENT: 2, 5

Public Works

1. Adopt Resolution designating the intersection of Olive Avenue and Shaffer Road as an all-way stop intersection; and authorize the installation of stop signs on the Shaffer Road approaches to the intersection.

ADOPTED RESOLUTION NO. 2015-03

2. Adopt Resolution establishing a 40 MPH reduced speed zone on Cardella Road between Fox Road and 900 feet east of Fox Road; and direct the Department of Public Works to install and maintain speed limit signs to provide notice to motorists of the reduced speed limit.

ADOPTED RESOLUTION NO. 2015-04

3. Adopt Resolution designating the intersection of August Avenue and Merced Avenue as an all-way stop intersection; and authorize the installation of stop signs on the August Avenue approaches to the intersection.

ADOPTED RESOLUTION NO. 2015-05

4. Set Public Hearing for March 17, 2015 at 10 a.m. to consider adoption of a Resolution adjusting the public facilities impact fees for the unincorporated area located within the City of Merced Sphere of Influence.

PULLED – NO ACTION TAKEN

Human Services Agency

5. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 2009099 with Mental Health to provide mental health and substance abuse services.

Mental Health

6. Approve and authorize the Chairman to sign Amendment Contract No. 2014133 with The Anxiety Treatment Center for intensive outpatient services.

Community and Economic Development

7. Set a Public Hearing for March 3, 2015, to receive public testimony to consider the Planning Commission's recommendations, adopt the Initial Study/Mitigation Negative Declaration and Mitigation and Monitoring Report Program, and take action on Zone Change Application No. ZC13-002 and related Zone Change Ordinance and Administrative Application No. AA13-029 for Brian and Dan Andersen.

Executive Office

8. Approve travel request received from Probation as recommended by Executive Office.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

9. Contract with Larry Viani for a license agreement to farm property acquired for the Campus Parkway Project located north of State Route 140 east of the Hartley Lateral.

**AUTHORIZED CONTRACT NO. 2015004 AS RECOMMENDED AYES: 1, 3, 4
NOT PRESENT: 2, 5**

10. Declare one pickup truck, Vehicle #62002, County Property #054471, as surplus property and donate the vehicle to the Los Banos Cemetery District as authorized by Government Code Section 25365. (4/5 Vote Required)

PULLED – NO ACTION TAKEN

11. Contract with Merced Irrigation District for a joint use agreement for the Avenue Two Project located in Atwater.

**AUTHORIZED CONTRACT NO. 2015005 AS RECOMMENDED AYES: 1, 3, 4
NOT PRESENT: 2, 5**

HUMAN SERVICES AGENCY

12. Approve Interdepartmental Agreement with Workforce Investment to provide subsidized employment services to Welfare to Work participants; and approve related budget transfer. (4/5 Vote Required)

PULLED – NO ACTION TAKEN

HEALTH

13. Approve the no-cost Memorandum of Understanding between the Merced County Department of Public Health, Santa Cruz County, Monterey County, and the Central California Alliance for Health for coordination of care for Child Health and Disability Program Medi-Cal enrollees under the age of 21 for a 2-year term; and return to the Board with an information item prior to renewal.

**AUTHORIZED CONTRACT NO. 2015006 AS RECOMMENDED AYES: 1, 3, 4
NOT PRESENT: 2, 5**

14. Approve and authorize Chairman to sign Amendment Contract with RMC Water and Environment for hydrology and engineering services; and approve related Budget Transfer.

**AUTHORIZED CONTRACT NO. 2015007 AS RECOMMENDED AYES: 1, 3, 4
NOT PRESENT: 2, 5**

SHERIFF

15. Authorize the Sheriff (or his designee) to electronically submit the application for the 2015 Municipal Shelter Spay-Neuter Fund Grant administered through the California Department of Food and Agriculture; and return to the Board for acceptance if funding is awarded.

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

PROBATION

16. Authorize Administrative Services, in conjunction with Probation, to prepare and release a Request for Proposal for securing the services of a qualified contractor to provide a web-based, validated risk and needs assessment service for adult and juvenile probation clients.
APPROVED AS RECOMMENDED AYES: 1, 3, 4 NOT PRESENT: 2, 5

FIRE

17. 1) Pursuant to Resolution 2013-109, approve Merced County Office of Emergency Services to accept the supplemental grant in the amount of \$95,000 from the FY 13 Emergency Management Performance Grant (EMPG) Program beginning January 27, 2015 through March 31, 2015; 2) Approve the related budget transfer; 3) Authorize the Merced County Office of Emergency Services to purchase the portable radios through an existing competitive bid through Merced County Purchasing. (4/5 Vote Required)
MODIFIED RECOMMENDATION TO DELETE THE BUDGET TRANSFER AYES: 1, 3, 4 NOT PRESENT: 2, 5

COUNTY EXECUTIVE OFFICE

18. Authorize the Clerk to sign the Certification Statement for the composition of the Merced County Local Child Care and Development Planning Council as required by the California Department of Education.
APPROVED AS RECOMMENDED AYES: 1, 3, 4 NOT PRESENT: 2, 5

