

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, SEPTEMBER 01, 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](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

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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

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 - 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): Merced County Deputy Sheriff's Association v. County of Merced, PERB Case No. SA-CE-916-M.

**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: Teamsters (Corrections), Unit 2; Merced County Deputy Sheriff Association (DSA), Unit 10; Teamsters (Non-Safety Corrections), Unit 12; Merced County Public Safety Services Unit (MCPSSU), Unit 14. Agency Negotiator: Marci Barrera.

**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: County Counsel

**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)**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 17)**

**PUBLIC HEARINGS:**

**PUBLIC WORKS - PUBLIC HEARING - PROPOSED RESOLUTION**

To consider a Resolution for the General Vacation of a portion of Loma Avenue in the Dos Palos area.

**RECOMMENDATION:** 1) Open Public Hearing and accept public comments; 2) Close Public Hearing; 3) Adopt the Resolution for the General Vacation of a portion of Loma Avenue in the Dos Palos area; and 4) Instruct the Board Clerk to record a certified copy of the Resolution.

**REVIEW BOARD ORDER – SEE PAGE 8**

**PUBLIC WORKS - PUBLIC HEARING - PROPOSED RESOLUTION**

To consider a Resolution of Necessity to commence eminent domain proceedings to acquire a portion of APN 056-200-018 from Joe and Carlos Lourenco for the Dickenson Ferry Road Bridge Replacement Project.

**RECOMMENDATION:** 1) Open Public Hearing and accept public comments; 2) Close Public Hearing; and 3) Adopt Resolution of Necessity to commence eminent domain proceedings to acquire a portion of APN 056-200-018 from Joe and Carlos Lourenco for the Dickenson Ferry Road Bridge Replacement Project. (4/5 Vote Required)

**ITEM PULLED – NO ACTION TAKEN**

**PUBLIC WORKS - PUBLIC HEARING - PROPOSED RESOLUTION**

To consider adoption of a Resolution of Necessity to commence eminent domain proceedings to acquire a portion of APN 065-020-017 from Mason and Vanessa Woodruff for the Dickenson Ferry Road Bridge Replacement Project.

**RECOMMENDATION:** 1) Open Public Hearing and accept public comments; 2) Close Public Hearing; and 3) Adopt Resolution of Necessity to commence eminent domain proceedings to acquire a portion of APN 065-020-017 from Mason and Vanessa Woodruff for the Dickenson Ferry Road Bridge Replacement Project. (4/5 Vote Required)

**REVIEW BOARD ORDER – SEE PAGE 8**

**PUBLIC WORKS - PUBLIC HEARING - FIRST READING OF PROPOSED ORDINANCE**

First reading 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 (Amends Ordinance Nos. 1912 and 1856 and Merced County Code Chapter 16.12).

**RECOMMENDATION:** 1) Introduce and conduct first reading of an ordinance amending Chapter 16.12 of the Merced County Code (Amends Ordinance Nos. 1912 and 1856) establishing a streamlined permit process for small residential rooftop solar energy systems; 2) Waive first reading of proposed ordinance; 3) Open public hearing and receive comments; 4) Close public hearing; 5) Find that the ordinance is categorically exempt from review under the California Environmental Quality Act (Class 8 Categorical Exemption),

guidelines; 6) Set second reading and possible adoption of the ordinance for September 15, 2015 at 10:00 a.m.

**REVIEW BOARD ORDER – SEE PAGES 8 AND 9**

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-17)

**APPROVED AS RECOMMENDED AYES: ALL**

Public Works

1. Set a Public Hearing for October 6, 2015 at 10:00 AM to receive public comments to consider amending Ordinance entitled: "Conduct in Parks" (Amends Ordinance No.1927, 1922, 1889, 1813, 1719, 1388 and 1231and Merced County Code Chapter 10.28.040).

Health

2. Approve and authorize the Chairman to sign Renewal Contract No. 2013139 with California Dept. of Public Health - Office of AIDS for administration of the AIDS Drug Assistance Program; and adopt the resolution.

**ADOPTED RESOLUTION NO. 2015-117**

Mental Health

3. Set public hearing for September 15, 2015 at 10:00 a.m. to consider proposed Ordinance amending Mental Health Services Fees (Supersedes Ordinance No. 1924 and Merced County Code chapter 9.48, Section 9.48.030).

Human Services Agency

4. Approve and authorize the Chairman to sign Renewal Contract No. 2009119 with Airport Warehouse Rentals for lease of storage space located at Grogan Avenue in Merced.
5. Approve and authorize the Chairman to sign Amendment Contract No. 2006159 with Calif. Office of Emergency Services, Criminal Justice Programs for Child Abuse Treatment grant funding.

Community and Economic Dev.

