



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, AUGUST 16, 2016

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
CHAIRMAN 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**

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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 THREE MINUTES PER PERSON**

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: United Public Employees (UPE), Unit 3; Merced County Attorney Association (MCAA), Unit 7; Merced County Deputy Sheriff Association (DSA), Unit 10; Merced County Public Safety Services Unit (MCPSSU), Unit 14; Agency Negotiator: Marci Barrera

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL -
SIGNIFICANT EXPOSURE TO LITIGATION:** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54956.9(d)(2): One case

**THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT
10:00 A.M. WITH ALL MEMBERS PRESENT, AND THE CHAIRMAN
ADVISED THERE ARE NO REPORTABLE ITEMS AND STAFF WAS GIVEN
DIRECTION**

**GOVERNMENT CODE SECTION 54954.2 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

PRESENTATIONS:

KAYLA DAMIEN - ATWATER MAYOR OF THE DAY

Supervisor Walsh and Supervisor McDaniel present Kayla Damien with a Certificate of Recognition for serving as Atwater Mayor of the Day.

2) UC MERCED 2020 PLAN

REVIEW BOARD ORDER

3) CHILD SUPPORT AWARENESS MONTH

Child Support Director Sharon Wardale-Trejo provides the Board with a powerpoint presentation related to Child Support Awareness

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 20)

PUBLIC HEARING:

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

To receive comments related to Zone Change No. ZC15-001, which proposes to change the zoning of 11 parcels from A-2 (Exclusive Agricultural) to A-1 (General Agricultural). The project site is located on the West side of Britto Road, North of the Arroyo Canal Reservation and East of the Pedro Canal in the Dos Palos area.

RECOMMENDATION:

1) Open the Public Hearing and receive testimony; 2) Close the Public Hearing; 3) Make the Motions: a) Determine that Zone Change No. ZC15-001 is exempt from environmental review under Section 15183, "Projects Consistent with a Community Plan or Zoning" of the CEQA Guidelines based on the two CEQA findings in the Staff Report; and, b) Approve Zone Change No. ZC15-001, and adopt the related Zone Change Ordinance based on the six project findings in the Staff Report.

REVIEW BOARD ORDER

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-20)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve and authorize the Chairman to sign the Landlord's Consent and Estoppel for Amendment Contract No. 2003019, which assigns all rights under the Lease to the Purchaser, who would assume all the obligations of Comcast of San Joaquin, Inc., under the Lease for periods of time from and after the closing of the pending sale.
2. Approve an increase in the Project Budget from \$1,143,899 to \$1,209,938 for the Human Services Agency Tenant Improvements at Castle; and request the Board of Supervisors ratify Change Order No. 6 to Contract No. 2015167 with Harris Construction for the Human Services Agency Building Remodel in the amount of \$66,039 to complete the work related to repairs and replacement of HVAC components.
3. Approve budget transfer in the amount of \$216,057 for energy savings achieved at John Latarocca Adult Correctional Facility and the Iris Garrett Juvenile Justice Facility due to the Solar Array system. (4/5 Vote Required)

Ag. Commissioner

4. Approve and authorize the Chairman to sign Renewal Contract No. 2008013 with California Department of Food and Agriculture to provide for Light Brown Apple Moth Pest Detection trapping activities.

Community and Economic Development

5. Set a Public Hearing for August 30, 2016 at 10:00 a.m., to recommend amendment of the agricultural preserve with reference to two parcels, resulting from one Property Line Adjustment and one Minor Subdivision, located at 1) the Northeast corner of Orchard Way and Hoover Road in the El Nido area, and 2) the Northeast corner of Le Grand Road and Fresno Road in the Le Grand area, as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et seq. of the California Government Code.
6. Set a Public Hearing for August 30, 2016 at 10:00 a.m., to recommend amendment of the agricultural preserve with reference to one parcel, resulting from one Minor Subdivision, located at the Northwest corner of Pepper Street and Linwood Road in the Turlock 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 and authorize the Chairman to sign Amendment Contract No. 2013260 with LRC Engineering, LLC for Building 175 and approximately 60 acres of land at Castle Commerce Center.

