



SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, AUGUST 28, 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

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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): 1. Julie Horal v. County of Merced, Workers Compensation Appeals Board Case Nos. ADJ10961070, ADJ9686321.

**THE BOARD RECESSED AT 8:31 A.M. WITH SUPERVISOR
ESPINOZA NOT PRESENT 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. INVOCATION lead by Bob Diliberto, Hilmar Covenant Church/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 9

PRESENTATION: Community and Economic Development - Mid California International Trade District Update

REVIEW BOARD ORDER – SEE PAGE 9 AND 10

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 14)

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-14)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve Amendment Contract No. 2013190 (Project Supplement 29) with Quad Knopf Inc. dba QK for additional surveying and civil engineering services on the Lobo Avenue Complete Street Upgrade project; and authorize the Director of Public Works, or his designee, to execute the amendment.

Health

2. Proclaim the month of September 2018 as “National Public Health Emergency Preparedness Month” in Merced County.
3. Approve and authorize the Chairman to sign Amendment Contract No. 2016194 (State Contract No. 4600011475) with Department of Water Resources for the Proposition 1 Sustainable Groundwater Planning Grant for a change in term.

Behavioral Health & Recovery Services

4. Approve and authorize the Chairman to sign Amendment Contract No. 2018029 with Manolito Castillo, M.D., for psychiatric services at Marie Green Psychiatric Unit.

Community and Economic Development

5. Approve and authorize the Chairman to sign Amendment Contract No. 2015156 with AT&T Corporation for a FOCUS Program Procurement Vehicle to provide telecommunication technology solutions.
6. Approve and authorize the Chairman to sign Amendment Contract No. 2016051 with Antonio Borba, Applicant, to have Environmental Planning Partners, Inc. complete the remaining tasks as part of the Environmental Impact Report for the AJ Borba Holsteins Dairy Expansion Project Conditional Use Permit (CUP) 15-019, located on the northwest corner of Turner Road and Mitchell Road in the Hilmar area, and increase appropriations.
7. Approve and authorize the Chairman to sign Amendment Contract No. 2016050 with Environmental Planning Partners, Inc. to complete the remaining tasks as part of the Environmental Impact Report for the AJ Borba Holsteins Dairy Expansion project Conditional Use Permit (CUP) 15-019, located on the northwest corner of Turner Road and Mitchell Road in the Hilmar area, and increase appropriations.

District Attorney

8. Approve and authorize the Chairman to sign Renewal Contract No. 2005240 with United States Department of Justice for the Federal Forfeiture Program for Fiscal Year 2017/2018.

Library

9. Proclaim the month of September 2018 as Library Card Sign-up Month in Merced County.

Executive Office

10. Act on Claims for Damages submitted by Sergio Arroyo, Debra Lucas and Raquel Rios as recommended by Risk Management and County Counsel.

Board of Supervisors

11. Approve Minutes for July 3, 2018 - Claims Board, July 10, 2018, July 31, 2018, July 31, 2018 - Groundwater Sustainability Agency and August 14, 2018.

Board Recognition

12. Authorize Certificate of Recognition to Motel 6 (Livingston) for Grand Opening.
13. Authorize Certificates of Recognition to Monsignor Anthony Janelli and "EJ" Almo Lorenzi for being honored at the Catholic Charities Annual Harvest of Hope event for their service to the community.
14. Authorize Certificate of Recognition to Castle Family Health Centers in recognition of the 11th Annual Summer Family Health Festival.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

15. 1) Acknowledge that Phase 1 (uninterrupted power supply and generator) of the emergency repairs for the replacement of the cooling system, uninterrupted power supply, emergency generator, and related systems for the server room at the County Administration Building is complete; 2) Make affirmative findings that: a) A competitive proposal for the completion of the remaining work in the server room would not produce an advantage in this instance because of the sensitive nature of the server room equipment and the necessary support it provides to various County agencies requires completion of the project in a timeframe not possible using a competitive process; b) Advertisement for competitive bid would be impractical or impossible because the specialized design work provided by EMCORE (Mesa Energy Systems) was started at the onset of the emergency and encompassed all three components of the project. The entire project is functionally integrated, and EMCORE's familiarity with the unique project allows for the successful integration of all the project's components; c) Therefore, it is in the County's and the public's best interest to continue working with EMCORE for the completion of the project rather than competitively bid the remainder of the work; and, 3) Based on the aforementioned findings, authorize the Director of Public Works to continue utilizing the contract with EMCORE to complete the project.

