

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, MAY 12, 2015
Closed Session – 8:30 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

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

8:30 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 -
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): 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): Goins, et al. v. Merced County, et al., Federal Case No. 1:13-cv-01245 AWI SKO.

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: Public Employee Performance Evaluation Title: Chief Probation Officer

**THE BOARD RECESSED AT 8:30 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 three minutes
per person)**

REVIEW BOARD ORDER – SEE PAGE 8

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 22)

PUBLIC HEARING:

PUBLIC WORKS - PUBLIC HEARING - PROPOSED RESOLUTION

To consider proposed resolution changing the name of Doppler Avenue to Kahlon Road in the Merced area; and authorize the installation and maintenance of new road signs.

RECOMMENDATION: 1) Open Public Hearing, receive comments and Close Public Hearing; 2) Adopt Resolution changing the name of Doppler Avenue to Kahlon Road in the Merced area; and 3) Authorize the installation and maintenance of new road signs.

REVIEW BOARD ORDER – SEE PAGE 8

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-22)

APPROVED AS RECOMMENDED EXCEPT ITEM 20 PULLED AYES: ALL

Public Works

1. Adopt Resolution restricting parking along the August Avenue frontage of Harmony Ranch Elementary School in the Delhi area; adopt Resolution prohibiting stopping on the north side of August Avenue from the eastern edge of the Harmony Ranch Elementary School for a distance of 233 feet, in the Delhi area; and, authorize Public Works to install signs informing motorist of these new restrictions.

ADOPTED RESOLUTION NOS. 2015-38 AND 2015-39

Aq. Commissioner

2. Approve and authorize the Chairman to sign Renewal Contract No. 2004057 with California Crop Improvement Association for services to the Seed Certification Program.

Health

3. Approve and authorize the Chairman to sign Amendment Contract No. 2010234 with California Dept. of Public Health, Emergency Preparedness Office to increase the 2014-2015 Public Health Emergency Preparedness (PHEP), Hospital Preparedness Program (HPP), the State General Fund Pandemic Influenza (GF Pan Flu) allocation; and approve the related budget transfer.

Mental Health

4. Adopt resolution to the "Stepping Up" Initiative which will reduce the number of people with mental illnesses in jails.

ADOPTED RESOLUTION NO. 2015-40

5. Approve and authorize the Chairman to sign Renewal Contract No. 2013227 with Staff Care, Inc. for placement of licensed psychiatrist(s) on a limited basis; and return to the Board for further action once the vacant Staff Psychiatrist positions are filled.

6. Approve and authorize the Chairman to sign Renewal Contract No. 2013219 with Locum Tenens.com, LLC for the placement of licensed psychiatrist(s) on a limited basis; and return to the Board for further action once the vacant Staff Psychiatrist positions are filled.
7. Approve and authorize the Chairman to sign Renewal Contract No. 2013226 with Jackson & Coker Locum Tenens, LLC for the placement of licensed psychiatrist(s) on a limited basis; and return to the Board for further action once the vacant Staff Psychiatrist positions are filled.
8. Approve and authorize the Chairman to sign Memorandum of Understanding Renewal Contract No. 2012150 with Probation Department for continued operation of the Adult Mental Health Court as part of the Mental Health Services Act Community Services and Supports Plan.
9. Approve and authorize the Chairman to sign Memorandum of Understanding Renewal Contract No. 2012084 with Probation Department for collaboration and operation of the Juvenile Behavioral Health Court as part of the Mental Health Services Act Innovation Plan.

Human Services Agency

10. Approve and authorize the Chairman to sign Interdepartmental Contract Renewal No. 2007091 with County Counsel for legal services.
11. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 2013100 with Workforce Investment for Los Banos Plato Lab Services for Welfare-to-Work and Cal Learn clients.
12. Approve and authorize the Chairman to sign Renewal Contract No. 2010079 with Merced County Office of Education-Regional Occupation Program for the provision of vocational training services for Welfare-to-Work participants.
13. Approve and authorize the Chairman to sign Renewal Contract No. 2013064 with Merced County Office of Education for child development specialist.
14. Approve and authorize the Chairman to sign Renewal Contract No. 2012131 with Court Appointed Special Advocates (CASA) for family finding and engagement services.

Community and Economic Development

15. Set a public hearing for June 2, 2015 at 10:00 a.m. to receive public testimony, consider the Planning Commission's recommendations and take action on Zone Change Application No. ZC15-002 and related Zone Change Ordinance and Conditional Use Permit No. CUP15-004 for Sterling Commercial Properties.

Probation

16. Approve Budget Transfer in the amount of \$175,000 to replace all control station panels in the Iris Garrett Juvenile Justice Complex for a total of five panels.

Fire

17. Continue the proclamation for the existence of a local emergency due to drought.

Executive Office

18. Act on Claims for Damages received from Jose Fuentes, Jose Palomares and Benjamin Harris as recommended by Risk Management and County Counsel.