Workforce Investment

8. Accept Modification Five (5) to Subgrant K698371 (Contract No. 2015149) adding \$340,751 of Workforce Innovation and Opportunity Act (WIOA) 25% funding for the Regional Plan Development and Training Coordination Projects into grant codes 1055 and 1056 as required by the Unified State Plan.

Fire

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

County Counsel

10. Approve and authorize the Chairman to sign Memorandum of Understanding (Contract No. 2014100) with Department of Mental Health, Public Conservator's Office for departmental legal services.

Executive Office

11. Approve the updated National Association of Counties (NACo) Administration Agreement for the County's deferred compensation plan approving the reduction of basis points to zero, and approve the reduction of the Guaranteed Minimum Interest Rate for fixed accounts from 3.5% to 1.5%; authorize the Chairman to sign all necessary documents.
12. Act on Claims for Damages received from Shoua Her, Stephanie Barriga and Alvaro Gonzalez as recommended by Risk Management and County Counsel.

Board of Supervisors

13. Approve Minutes for July 12, 2016, July 12, 2016 IHSS, July 19, 2016, and July 19, 2016 IHSS.

Board Recognition

14. Authorize Certificates of Recognition to various individuals for graduation from the Parent Institute of Quality Education.

diabetes and pre-hypertension for the Lifetime of Wellness Grant.

APPROVED AS RECOMMENDED **AYES: ALL**

26. Contract with Livingston Community Health to identify and train individuals as a certified National Diabetes Prevention Program lifestyle coach to identify patients with pre-diabetes and pre-hypertension for the Lifetime of Wellness Grant.

APPROVED AS RECOMMENDED **AYES: ALL**

27. PULLED

28. Approve submission of a Healthy Tomorrows Partnership for Children Program Grant Proposal to the Health Resources and Services Administration for the implementation of a Developmental Screening Health Information Exchange; and return to the Board for contract approval if awarded.

APPROVED AS RECOMMENDED **AYES: ALL**

MENTAL HEALTH

29. Approve termination of agreement with Shemoil's Investments Developments, for the lease of office space located at 3090 M Street in Merced, effective August 31, 2016.

APPROVED AS RECOMMENDED **AYES: ALL**

30. Contract with Wendell Key Hammon for the lease of office space located at 676 Loughborough Drive in Merced for the Mental Health Alcohol and Drug Services office.

APPROVED AS RECOMMENDED **AYES: ALL**

COMMUNITY AND ECONOMIC DEVELOPMENT

31. Memorandum of Understanding with County of Stanislaus setting forth items of agreement among Stanislaus and Merced Counties for the preparation of an economic analysis and cost share of \$20,000; and approve the Merced County contribution of \$20,000 to Stanislaus County for the preparation of an economic analysis of the impaired flows related to the State Water Resources Control Board proposals.

APPROVED AS RECOMMENDED **AYES: ALL**

REVIEW BOARD ORDER

FIRE

32. 1) Authorize the Chairman to accept and execute the terms outlined in the grant in the amount of \$20,000 from the volunteer Fire Assistance (VFA) Grant Program; 2) Adopt Resolution authorizing the Chairman to sign the agreement and any amendments thereto with the California Department of Forestry; 3) Authorize Administrative Services, in conjunction with Merced County Fire Department, to purchase the needed Wildland Personal Protective Equipment.

ADOPTED RESOLUTION AS RECOMMENDED **AYES: ALL**

LIBRARY

33. Authorize the Merced County Librarian to close the Gustine Branch Library on Saturday, September 10, 2016 during the Our Lady of Miracles Festa 2016.

APPROVED AS RECOMMENDED **AYES: ALL**

SHERIFF

34. Contract with Winton School District for School Resource Officer.

APPROVED AS RECOMMENDED **AYES: ALL**

35. Approve and authorize a one-time retroactive pay adjustment for twelve (12) pay periods for one employee (ID 08294) in accordance with Human Resources Rules and Regulations.
APPROVED AS RECOMMENDED **AYES: ALL**

36. Approve the acceptance of three (3) High Multipurpose Wheeled Vehicles (HMMWV) from the 1033 Program for the exclusive use of the Sheriff's Office for specific missions at the discretion of the Sheriff.
APPROVED AS RECOMMENDED **AYES: ALL**