APPROVED AS RECOMMENDED AYES: ALL

16. 1) Contract with Joseph V. Dermenjian and Paul A. Dermenjian, Trustees of the Vartkais Y. Dermenjian and Maria B. Dermenjian Living Trust 2005 for the acquisition of property located at the corner of Childs Avenue and Santa Fe Avenue (APN: 037-260-007) at a cost of \$1,000; 2) Authorize the Chairman of the Board to sign the agreement listing the terms and conditions of the acquisition; 3) Adopt Resolution accepting the Grant Deed from Joseph V. Dermenjian and Paul A. Dermenjian, Trustees of the Vartkais Y. Dermenjian and Maria B. Dermenjian Living Trust 2005 for the acquisition of the property for the Childs Avenue and Santa Fe Avenue Connector Project; and, 4) Approve payment to a title company for the accepted value of property plus escrow and any other transaction fees.

AUTHORIZED CONTRACT NO. 2018187 AND ADOPTED RESOLUTION NO. 2018-93 AS RECOMMENDED AYES: ALL

17. Find that substantial evidence demonstrates that an emergency continues to exist regarding the HVAC Systems at the John Latorraca Correctional Center and the Human Services Agency (Merced site) such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency. (4/5 vote Required)

APPROVED AS RECOMMENDED AYES: ALL

18. Find that substantial evidence demonstrates that an emergency continues to exist regarding the HVAC system at the Los Banos Human Services Agency and Public Health building such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency; and direct the Director of Public Works to replace/repair the HVAC system and subsequent flood damage repairs at the Human Services Agency and Public Health. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

19. 1) Find that substantial evidence demonstrates that an emergency exists regarding the emergency boat dock repairs at Lake Yosemite such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that immediate action is necessary to respond to the emergency; 2) Direct the Director of Public Works to repair the boat dock at Lake Yosemite; and, 3) Approve the associated Budget Transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

20. Contract with Interwest Consulting Group to perform Building Plan Review services.

AUTHORIZED CONTRACT NO. 2018188 AS RECOMMENDED AYES: ALL

21. Contract with CSG Consultants to perform Building Plan Review services.

AUTHORIZED CONTRACT NO. 2018189 AS RECOMMENDED AYES: ALL

22. Contract with TRB and Associates, Inc. to perform Building Plan Review services.

AUTHORIZED CONTRACT NO. 2018190 AS RECOMMENDED AYES: ALL

23. Contract with California State Lands Commission for lease of State Lands for the Santa Fe Drive bridge over the Merced River (PRC 4175.9); and Adopt the Resolution.

AUTHORIZED CONTRACT NO. 2018191 AND ADOPTED RESOLUTION NO. 2018-94 AS RECOMMENDED AYES: ALL

HEALTH

24. Authorize the Director of Public Health to sign all copies of the non-binding letter of intent to enter into the Intergovernmental Transfer funding mechanism with Central California Alliance for Health.

APPROVED AS RECOMMENDED AYES: ALL

25. Approve acceptance of the donation of 18 baskets containing items for pregnancy in the amount of \$270 from a local church to the Adolescent Family Life Program.

APPROVED AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH & RECOVERY SERVICES

26. 1) Approve and authorize Behavioral Health and Recovery Services to submit Homeless Mentally Ill Outreach and Treatment Program One-Time funding application documents for Fiscal Year 2018-2019 to the Department of Health Care Services (DHCS); 2) Authorize the Director of Behavioral Health and Recovery Services to sign all documents necessary for the acceptance of the award; 3) Return to the Board upon receipt of approval by DHCS of Homeless Mentally Ill Outreach and Treatment Program application documents; and, 4)

Adopt the Resolution.

ADOPTED RESOLUTION NO. 2018-95 AS RECOMMENDED AYES: ALL

27. Contract with Merced County Office of Education-Family Resource Council for coordination of supportive ongoing services to youth service agencies.

