

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, FEBRUARY 6, 2018

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

RODRIGO ESPINOZA....DISTRICT 1
LEE LOR....DISTRICT 2
DARON McDANIEL....DISTRICT 3
LLOYD PAREIRA....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

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:

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. Agency Negotiator: Marci Barrera

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): 1. Gonzales, Matthew v. Morse, Eastern District Case No.: 1:17-cv-00510-DAD-BAM

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 54954.2 COMPLIANCE (LATE AGENDA ITEMS)

**10:00 A. M. PLEDGE OF ALLEGIANCE/INVOCATION
Invocation lead by Pastor Dick Templeton**

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 - 7)

PUBLIC HEARINGS:

PUBLIC WORKS - SECOND READING PROPOSED ORDINANCE

Conduct a second reading of a proposed ordinance entitled "An Ordinance amending the refuse service fees for County Solid Waste Franchise Areas 1 through 5" (Amends Chapter 5.90 of the Merced County Code and Ordinance 1946).

RECOMMENDATION:

1) Conduct a second reading of a proposed ordinance entitled "An Ordinance amending the refuse service fees for County Solid Waste Franchise Areas 1 through 5"; 2) Waive further reading of proposed Ordinance; and 3) Adopt proposed Ordinance (Amends Chapter 5.90 of the Merced County Code and Ordinance 1946).

REVIEW BOARD ORDER – SEE PAGE 7

PUBLIC WORKS - PUBLIC HEARING

To conduct a Public Hearing to consider a Resolution annexing Vernon Fisher, Minor Subdivision 06-065, into the Fleming Oaks Lighting and Drainage Maintenance Zone of Benefit No. 241.

RECOMMENDATION:

1) Open Public Hearing and accept comments; 2) Close Public Hearing; 3) Adopt a Resolution annexing the Vernon Fisher, MS06-065, located east of Herrod Avenue and north of Fleming Road in the McSwain area, into the Fleming Oaks Street Lighting and Drainage Zone of Benefit No. 241 in County Service Area Number One.

REVIEW BOARD ORDER – SEE PAGE 7

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-7)

APPROVED AS RECOMMENDED AYES: ALL

Health

1. Approve Budget Transfer in the amount of \$17,844 to purchase gurneys that fit the current needs of the EMS system. Due to the medical surge in the EMS system, caused in part by the recent flu outbreak in the County of Merced, the State Emergency Preparedness Office has approved the use of local Hospital Preparedness Program funds originally allocated to purchase cache items for medical surge.

Treasurer

2. Approve and authorize the Chairman to sign Renewal Contract No. 2006195 with Wells Fargo Banks, N.A. for banking services.

Executive Office

3. Approve and authorize the Chairman to sign Amendment Contract No. 2007140 with the Judicial Council of California, Administrative Office of the Courts for the lease of Department 10.
4. Approve travel request received from the Sheriff Department as recommended by Executive Office.

Board Recognition

5. Authorize Certificates of Recognition to the following individuals for being selected by the Merced River Chapter of the National Society Daughters of the American Revolution: Alma Gonzalez-Garcia (Golden Valley High), Annamarie Sofranek (Buhach Colony High),

Ashleigh Kristin Huerta (Livingston High), Kayla Medina (El Capitan High), Kendyll Cruz (Atwater High), Nolan Fournier (Merced High) and Quinn Whatley (Mariposa High).

6. Authorize Certificates of Recognition to various individuals for dedicated service to the Merced Police Department Explorer Post 204.
7. Authorize Certificates of Recognition to Tim Wiley and Daniel Cortez for graduation from Merced County Superior Court Drug Treatment Court.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

8. 1) Approve the agreement for Purchase of Real Property between Merced County and Clayton A. Rosasco for the acquisition of property on La Grange Road (~0.33 acres of APN: 038-100-005) for the La Grange Road Bridge Replacement Project; 2) Authorize the Chairman to sign the agreement listing the terms and conditions of the acquisition; 3) Adopt Resolution accepting the Grant Deed from Clayton A. Rosasco for acquisition of property for the La Grange Road Bridge replacement project; and 4) Approve payment to Fidelity National Title Company for the accepted value of property plus escrow and any other transaction fees.

AUTHORIZED CONTRACT NO. 2018023 AND ADOPTED RESOLUTION NO. 2018-07 AS RECOMMENDED AYES: ALL

9. Adopt the Resolution restricting parking in Planada, along the south side of Topeka Avenue from Benicia Court to Plainsburg Road; and authorize Public Works to remove the existing red curb paint and install signs informing motorists of these new restrictions.

ADOPTED RESOLUTION NO. 2018-08 AS RECOMMENDED AYES: ALL

10. Authorize Public Works to circulate a Request for Proposal (RFP) to qualified conservation banks for the purchase of Covered Species credits for the La Grange Road over Dry Creek Bridge Replacement Project; and authorize Public Works to review and rank proposals as well as negotiate a preliminary contract to be submitted to the Board for consideration.

APPROVED AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH AND RECOVERY SERVICES

11. Authorize the Department of Administrative Services, on behalf of Behavioral Health and Recovery Services to develop and release a Request for Proposal to secure a qualified vendor to provide integrated system of care to individuals ages 15-30 who are experiencing First Episode Psychosis, to select the most responsive bidder, to negotiate an agreement and return to the Board for final agreement execution.