6. Set public hearing for September 15, 2015 at 10:00 a.m. to recommend amendment of the agricultural preserve with reference to three parcels (resulting from two Property Line Adjustments) located at; North side of Shaw Avenue, 0.5 miles east of Shaffer Road in the Winton area; and 0.5 miles northeast of Phillips Road and Terceira Road in the Los Banos area, as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et seq. of the California Government Code.
7. Approve Proclamation designating month of October 2015 as "Manufacturing Awareness and Appreciation Month".

District Attorney

8. Authorize the District Attorney to submit the Equitable Sharing Agreement and Certification (Renewal Contract No. 2005240) for the Federal Forfeiture Program for FY 2014/2015.

9. Approve and authorize the Chairman to sign Renewal Contract No. 2005189 with Richard S. Michaels, Attorney at Law, for consulting and legal services.
10. Approve the District Attorney's participation in the Victim Witness Assistance Program and authorize the District Attorney to apply for continued grant funding for FY 15/16 (Renewal Contract No. 2007148) in the amount of \$224,067; authorize the District Attorney to sign the Grant Award Face Sheet; authorize the Chairman to sign the Certifications of Assurance of Compliance; and adopt the resolution.

**ADOPTED RESOLUTION NO. 2015-118**

**Probation**

11. Approve and authorize the Chairman to sign Renewal Contract No. 2013131 with Sacred Rok to provide two, four day camping trips for minors in the Bear Creek Academy between July 1, 2015 through June 30, 2016.

**Sheriff**

12. Approve and authorize the Chairman to sign Amendment Contract No. 2012188 with Global Tel\*Link (GTL) for telephone services for the adult inmates housed in the Sheriff's Correctional Facilities.

**Human Resources**

13. 1) Approve the First Amendment to Memorandum of Understanding (Contract No. 2015003) between Merced County and Public Employees Local 1 (PEU) representing bargaining Unit 3 for the period of July 1, 2015 to June 30, 2016; and, 2) Approve the Sixth Amendment to the Memorandum of Understanding (Contract No. 2005079) between Merced County and Merced County Attorney's Association (MCAA) representing bargaining Unit 7 for the period of July 1, 2015 to June 30, 2016.

**Executive Office**

14. Act on Claims for Damages received from Andrew Hollins III and Imelda Tapia as recommended by Risk Management and Executive Office.

**Board Recognition**

15. Authorize Certificate of Recognition to Livingston True Value Hardware, Inc., in celebration of their 50th Anniversary.
16. Authorize Proclamation in Recognition of Hmong History Month for September 2015 in Merced County.
17. Authorize Proclamation in Recognition of Childhood Cancer Awareness Month for September 2015 in Merced County.

REGULAR CALENDAR

BOARD ACTION

HEALTH

18. Contract with School Specialty, Inc. dba The SPARK Programs for obesity prevention training services.

**AUTHORIZED CONTRACT NO. 2015153 AS RECOMMENDED AYES: ALL**

COMMUNITY AND ECONOMIC DEV.

19. Approve the grant of easement to the Castle Air Museum and authorize the Chairman to execute all necessary documents.

**APPROVED AS RECOMMENDED AYES: ALL**

20. Approve Memorandum of Understanding setting forth certain items of agreement among the Turlock Groundwater Basin Association following the Sustainable Groundwater Management Act.

**AUTHORIZED CONTRACT NO. 2015155 AS RECOMMENDED AYES: ALL**

21. Authorize Chairman to sign Contract with AT&T Corp., Inc. to provide Technology Expertise, Equipment, Services, and Systems through the FOCUS Program; authorize the Chairman to sign the FOCUS contract award announcement letter to AT&T Corp., Inc; and adopt associated resolution.

**AUTHORIZED CONTRACT NO. 2015156 AND ADOPTED RESOLUTION NO. 2015-119 AS RECOMMENDED AYES: ALL**

22. Contract with Weather Nav, Inc. to provide control tower equipment maintenance at Castle Airport.

**AUTHORIZED CONTRACT NO. 2015154 AS RECOMMENDED AYES: ALL**

AUDITOR

23. Adopt resolution setting the Secured Property Tax Rates for the 2015/2016 fiscal year.

**ADOPTED RESOLUTION NO. 2015-120 AS RECOMMENDED AYES: ALL**

CHILD SUPPORT SERVICES

24. Approve interagency agreement with Contra Costa Dept. of Child Support Services for early intervention delinquency prevention service.

**AUTHORIZED CONTRACT NO. 2015159 AS RECOMMENDED AYES: ALL**

DEPT. ADMINISTRATIVE SERVICES

25. Declare passenger cars, light duty trucks, heavy equipment, and miscellaneous supplies identified (listed on Exhibit A) as Surplus Property as recommended and authorize its disposal by approved internet public auction.

**APPROVED AS RECOMMENDED AYES: ALL**

PUBLIC DEFENDER

26. Contract with George R. Pirtle Investigations for investigator services.

**AUTHORIZED CONTRACT NO. 2015158 AS RECOMMENDED AYES: ALL**

COUNTY COUNSEL

27. Contract with West Publishing Corporation dba Thomson Reuters for the purchase of Prolaw Records Management and Billing Software.