AUTHORIZED CONTRACT NO. 2018192 AS RECOMMENDED AYES: ALL

28. Contract with Aligned Telehealth, Inc. for the provision of Tele Psychiatry services.

AUTHORIZED CONTRACT NO. 2018193 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

29. Approve County of Merced Sponsorship of the 2018 Veterans Day Parade to be held on November 11, 2018; 2) Authorize Risk Management to secure special event insurance naming the City of Merced as Additional Insured for this event; 3) Authorize the Board Chairman to sign the Street Closure Application; and, 4) Approve submission of the Street Closure Application.

APPROVED AS RECOMMENDED AYES: ALL

30. Approve Memorandum of Understanding with Valley Regional Counties - Disaster CalFresh Program for a Mutual Aid Plan.

AUTHORIZED CONTRACT NO. 2018194 AS RECOMMENDED AYES: ALL

31. Contract with Ethan Conrad Properties for lease of property located at 947C W. Pacheco Boulevard, Los Banos, California.

AUTHORIZED CONTRACT NO. 2018195 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

32. PULLED

ADMINISTRATIVE SERVICES

33. Declare passenger cars, light duty trucks, industrial equipment, miscellaneous office furniture, assorted office equipment and miscellaneous supplies as surplus property as recommended and authorize its disposal by approved internet public auction.

APPROVED AS RECOMMENDED AYES: ALL

FIRE

34. 1) Contract with California Department of Forestry for Fiscal Year 2018 Volunteer Fire Assistance (VFA) Grant Program; 2) Authorize Administrative Services, in conjunction with Merced County Fire Department, to purchase the needed Wildland Personal Protective Equipment; and, 3) Adopt the Resolution authorizing the Chairman of the Board to sign the Agreement and any amendments thereto with the California Department of Forestry.

AUTHORIZED CONTRACT NO. 2018196 AND ADOPTED RESOLUTION NO. 2018-96 AS RECOMMENDED AYES: ALL

LIBRARY

35. Authorize the Chairman to ratify the submission of the application for the California State Library Initiatives Book Project; and accept \$10,000 award from California State Library Initiatives Book Project to purchase books on Civic Engagement, Mental Health, Early Literacy, Life Over 50, Science Technology Engineering and Math, Workforce Development,

Veterans, and Immigrants by September 21, 2018.

AUTHORIZED CONTRACT NO. 2018197 AS RECOMMENDED AYES: ALL

AUDITOR

36. Adopt the Resolution establishing tax rates, and levying taxes on the secured roll, for the Countywide rate of one percent, voter approved indebtedness, ad valorem taxes for revenue districts, and unitary taxes in Merced County for the Fiscal Year 2018-2019.

ADOPTED RESOLUTION NO. 2018-97 AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

37. Contract with Economic Modeling, LLC (EMSI) for Labor Market Analytics.

AUTHORIZED CONTRACT NO. 2018198 AS RECOMMENDED AYES: ALL

38. Contract with David Shinder for Workforce Innovation and Opportunity Act Local Plan Modification.

AUTHORIZED CONTRACT NO. 2018199 AS RECOMMENDED AYES: ALL

39. Contract with ProPath, Inc. to provide Multi-County One-Stop Operator services.

AUTHORIZED CONTRACT NO. 2018200 AS RECOMMENDED AYES: ALL

SHERIFF

40. Authorize the Sheriff or his designee to electronically submit the 2017/2018 Equitable Sharing Agreement and Certification for the Federal Forfeiture Program.

AUTHORIZED CONTRACT NO. 2018201 AS RECOMMENDED AYES: ALL

41. Approve the Law Enforcement Memorandum of Agreement (LEMA) with Mariposa County Sheriff's Office for mutual aid services provided during the March 2018 storms; and authorize the Sheriff to sign the LEMA in concurrence with Executive Officer and County Counsel approval.

AUTHORIZED CONTRACT NO. 2018202 AS RECOMMENDED AYES: ALL

TREASURER

42. Acceptance of Quarterly Investment Report for the period of April 1, 2018 to June 30, 2018.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

43. Ratify the execution of Pacific Gas & Electric Company General On-Bill Financing Loan Agreement by the Director or Public Works; and authorize the Chairman to execute the Pacific Gas & Electric Company General On-Bill Financing Loan Modification Agreement for the street light retrofit.