APPROVED AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

12. Adopt a Resolution: 1) To determine, by four-fifths vote of the Board, that the affected property located at 3009 Stratofortress Avenue, Atwater, may be sold subject to Section 25536.9 of the California Government Code; and 2) Direct CED Staff to post the required Notice of Sale of Real Property in compliance with section 6062(a) of the California

Government Code with the Office of the County Clerk and in the newspaper; and 3) Direct the Community and Economic Development Director to prepare the necessary documents for the sale and transfer of Building 730 and 1.24 acres of land to Kimkell Investments, LLC; and return to the Board to consider acceptance and execution of final sale to Kimkell Investments, LLC.

ADOPTED RESOLUTION NO. 2018-09 AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

13. Contract with San Joaquin County to provide reimbursement for training/seminars to assist local and regional WIOA implementation.

AUTHORIZED CONTRACT NO. 2018024 AS RECOMMENDED AYES: ALL

SHERIFF

14. Approve and Authorize the Sheriff to sign the Letter of Agreement and supporting documents with the Drug Enforcement Administration to accept funding in the amount of \$59,000 for the 2018 Domestic Cannabis Eradication and Suppression Program (DCESP) for the eradication of illegal cannabis in Merced County.

AUTHORIZED CONTRACT NO. 2018025 AS RECOMMENDED AYES: ALL

ADMINISTRATIVE SERVICES

15. Declare miscellaneous vehicle, office furniture, assorted office 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

EXECUTIVE OFFICE

16. Adopt Resolution amending Resolution 92-114 to change the term date of the Solid Waste Independent Hearing Panel members from a two year (2) year to a four year term (4); and modify the term dates of the reappointments made on November 7, 2017, for Lloyd Pareira and Rodrigo Espinoza, to reflect an additional two years.

ADOPTED RESOLUTION NO. 2018-10 AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

17. Appoint Anthony Lima as the Field Representative EMT or EMT-P position with a term expiring 6/30/2021.

APPROVED AS RECOMMENDED AYES: ALL

18. Approve and adopt the 2018 Board Assignments as designated.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

19. Administrative Services re: Net proceeds in the amount of \$70,348.73 resulting from the sale of miscellaneous surplus property and vehicles through the internet during the period July 1, 2017 through December 31, 2017.

20. Fish and Game Commission re: Notice of proposed regulatory action relative to subsections (b)(5), (b)(68), and (b)(156.5) of Section 7.50, Title 14, California Code of Regulations, relating to Central Valley Chinook Salmon sport fishing, which was published in the California Regulatory Notice Register on January 12, 2018.
21. Fish and Game Commission re: Notice of proposed regulatory action relative to subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, relating to Klamath River Basin sport fishing which was published in the California Regulatory Notice Register on January 12, 2018.
22. Merced County Mosquito Abatement District re: Manager's Report for December 19, 2017 - January 16, 2018.

ADJOURNED AT 10:33 A.M. UNTIL TUESDAY, FEBRUARY 27, 2018 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – FEBRUARY 6, 2018

10:00 A.M. SCHEDULED ITEM
2018-02-06 PUBLIC OPPORTUNITY

James Hodges states concerns with Obamacare and thanks Supervisor Lor for getting in touch with the Human Services Agency and having them contact him.

Ana Moreno, Planada resident, states she would like some communication from the Sheriff's Department on the shooting that took place on February 1st in Planada, and that her nephew was one of the victims.

Present: O'Banion, Espinoza, Lor, McDaniel, Pareira

10:00 A.M. SCHEDULED ITEM
2018-02-06 PUBLIC WORKS – SECOND READING PROPOSED ORDINANCE

The time and date previously set for a second reading of a proposed ordinance entitled "An Ordinance amending the refuse service fees for County Solid Waste Franchise Areas 1 through 5" (Amends Chapter 5.90 of the Merced County Code and Ordinance 1946).

Public Works Director Dana Hertfelder reviews the staff report.

Upon motion of Supervisor McDaniel, seconded by Supervisor Lor, duly carried the Board waives further reading of proposed Ordinance.

Upon motion of Supervisor McDaniel, seconded by Supervisor Pareira, duly carried the Board adopts Ordinance No. 1957 amending the refuse service fees for County Solid Waste Franchise Areas 1 through 5.

Ayes: O'Banion, Espinoza, Lor, McDaniel, Pareira

10:00 A.M. SCHEDULED ITEM
2018-02-06 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider a Resolution annexing Vernon Fisher, Minor Subdivision 06-065, into the Fleming Oaks Lighting and Drainage Maintenance Zone of Benefit No. 241.

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 McDaniel, seconded by Supervisor Lor, duly carried the Board adopts Resolution No. 2018-11 annexing Vernon Fisher, MS06-065, located east of Herrod Avenue and north of Fleming Road in the McSwain area, into the Fleming Oaks Street Lighting and Drainage Zone of Benefit No. 241 in County Service Area Number One.

Ayes: O'Banion, Espinoza, Lor, McDaniel, Pareira