

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, NOVEMBER 08, 2011

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
LINN DAVIS.....DISTRICT 3
DEIDRE F. KELSEY....DISTRICT 4
JERRY O’BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

LARRY T. COMBS
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 actions and are approved by a single majority 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 FIVE MINUTES PER PERSON

CLOSED SESSION - CONFERENCE WITH REAL PROPERTY

NEGOTIATOR: It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) Mark Hendrickson, Director-Commerce, Aviation and Economic Development pursuant to Government Code Section 54956.8 as follows: Challenger Learning Center, 3460 Challenger Way, Atwater, CA

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(b): 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(a): Crane-McNab, LLC, et al. v. County of Merced, Ninth Circuit Case No. 11-15551

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 American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers Association, Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P; Deputy Sheriff Association, Unit 10; Non-Safety Corrections, Unit 12; and Probation Supervising Employees, Unit 11

**THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT
10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN
ADVISED DIRECTION WAS GIVEN TO STAFF**

**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 five minutes per person)

PRESENTATIONS

Service Pin Presentation: Mark Pazin-Sheriff, 30 years of service
The Chairman presented Sheriff Pazin with 30-year service pin.

Merced County Office of Education Annual Report FY 2011-12

School Review of Atwater Elementary, Delhi Unified, Dos Palos-Oro Loma Joint Unified, Gustine Unified, Hilmar Unified, Los Banos Unified, Merced City Elementary, Planada Elementary and Winton Elementary School Districts by Assistant Superintendent of Instructional Services, Kathy Pon (as required by Education Code Section 1240(c)(2)(B) pursuant to Williams Settlement)

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 13)

APPROVED AS RECOMMENDED AYES: ALL

PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution Adjusting the Fees for the Santa Nella Bridge & Major Thoroughfare Area of Benefit
RECOMMENDATION: Adopt Resolution adjusting the Santa Nella Bridge and Major Thoroughfare Area of Benefit Fees

REVIEW BOARD ORDER – SEE PAGE 9

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1 - 13)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve Budget Transfer in the amount of \$5,050 to replace two photocopiers. (4/5 Vote Required)

Health

2. Approve and authorize Chairman to sign Renewal Contract No. 2008143 with VIA Adventures, Inc. for "Going Places" Project which provides transportation services for pregnant women and children from birth through age five for medical needs.

District Attorney

3. Approve and authorize District Attorney to submit and sign Renewal Contract No. 2011049 with California Emergency Management Agency for Unserved/Underserved Victim Advocacy and Outreach Program; Chairman to sign the Certification of Assurance; and adopt Resolution.

ADOPTED RESOLUTION NO. 2011-178

Probation

4. Approve and authorize Chairman to sign Renewal Contract No. 2007186 with City of Atwater for office space at the Atwater Police Department for up to two deputy probation officers.

Commerce, Aviation and Economic Development

5. Set public hearing for Tuesday December 6, 2011, at 10:00 a.m. to consider the Castle Airport Master Plan and findings related to the environmental determination.

Executive Office

6. Act on Claims for Damages received from Richardo Olguin, Demetrus Thomas Jr./Eldrick Robison, and Eduardo Costa as recommended by Risk Management and County Counsel.
7. Approve Travel Requests received from Human Services Agency (3) as recommended by Executive Office.

Board Recognition

8. Authorize Certificate of Recognition to Frankie Garcia for achieving the rank of Eagle Scout.
9. Authorize Certificate of Recognition to AAA Car Wash in celebration of Ribbon Cutting.
10. Authorize Certificate of Recognition to Dust Bowl Brewing Company in celebration of Ribbon Cutting.
11. Authorize Certificates of Recognition to Ber Xiong, Employee of the Year/Staff Member Award of Excellence; Su Briggs, Manager of the Year/Manager Award of Excellence; Betty Hardy, Sandy Rahn, and Helen Revera for their commitment to those in need in the community; as selected by the Community Action Agency.
12. Authorize Certificates of Recognition to Frank Parreira, Claud Shaw, Margaret Shaw, Fernando Artalejo, Ida Accardo, Wayne Spangler, Jr., Barbara Spangler, Yolanda Espino, Beverly Brown, and Willie Walker for selection as Outstanding Senior Volunteers in the 27th Annual Salute to Seniors Fair.
13. Authorize Certificate of Recognition to Veterans of Foreign Wars in commemoration of POW/MIA Recognition Day.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

14. Contract with Transit Joint Powers Authority for ground lease for use of the Transit Facility at Wardrobe and Thornton for a period of ten (10) years.

AUTHORIZED CONTRACT NO. 2011201 AS RECOMMENDED AYES: ALL

15. Contract No. 2008063 with Mark Thomas & Company for design of the Walnut Avenue Rule 20A Utility Undergrounding and Pedestrian Project in Winton (Project Supplement No. 6).

APPROVED AS RECOMMENDED AYES: ALL

16. Declare two patrol cars, Vehicle #50708 and #50709 (County property #055701 and #055700) as Surplus Property and donate the vehicles to Merced College for Police Training Program, as authorized by Government Code Section 25372.