19. Approve and authorize the Chairman to sign Amendment #9 Contract No. 2005155 with Freese & Gianelli Claims Service, Inc. (F&G) for general liability claims administration services.
20. PULLED
21. Approve travel request received from Sheriff's Department as recommended by Executive Office.

Board Recognition

22. Proclaim May 2013 as Neurofibromatosis Awareness Month in Merced County.

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REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

23. Authorize Valve Burners Car Club to have exclusive use of Henderson Park on Sunday September 13, 2015 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; and authorize vendors to sell products during the event.

APPROVED AS RECOMMENDED AYES: ALL

24. Contract with the Department of Transportation (Caltrans) for Federal Apportionment Exchange and State Match Program Agreement No. X5-5939(106), to exchange Federal Funds with Non-Federal State Highway Account Funds; and adopt the resolution.

AUTHORIZED CONTRACT NO. 2015061 AND ADOPTED RESOLUTION NO. 2015-41 AS RECOMMENDED AYES: ALL

25. Approve the Plans and Specifications for the New Exercise Yard Toilets at John Latorraca Adult Correctional Center; authorize Public Works to conduct a Public Bid Opening; authorize the Director of Public Works to award a Construction Contract to the lowest responsible bidder provided said bid is within the established budget; authorize the Chairman to execute the Construction Contract upon review of Public Works and County Counsel; and direct the Public Works to return to the Board with an informational item describing all actions taken.

AUTHORIZED CONTRACT NO. 2015062 AS RECOMMENDED AYES: ALL

26. Approve the Plans and Specifications for the Winton Way-Gertrude Avenue Traffic Signal Project; and direct Public Works to return to the Board with an Informational Item disclosing all actions taken.

AUTHORIZED CONTRACT NO. 2015063 AS RECOMMENDED AYES: ALL

27. Approve the Plans and Specifications for the Santa Fe Avenue over Deadman Creek Bridge Replacement Project; and direct Public Works to return to the Board with an Informational Item disclosing all actions taken on the project.

AUTHORIZED CONTRACT NO. 2015064 AS RECOMMENDED AYES: ALL

28. 1) Approve submitting an application to Caltrans for the Active Transportation Program Grant by June 1, 2015; 2) Adopt Resolution endorsing the Walnut Avenue Complete Street

Upgrade Project (Segment 2) in the Winton area; 3) Adopt Resolution endorsing the Lobo Avenue In-Fill Sidewalk Improvement Project in the Franklin-Beachwood area; 4) Adopt the Resolution endorsing the Plainsburg Road Complete Street Upgrade Project in the Planada area; 5) Adopt the Resolution endorsing the Valeria Avenue/Bryant Avenue Class I Bike Lane Improvement Project in the Dos Palos area; and 6) Direct Public Works to return to the Board at a later date with an Information Item noting all actions taken.

ADOPTED RESOLUTION NOS. 2015-42, 2015-43, 2015-44 AND 2015-45 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

29. Contract with Kings View Corporation to provide support services necessary for successful implementation and daily functioning of the Anasazi Software system.

AUTHORIZED CONTRACT NO. 2015066 AS RECOMMENDED AYES: ALL

30. Contract with Dept. of Health Care Services for the zero dollar Performance Contract; and adopt the resolution.

AUTHORIZED CONTRACT NO. 2015067 AND ADOPTED RESOLUTION NO. 2015-46 AS RECOMMENDED AYES: ALL

DEPT. ADMINISTRATIVE SERVICES

31. Declare miscellaneous office furniture, assorted office equipment and miscellaneous supplies indentified on Exhibit A as Surplus Property as recommended and authorize its disposal by approved internet public auction.

APPROVED AS RECOMMENDED AYES: ALL

ELECTIONS

32. Contract with the Secretary of State in an amount not to exceed \$20,000 for reimbursement of costs related to the HAVA Polling Place Accessibility Training Program.

AUTHORIZED CONTRACT NO. 2015068 AS RECOMMENDED AYES: ALL

ASSESSOR/RECORDER

33. Contract with SouthTech Systems, Inc. for RecorderWorks recording system; and approve the related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2015060 AS RECOMMENDED AYES: ALL

LIBRARY

34. Approval to apply for a Lowe's Community Partners Grant in conjunction with the Friends of the Merced Library for Landscaping for the Merced Library.