BOARD OF SUPERVISORS

19. Authorize \$5,087.95 of District Two's Special Board Project funds to be forwarded to the Boys and Girls club for a new AVAYA Telephone System to support their youth activities in the community.
PULLED – NO ACTION TAKEN
20. Authorize \$600 of District Four's Special Board Project Funds to be paid in monthly increments of \$100 to be forwarded to the Hot Rod Diner in Hilmar for weekly meeting space for room rental for the Hilmar Senior Social Club from January through June 2015.
PULLED – NO ACTION TAKEN
21. Set a first reading for February 10, 2015 at 10 a.m. to consider the adoption of the proposed groundwater ordinance; set a second reading and possible adoption of the proposed groundwater ordinance on March 3, 2015 at 10 a.m.; OR Direct staff to continue working with stakeholder groups to refine the draft groundwater ordinance and implementation process.
PULLED – NO ACTION TAKEN

BOARD APPOINTMENTS

22. Law Library Board of Trustees - Appoint Ray Isleib as the Board of Supervisor's ex officio in place of the County Board Chairman and Rick Marchini as an additional trustee to the Law Library Board of Trustees for 2015.
APPROVED AS RECOMMENDED AYES: 1, 3, 4 NOT PRESENT: 2, 5
23. Appoint Daron McDaniel, District 3, to the Board of Supervisor position on the Merced County Successor Agency Oversight Board; and appoint Daron McDaniel, District 3, to the

Board of Supervisor position to the City of Atwater RDA Oversight Board.

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

BOARD INFORMATION & POSSIBLE ACTION

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

24. Merced County Human Resources re: Establishment of Operations Directive #15-105 Volunteer Policy.
25. California Fish and Game Commission re: Notice of Proposed Regulatory Action relative to amending Section 7.50, Title 14, California Code of Regulations, relating to the proposed changes in Central Valley Salmon Sport Fishing Regulations, which were published in the California Regulatory Notice Register on January 2, 2015.
26. California Fish and Game Commission re: Notice of Proposed Regulatory Action relative to Amending Sections 360, 362, 363, 364, 702, 708.5, 708.11, and 713 Title 14, California Code of Regulations, relating to Mammal Hunting Regulations for the 2015-2016 season, which were published in the California Regulatory Notice Register on January 2, 2015.
27. California Department of Fish and Wildlife re: Notice of Completion Draft Environment Document adding Section 250.1, Amending Sections 311, 353, 464, 465, 475 and 485, as well as repealing Section 355 of Title 14 California Code of Regulations phasing of non-lead ammunition requirement.

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF CELESTE PALOMINO, JOHN BOMMARITO, BETH WILLIAMS, BOB MEANS, SUSAN SHAEFFER, AND PASTOR CLAUDE E. SHAW SR. AND ADJOURNED THE MEETING UNTIL TUESDAY, FEBRUARY 3, 2015 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JANUARY 27, 2015

10:00 A.M. SCHEDULED ITEM

2015-01-27 PUBLIC OPPORTUNITY

James Hodges speaks regarding global warming.

Allen Claunch speaks regarding the water crisis and requests that the Board continue to work on the water issue.

Present: Pedrozo, McDaniel, Kelsey

Not Present: Walsh, O'Banion

10:00 A.M. SCHEDULED ITEM

2015-01-27 PUBLIC WORKS – PUBLIC HEARING – ORDINANCE NO. 1927 ADOPTED

The time and date previously set for a public hearing to consider proposed Ordinance entitled "Conduct in Parks" (Amends Ordinance Nos. 1922, 1889, 1813, 1719, 1388 and 1231, and amends Chapter 10.28.040 of the Merced County Code).

Public Works Director Dana Hertfelder reviews the staff report.

The Chairman opens the public hearing and asks if there is anyone present wishing to speak. No one speaks. The Chairman closes the public hearing.

Upon motion of Supervisor Kelsey, seconded by Supervisor McDaniel, duly carried, the Board waives further reading of the ordinance and adopts Ordinance No. 1927 entitled "Conduct in Parks" (Amending Ordinance Nos. 1922, 1889, 1813, 1719, 1388 and 1231, and amends Chapter 10.28.040 of the Merced County Code).

Ayes: Pedrozo, McDaniel, Kelsey

Not Present: Walsh, O'Banion

10:00 A.M. SCHEDULED ITEM

2015-01-27 BOARD REPORTS

County Executive Officer James Brown give an update on the draft groundwater Ordinance and gives a powerpoint presentation covering the following: Previous Board Discussion, Summary of Language Changes, Permit Implementation Process, Application & Staff Screening, Preliminary Application Review-PAR, Additional Analysis, CEQA Process, Notification, Expert Involvement, Estimated Well Permit Cost, Monitoring and Reporting, Appeal Process and Board Confirmation/Direction.

Present: Pedrozo, McDaniel, Kelsey

Not Present: Walsh, O'Banion