APPROVED AS RECOMMENDED AYES: ALL

17. Contract with California Department of Transportation to relinquish Oakdale Road Intersection and accept ownership of the realigned portion of Oakdale approach to intersection for the Oakdale Road at State Route 59 Intersection Project (District Agreement No. 10-394) and adopt Resolution.

NO ACTION TAKEN – PULLED FROM AGENDA

HEALTH

18. Authorize submission of Grant Application with California Dept. of Resources Recycling and Recovery (CalRecycle) for Waste Tire Enforcement Grant, FY 2011/2012 (Cycle 19) in the amount of \$120,750 and direct Health to return for approval if awarded and adopt Resolution.

ADOPTED RESOLUTION NO. 2011-179 AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

19. Resolution certifying the Revolving Loan Fund Plan as required by the U.S. Dept. of Commerce, Economic Development Administration.

ADOPTED RESOLUTION NO. 2011-180 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

20. Contract with BHC Sierra Vista Hospital for Inpatient Hospital Services for Medi-Cal clients.

AUTHORIZED CONTRACT NO. 2011203 AS RECOMMENDED AYES: ALL

21. Contract with BHC Sierra Vista Hospital for Inpatient Hospital Services for Non-Medi-Cal Clients.

AUTHORIZED CONTRACT NO. 2011204 AS RECOMMENDED AYES: ALL

22. Contract with Mother Cynthia's Residential Care Facility for Specialized Residential Placement for clients in need of assisted living.

AUTHORIZED CONTRACT NO. 2011205 AS RECOMMENDED AYES: ALL

PLANNING

23. Contract with Templo La Hermosa, Applicant, for the consultant, Environmental Planning Partners, Inc., to prepare the Initial Study for the Templo La Hermosa Church Project (Conditional Use Permit No. 11-005).

AUTHORIZED CONTRACT NO. 2011206 AS RECOMMENDED AYES: ALL

24. Contract with Environmental Planning Partners, Inc. for preparation of the Initial Study for the Templo La Hermosa Church Project (Conditional Use Permit No. 11-005) and approve necessary budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2011207 AS RECOMMENDED AYES: ALL

25. Contract with Antonio Brasil, Applicant, for the consultant, Environmental Planning Partners, Inc., to prepare the Environmental Impact Report (EIR) for the Antonio Brasil Dairy Expansion Project (Conditional Use Permit No. 11-010).

AUTHORIZED CONTRACT NO. 2011208 AS RECOMMENDED AYES: ALL

26. Contract with Environmental Planning Partners, Inc. for preparation of the Environmental Impact Report (EIR) for the Antonio Brasil Dairy Expansion Project (Conditional Use Permit No. 11-010) and approve the necessary budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2011209 AS RECOMMENDED AYES: ALL

RECORDER

27. Contract with SouthTech Systems, Inc. for VitalDocs and Cornerstone Cashiering Software License, an automated database associated with processing storage and retrieval of vital birth, death, and marriage records.

AUTHORIZED CONTRACT NO. 2011210 AS RECOMMENDED AYES: ALL

FIRE

28. Authorize submission of Grant Application with the State OES Emergency Management Performance Grant Program for \$172,913 to partially fund Office of Emergency Services staffing, direct Fire to return to the Board for approval; authorize designated staff to act on behalf of the Merced County Operational Area and adopt Resolution.

ADOPTED RESOLUTION NO. 2011-181 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 9 AND 10

29. Authorize submission of Grant Application with Federal Emergency Management Agency (FEMA) for Hazard Mitigation Grant Program to reduce loss of life and property due to natural disasters and to enable mitigation measures to be implemented during immediate recovery from disaster and direct Fire to return to the Board for approval if awarded.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

30. Approve the use of a portion of the Administration Building parking lot located at 2222 M Street for "Operation Holiday Toy Drive" Donations on November 30, 2011 from 7:30 a.m. until 2:30 p.m.; authorize Human Services Agency to accept cash and gift donations from community supporters.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

31. Authorize Special Board Project Funds-District One in the amount of \$4,000 to be forwarded to the Sheriff Department to assist with the cost of a Resource Officer at Le Grand School.
APPROVED AS RECOMMENDED AYES: ALL
32. Authorize Special Board Project Funds-District One in the amount of \$1,500 to be forwarded to the Plainsburg Cemetery District to assist with the cost of a storage building.
APPROVED AS RECOMMENDED AYES: ALL
33. Authorize Special Board Project Funds-District One in the amount of \$5,000 to be forwarded to the Bible Christian Church at Nineveh Outreach Food Pantry for providing food to the Planada, Le Grand and Plainsburg areas.
APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

34. Advisory Board on Alcohol and Other Drug Problems – Reappoint Claude Scheiner, Jr. (District Five) to serve until June 30, 2013.
APPROVED AS RECOMMENDED AYES: ALL
35. Workforce Investment Board – Appoint Mark Bowden as Labor Representative and Mary Mendoza as One Stop Partner Representative to serve until June 30, 2014.
APPROVED AS RECOMMENDED AYES: ALL
36. Planning Commission – Reappoint Mark Erreca, representing District Five to serve until October 1, 2015.
APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