APPROVED AS RECOMMENDED AYES: ALL

COUNTY COUNSEL

35. Contract with Thomson Reuters for a three year subscription for online legal research and print library.

AUTHORIZED CONTRACT NO. 2015065 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

36. Authorize \$1,000 of District One's Special Board Project Funds to be forwarded to the Bible Christian Church at Nineveh Outreach Food Pantry for providing food to the Planada, Le

Grand and Plainsburg areas; and approve the related budget transfer.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 ABSTAIN: 3

37. Provide staff direction on District Special Board Project Funds.

REVIEW BOARD ORDER – SEE PAGES 9 AND 10

BOARD APPOINTMENTS

38. Reappoint the following individuals to serve on the Mental Health Advisory Board until June 30, 2018; Iris Mojica de Tatum representing District One, Vince Ramos, representing District Two and Mary Hoffman, representing District Five.

APPROVED AS RECOMMENDED AYES: ALL

**THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF DIANE LYNN ANTONETTI,
AND ADJOURNED THE MEETING UNTIL TUESDAY, JUNE 2, 2015, AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 12, 2015

10:00 A.M. SCHEDULED ITEM

2015-05-12 PUBLIC OPPORTUNITY

Kenneth Musson comments on the current animal control policy for stray dogs. Mr. Musson states his dog was captured by a concerned citizen and was taken to the pound. Mr. Musson states he would like to be refunded the money he spent getting his dog back and wants to know who turned his dog in and submits documents for the record.

Thomas Reeves, Representative for PG&E offers his assistance for any needs in Supervisor districts.

Mike Kleiber states concerns on changing the name of Doppler Avenue when it was changed a year ago. He states when you keep changing road names it causes issues with the Fire Department and it's a waste of tax payers' dollars.

Present: Pedrozo, Walsh, McDaniel, Kelsey, O'Banion

10:00 A.M. SCHEDULED ITEM

2015-05-12 PUBLIC WORKS - PUBLIC HEARING - RESOLUTION

The time and date previously set for a public hearing to consider a Resolution changing the names of Doppler Avenue to Kahlon Road in the Merced area; and to authorize installation and maintenance of new road signs.

Public Works Director Dana Hertfelder reviews the staff report.

Supervisor O'Banion asks where the name of Doppler Avenue came from.

Mr. Hertfelder states Public Works staff came up with it.

Supervisors O'Banion asks where the name of Kahlon Road came from.

Mr. Hertfelder states Caltrans Project Manager requested the name change.

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.

The Board discusses notification process for name change, prematurely changing a new road name while still under construction and causing confusion, and who is responsible for costs of new signs.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board approves name change of Doppler Avenue to Kahlon Road in the Merced area; authorizes installation and maintenance of new road signs; and, adopts Resolution No. 2015-37.

Ayes: Pedrozo, Walsh, McDaniel, Kelsey, O'Banion

CONSENT ITEM #22

2015-05-12 BOARD RECOGNITION

The Clerk announces a Proclamation of May as Neurofibromatosis Awareness Month is before the Board for consideration.

Supervisor Pedrozo requests that April Anderson provide the Board with an explanation of Neurofibromatosis.

April Anderson states she has a child who suffers from Neurofibromatosis and informs the Board that Neurofibromatosis is a tumor disorder of the nervous system. She states that her daughter Dakota, has this disorder and it is hoped that by awareness and fundraising, a cure will be found.

Upon motion of Supervisor Walsh, seconded by Supervisor McDaniel, duly carried, the Board proclaims May 2015 as Neurofibromatosis Awareness Month in Merced County.

Ayes: Pedrozo, Walsh, McDaniel, Kelsey, O'Banion

ACTION ITEM #37

2015-05-12 BOARD OF SUPERVISORS

The Clerk announces staff direction regarding District Project Funds is before the Board for consideration.

Supervisor Kelsey states funds are used how they are supposed to be used according to the framework by County Counsel and does not know what else can be done to be more open about process. Supervisor Kelsey gives history on how funds are used in District Four and states a lot of non profits are taking care of county buildings and has no problem with how funds are used now.

Supervisor O'Banion agrees with Supervisor Kelsey's philosophy and states we would not have some programs if not for the funds. There have been times he didn't agree with a project, but respects his fellow Board members' choice of use. Supervisor O'Banion gives background on projects his funds have been used for and states if the Board wants the use of a form, he would adhere to the process.

Supervisor McDaniel states he is not saying funds don't help the community but is concerned how taxpayer's dollars are used on some projects. Supervisor McDaniel feels the process is vague and believes an official form used for requesting funds will hold people accountable for the money to be used for what it was assigned for.

Supervisor Walsh states he supports the current process and everything is recorded. Supervisor Walsh gives history on what his district funds have been used for and states he is not opposed to a form.

Supervisor Pedrozo states he supports project funds and gives history on what district funds have been used for in his area and the use of funds for an assistant. Supervisor Pedrozo further states he is not a fan of a form.

Upon motion of Supervisor Kelsey, seconded by Supervisor McDaniel, duly carried, the Board approves a Special Board Project Funds form that will reflect the collective ideas to be drafted and brought back to the Board for discussion.
Ayes: Pedrozo, Walsh, McDaniel, Kelsey, O'Banion