DEPT. OF ADMINISTRATIVE SERVICES

37. Authorize the Chairman to sign the Public Access Service Agreement with Merced County Office of Education (MCOE) to designate MCOE as the County's access management entity.
APPROVED AS RECOMMENDED **AYES: ALL**

CHILD SUPPORT SERVICES

38. Proclaim August 2016 as Child Support Awareness Month in Merced County; authorize Child Support Services to work in conjunction with the City of Merced Fire Department to display a banner above G Street, between 19th and 20th Streets, for two weeks starting August 14, 2016, as part of Child Support Awareness Month; and authorize Child Support Services to accept donations of school supplies from the community as part of the reward program.
APPROVED AS RECOMMENDED **AYES: ALL**

COUNTY COUNSEL

39. Contract with Aleshire & Wynder for professional legal services pertaining to the foreclosure action entitled Santa Nella County Water District v. Santa Nella Plaza, et al.
APPROVED AS RECOMMENDED **AYES: ALL**

EXECUTIVE OFFICE

40. Approve and authorize the Chairman to sign the proposed property tax sharing agreement between the City of Merced and the County of Merced; and adopt resolution to share property tax revenue in areas annexed to the City of Merced.
ADOPTED RESOLUTION AS RECOMMENDED **AYES: ALL**
REVIEW BOARD ORDER

41. Authorize the Chairman to sign a letter opposing Assembly Bill 2835 (Cooper).
APPROVED AS RECOMMENDED **AYES: ALL**
REVIEW BOARD ORDER

42. Approve and authorize the Chairman to sign Amendment Contract No. 2003107 with CJ Lake, LLC for federal legislative advocacy services; Authorize the Dept. of Administrative Services, in conjunction with the County Executive Office, to initiate the procurement process for federal legislative advocacy services, select the most responsive bidder to perform such services, and negotiate an agreement; and return to the Board with negotiated agreement, upon review by County Counsel, for final contract approval and signature.
APPROVED AS RECOMMENDED **AYES: 1, 2, 3, 5** **NOT PRESENT: 4**

BOARD OF SUPERVISORS

43. Authorize \$850 of District One's Special Board Project Funds to assist Public Works Recreation with the costs of holding a "Movie in the Park" event at Houlihan Park in Planada.

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

44. Authorize \$1,800 of District Four's Special Board Project Funds to be forwarded to Winton Recreation to assist with transportation costs for the baseball program to travel to the San Francisco Giants field.

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

45. Authorize \$6,000 of District Five's Special Board Project Funds to be forwarded to the Los Banos Cemetery District for the construction of the Veteran's Honor Guard Shelter at the Pavilion area of the cemetery.

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

BOARD APPOINTMENTS

46. Appoint Kelly Correia to serve as a member of the Winton Municipal Advisory Council, until March 31, 2017.

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

47. Approve removal of Mr. Alejandro Garcia from the Planada Recreation Committee due to non-residency within the Planada area, effective immediately.

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

48. Appoint Lynne Hunt to serve as a member of the Snelling Municipal Advisory Council, until February 16, 2020.

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

BOARD INFORMATION & POSSIBLE ACTION

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

49. Health Dept re: Contract No. 2006302, Merced County First 5 is exercising their option to continue the lease agreement with Hammon Family Properties on a month-to-month basis in accordance with Section 20 of the agreement.

50. Mosquito Abatement District re: Manager's Report for June 2016.

51. Fish & Game Commission re: Notice of proposed regulatory action to amend Section 472, Title 14, California Code of Regulations, relating to Nongame Animals General Provisions, which was published in the California Regulatory Notice Register on July 15, 2016.

52. Fish and Game Commission re: Notice of proposed regulatory action to add Section 715 and amend Section 702, Title 14, California Code of Regulations, relating to Upland Game Bird Special Hunt Drawing and Application Fee, which was published in the California Regulatory Notice Register on July 15, 2016.

53. Fish and Game Commission re: Notice of proposed 90-day extension of emergency action, emergency closure of recreational dungeness crab and rock crab fisheries due to elevated levels of domoic acid.

**THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF SOCORRO HARO,
WALTER LOPES, AND ALVEDA PARREIRA, AND ADJOURNED THE MEETING UNTIL
TUESDAY, AUGUST 30, 2016 AT 10:00 A.M.**