37. Commerce, Aviation and Economic Development re: Notification of contract not awarded to MacAuley Brown for improvements to Building 1350 in the Merced County Redevelopment Project Area located at Castle Airport and void action taken November 30, 2010.
38. Commerce, Aviation and Economic Development re: Notification of Facility Use Contract issued to International Miniature Aircraft Association (IMAA) to hold the IMAA West Coast Festival 2012 being held May 23 through May 28, 2012.
CONTRACT NO. 2011211
39. Commerce, Aviation and Economic Development re: Notification of Facility Use Contract issued to Moore's Karate for Moore's Karate Camp 2011 held September 9 - 11, 2011.
CONTRACT NO. 2011212
40. Commerce, Aviation and Economic Development re: Notification of Contract issued to Ralph Parga dba Game Time MMA Boxing for a portion of Building 395 located at Castle Commerce Center.
CONTRACT NO. 2011213
41. Merced County Law Library re: 2010-2011 Annual Report submitted by Law Library Board of Trustees pursuant to Business and Professions Code Section 6349.

42. Public Works re: Notification of Contract Award to Zumwalt Construction for the Emergency Operation Center and 911 Dispatch Project.
CONTRACT NO. 2011128
43. Lowe's re: Worker Adjustment and Retraining Notification ("WARN") Act, letter issued to notify permanent closing of retail store location at 1301 West Pacheco, Los Banos, resulting in termination of employment for 97 employees.
44. State Fish and Game Commission re: Notice of Proposed Regulatory Action relative to Sections 550, 550.5, 551, 552, 553, 630, and 703, Title 14, California Code of Regulations, Public Use of Department of Fish and Game Lands, which will be published in the California Regulatory Notice Register on October 14, 2011.
45. State Water Resources Control Board re: Notice of Opportunity to Comment - Guidance for Complying with Water Diversion Measurement Requirements for Statement Holders; deadline to comment is November 18, 2011.
46. U. S. Department of the Interior re: Notice of Draft Cesar Chavez Special Resource Study and Environmental Assessment availability for review; comment period extended to November 14, 2011.
47. Pacific Gas and Electric Company re: Merced Falls Hydroelectric Project, FERC Project No. 2467, Updated Study Report Meeting Summary.
48. State Dept. of Fish and Game re: Notice of Proposed Regulatory Action Relative to Section 602, Title 14, California Code of Regulations, relating to the SHARE Program, which will be published in the California Regulatory Notice Register on October 14, 2011.
62. State Dept. of Conservation re: DEIR for California High Speed Train Project Merced to Fresno-SCH# 2009091125 - comments and recommendations with respect to proposed project's potential impacts on agricultural land and resources.

RECESSED TO MEET AS A REDEVELOPMENT AGENCY AND RECONVENED TO MEET AS A BOARD OF SUPERVISORS

ADOPTED RESOLUTIONS IN MEMORY OF DAVID KNUTSEN, LOUIE CABRAL, AND VINCENT PLAGENZA AND ADJOURNED THE MEETING UNTIL TUESDAY, NOVEMBER 22, 2011 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 8, 2011

10:00 A.M. SCHEDULED ITEM

2011-11-08 PUBLIC WORKS – PUBLIC HEARING

The Clerk announces proposed Resolution Adjusting Fees for the Santa Nella Bridge & Major Thoroughfare Area of Benefit is before the Board for consideration.

Assistant Public Works Director Richard Schwarz states he has nothing to add to the item.

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 O'Banion, seconded by Supervisor Kelsey, duly carried, the Board approves Adjusting the Fees for the Santa Nella Bridge & Major Thoroughfare Area of Benefit and adopts Resolution No. 2011-177.

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

Supervisor O'Banion states he appreciates the property owners coming up with recommendations.

Upon motion of Supervisor Davis, seconded by Supervisor O'Banion, duly carried, the Board adopts Resolution No. 2011-177.

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

ACTION ITEM NO. 28

2011-11-08 FIRE

The Clerk announces authorization of submission of Grant Application with the State OES Emergency Management Performance Grant Program for \$172,913 to partially fund Office of Emergency Services staffing; authorization of designated staff to act on behalf of the Merced County Operational Area; and possible adoption of corresponding Resolution is before the Board for consideration.

Supervisor O'Banion questions if the Administrative Support positions referred to in the item are designated to Merced County.

Deputy Director OES Ed Banks states it is specific to Merced County.

Upon motion of Supervisor Walsh, seconded by Supervisor O'Banion, duly carried, the Board authorizes Merced County Office of Emergency Services to apply for the 2011 Governor's Office of Emergency Services Emergency Management Performance Grant (EMPG) in the amount of \$172,913 to partially fund Office of Emergency Services staffing; directs Fire to return to the Board with specifics of the grant after approved by the State Office of Emergency Services; authorizes Nancy Koerperich, Director OES and Ed Banks, Deputy Director, OES to act on behalf of the Merced County Operational Area in obtaining federal financial assistance provided by the

Federal Department of Homeland Security and sub-granted through the State of California and adopts Resolution No. 2011-181.

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