AUTHORIZED CONTRACTS AS RECOMMENDED AYES: ALL

44. Acknowledge the 2019 premium increase of 3.6% for all medical plans; authorize premium payments to the Third Party Administrator, Employee Benefits Specialists, Inc; and authorize the Chairman to sign all related documents.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

45. Reappoint the following members to serve on the Merced County Collaborative for Children and Families: Sheilah Brooks as a Community Representative, until June 30, 2020; Danielle

Waite, Public Member, until June 30, 2020; and Anna Moreno, Public Member, until June 30, 2019.

APPROVED AS RECOMMENDED AYES: ALL

46. Reappoint Jeanne Giampaoli to serve as a member of the Plainsburg Cemetery District until July 20, 2021.

APPROVED AS RECOMMENDED AYES: ALL

47. Appoint Bouasvanh Lor to serve as a member of the Merced Cemetery District, until July 1, 2022.

APPROVED AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

48. Set a Public Hearing for September 18, 2018 at 10:00 a.m. to recommend amendment of the agricultural preserve with reference to four parcels, resulting from three Property Line Adjustments and one Minor Subdivision located at: 1) the northeast corner of W. Crane Road and N. Golf Link Road in the Hilmar area, 2) the north side of W. Bambauer Road, 950 feet west of N. Hunt Road in the Newman area, 3) the south side of W. Eucalyptus Avenue, 650 feet west of N. Sultana Drive, in the Livingston area, 4) the north side of W. Bloss Avenue, 950 feet west of N. Golf Link Road in the Hilmar area, as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et seq. of the California Government Code.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

49. Fish and Game Commission re: Notice of Petition from the Karuk tribe and the Salmon River Restoration Council to list Upper Klamath-Trinity River spring Chinook salmon (*Oncorhynchus tshawytscha*) as endangered under the California Endangered Species Act.
50. Fish and Game Commission re: Notice of Final Consideration of the petition to list Humboldt marten (*Martes caurina Humboldtensis*) as threatened or endangered species for its August 23, 2018 meeting.

THE BOARD ADOPTED A RESOLUTION IN MEMORY OF LEWIS WILLIAM MAIORINO, AND ADJOURNED THE MEETING AT 11:40 A.M. UNTIL TUESDAY, SEPTEMBER 11, 2018 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – AUGUST 28, 2018

10:00 A.M. SCHEDULED ITEM

2018-08-28 PUBLIC OPPORTUNITY

Monica K. Villa, Homeless Advocate comments on the need for portable restrooms and showers for the homeless population in Merced City and County.

Executive Director Merced Farm Bureau Brianna Ramos thanks the Board for their support on the Delta Plan Water Rally, Hearings and funds for campaign to stop the 40 percent water grab by the State.

Workforce Investment Director David Mirrione introduces the new Deputy Director of Workforce Investment Nick Loret De Mola.

Human Services Agency Director Scott Pettygrove comments on child abuse programs provided through Human Services Agency including “Stop. Lay. Walk Away. Get Help” Campaign and introduces one of the partners that assist with these programs, June Boyce.

June Boyce, Business Development Partner Valley PBS, comments on the Child Abuse Prevention campaign, and presents Scott Pettygrove with certificate regarding the “Stop. Lay. Walk Away. Get Help.” Campaign.

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

10:00 A.M. SCHEDULED ITEM

2018-08-28 PRESENTATION – COMMUNITY AND ECONOMIC DEVELOPMENT – MID-CALIFORNIA INTERNATIONAL TRADE DISTRICT UPDATE

The Clerk announces a presentation on Mid-California International Trade District Update.

Director of Community and Economic Development Mark Hendrickson reviews the staff report and introduces Greg Norton from Rural County Representatives of California (RCRC). Mr. Hendrickson submits copy of Powerpoint presentation.

Mr. Norton thanks the Board for their work on the project and gives background on what Rural County Representatives of California do for the community and their programs.

Mr. Brown comments on the Mid-California International Trade District project and thanks Assemblymember Adam Gray and Senator Anthony Cannella for their participation and support of the project.

Mr. Hendrickson introduces Adam Wasserman, Managing Partner Global Logistics Development Partners.

Mr. Wasserman reviews a powerpoint presentation covering the following: Merced County Project Objectives, Markets and Competitiveness, Project Approach, Project Components-Physical Plan, Project Status, Public and Private Project Partnerships, California AutoTech Testing &

Development Center (CATDC), Rail Strategy, Rail District, Port of Los Angeles Partnership, Port Partnership in Action and Timeline/Next Steps.

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