**AUTHORIZED CONTRACT NO. 2015157 AS RECOMMENDED AYES: ALL**

BOARD OF SUPERVISORS

28. 1) Approve the addition of the Castle Commerce Center Development group to the annual Board Committee Assignments list; and 2) Appoint two Primary Members and an Alternate member from the Board to the new Assignment.

**APPROVED AS RECOMMENDED AYES: ALL**

**REVIEW BOARD ORDER – SEE PAGE 9**

29. Authorize \$500 of District One's Special Board Project Funds to be forwarded to the Merced Bears Youth Football to assist with their football and cheer programs.

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

30. Authorize \$1,328.71 of District Four's Special Board Project Funds to be forwarded to Dan Ramos as reimbursement for the purchase of freezers for the Hilmar Community Hall.

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

BOARD APPOINTMENTS

31. Reappoint Luis Lara to serve on the May Day Fair Board representing District 3, until July 1, 2019.

**APPROVED AS RECOMMENDED AYES: ALL**

BOARD INFORMATION & POSSIBLE ACTION

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

32. Public Works re: Personal Property Storage Room to Holding Cells Project was cancelled due to construction estimate exceeding budget. No construction contract issued.

**CANCELLED CONTRACT NO. 2010145**

33. Dept. of Administrative Services re: Net proceeds in the amount of \$60,236.93 resulting from the sale of miscellaneous surplus property and vehicles, through internet auction during the period of July 1, 2014 through July 30, 2015.

34. Mosquito Abatement District re: Manager's Report for July 2015.

35. Fish and Wildlife Service re: Public Notice of status review of the flat-tailed horned lizard pursuant to Fish and Game Code section 2074.6.

**THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF EVELYN CONTRERAS, LEONARD REYES, RICHARD BIGGERS, RON JOHNSTON, EDWARD SHAEFFER, AND RALPH PALAZZO AND ADJOURNED THE MEETING UNTIL TUESDAY, SEPTEMBER 15, 2015 AT 10:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – SEPTEMBER 1, 2015**

**10:00 A.M. SCHEDULED ITEM #1**

**2015-09-01 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously scheduled to consider adoption of a Resolution for the General Vacation of a portion of Loma Avenue in the Dos Palos area.

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.

Supervisor O'Banion states there are three property owners that have access to this Road and they all support the action today.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board approves the General Vacation of a portion of Loma Avenue in the Dos Palos area; adopts Resolution No. 2015-115 and directs the Board Clerk to record the resolution.

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

**10:00 A.M. SCHEDULED ITEM #3**

**2015-09-01 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously scheduled to consider adoption of a Resolution of Necessity to commence eminent domain proceedings to acquire a portion of APN 065-020-017 from Mason and Vanessa Woodruff for the Dickenson Ferry Road Bridge Replacement Project, and announces Supplemental #1.

Public Works Director Dana Hertfelder reviews the staff report.

Supervisor Pedrozo inquires when the project may start.

Mr. Hertfelder states the project would begin next November after irrigation season.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board adopts Resolution No. 2015-116 to commence with eminent domain proceedings to acquire a portion of APN 065-020-017 from Mason and Vanessa Woodruff for the Dickenson Ferry Road Bridge Replacement Project.

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

**10:00 A.M. SCHEDULED ITEM #4**

**2015-09-01 PUBLIC WORKS – PUBLIC HEARING – FIRST READING – PROPOSED ORDINANCE**

The time and date previously scheduled to introduce and conduct first reading of an ordinance amending Chapter 16.12 of the Merced County Code (Amends Ordinance Nos. 1912



and 1856) establishing a streamlined permit process for small residential rooftop solar energy systems.

Public Works Director Dana Hertfelder reviews the staff report.

Upon motion of Supervisor O'Banion, seconded by Supervisor McDaniel, duly carried, the Board waives further reading of the ordinance.

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

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board finds that the ordinance is categorically exempt from review under the California Environmental Quality Act (Class 8 Categorical Exemption) guidelines and sets second reading and possible adoption of the ordinance for September 15, 2015 at 10:00 a.m. amending Chapter 16.12 of the Merced County Code (Amending Ordinance Nos. 1912 and 1856) establishing a streamlined permit process for small residential rooftop solar energy systems.

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

#### **ACTION ITEM# 28**

#### **2015-09-01 BOARD OF SUPERVISORS**

The Clerk announces approval of the addition of the Castle Commerce Center Development Group to the annual Board Committee Assignments list; and to appoint two Primary Members and an Alternate from the Board to the new assignment is before the Board for consideration.

County Executive Officer James Brown reviews the staff report.

Upon motion of Supervisor Kelsey, seconded by Supervisor Walsh, duly carried, the Board appoints Supervisor Walsh and Supervisor McDaniel as Primary members and Supervisor O'Banion as an Alternate member, to the Castle Center Development Group, and adds the group to the Board of Supervisors annual assignment list.

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