



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, SEPTEMBER 25, 2012

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
LINN DAVIS.....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

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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

9:00 A. M.

THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA- TESTIMONY IS LIMITED TO FIVE MINUTES PER PERSON

CLOSED SESSION - INITIATION OF LITIGATION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54956.9 (c): 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): Dixon v. Promesa Behavioral Health, Inc., et al., Merced Superior Court case no. CV002183.

THE BOARD RECESSED AT 9:00 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 five minutes per person)

REVIEW BOARD ORDER

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 40)

FIRE - PUBLIC HEARING

To consider Proposed Ordinance entitled "Fire Hazard Abatement" (Replacing County Code Section 9.25 and Amending Ordinance No. 1865)

RECOMMENDATION: Conduct Public Hearing and accept public comment; waive further reading; close Public Hearing and adopt ordinance amending County Ordinance 1865 and replacing Merced County Code Chapter 9.25.

REVIEW BOARD ORDER

EXECUTIVE OFFICE - PUBLIC HEARING

To consider appointment of Road Commissioner and Public Works Director.

RECOMMENDATION: 1) Consider qualifications of the candidate, Dana S. Hertfelder, receive testimony; close Public Hearing 2) Appoint Dana S. Hertfelder as Road Commissioner effective September 24, 2012; 3) Confirm the appointment of Dana S. Hertfelder as the County Public Works Director/Road Commissioner and approve "A" level benefits effective September 24, 2012.

REVIEW BOARD ORDER

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-40)

APPROVED AS RECOMMENDED EXCEPT ITEM 23 AND 26 CONSIDERED SEPARATELY AYES: ALL

Public Works

1. Approve Budget Transfer in the amount of \$15,000 for plasma cutter which can no longer be repaired and for flashing beacon replacement in Planada and Stevinson.
2. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Proposed Resolution of Necessity to Commence Eminent Domain Proceedings to acquire a portion of APN 005-120-041 from Noah & Lorna Williams for the Atwater-Merced Expressway (AME) project.
3. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Proposed Resolution of Necessity to Commence Eminent Domain Proceedings to acquire APN 005-190-014 from Juan H. Garcia and Janie G. Garcia for the Atwater-Merced Expressway (AME) project.
4. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Proposed Resolution of Necessity to Commence Eminent Domain Proceedings to acquire a portion of APN 005-120-004 from Joe B. Amarant for the Atwater-Merced Expressway (AME) project.
5. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire a portion of APN 005-110-030 from Michael Angelo and Tracie L. Angelo for the Atwater-Merced Expressway (AME) project.
6. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire a portion of APN 005-110-038 from Atwater South Investors LP and Atwater South Investors LLC for the Atwater-Merced Expressway (AME) project.
7. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire APN 005-120-012 from Atwater-Merced Veterinary Property Management LLC for the Atwater-Merced Expressway (AME) project.
8. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire a portion of APN 005-110-020 from Brookfield California Land Holdings LLC for the Atwater-Merced Expressway (AME) project.

9. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire a portion of APN 005-120-019 from Justin M. Ferrari Separate Property Trust, Damon A. Ferrari Separate Property Trust, and Paige Ferrari Separate Property Trust for the Atwater-Merced Expressway (AME) project.
10. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire a portion of APN 005-120-018 from John P. Ferrari and Jeani Ferrari Family Trust, Gail Ferrari Martin Separate Property Trust, Cal Ferrari Martin Separate Property Trust, Luigi Ferrari Martin Separate Property Trust, Darrell Digiovanni Separate Property Trust, and Joann Digiovanni Separate Property Trust for the Atwater-Merced Expressway (AME) project.
11. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire a portion of APN 005-120-006 from the Foster Family Trust for the Atwater-Merced Expressway (AME) project.
12. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire APN 005-190-012 and 013 from Juan H. Garcia and Janie Garcia for the Atwater-Merced Expressway (AME) project.
13. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire a portion of APN 005-120-013 from the Pacific Telephone and Telegraph Company for the Atwater-Merced Expressway (AME) project.
14. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire a portion of APN 005-120-036, 037, 039 and 040 from John K. Haskett Revocable Living Trust Atwater-Merced Expressway (AME) project.
15. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire APN 005-190-022 from Juanita M. Hernandez, Rafael Medina Ibarra, and Monica Magana Torres for the Atwater-Merced Expressway (AME) project.
16. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire a portion of APN 005-552-011 from John C. Huckaby and Matthew C. Schwark for the Atwater-Merced Expressway (AME) project.
17. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire a portion of APN 005-120-043 from Mandeep Khatra and Sukdeep Khatra for the Atwater-Merced Expressway (AME) project.
18. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire a portion of APN 005-120-033 from Peter A. Paley for the Atwater-Merced Expressway (AME) project.
19. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire a portion of APN 005-110-019 from Joe T. Pedras for the Atwater-Merced Expressway (AME) project.

20. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire APN 005-182-001 from the RWR Trust and Spalding G. Wathen and Della Wathen for the Atwater-Merced Expressway (AME) project.
21. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire APN 005-120-021 from Robert R. Schropp and Bernadette Schropp for the Atwater-Merced Expressway (AME) project.
22. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire APN 005-190-015 from Lawrence M. Souza and Bonnie J. Souza for the Atwater-Merced Expressway (AME) project.
23. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire a portion of APN 005-110-031 from Brian G. Thompson for the Atwater-Merced Expressway (AME) project.

REVIEW BOARD ORDER

24. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire a portion of APN 005-120-030 from George Zambelli for the Atwater-Merced Expressway (AME) project.
25. Set Public Hearing for November 20, 2012 at 10:00 A.M. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire APN 005-190-018 from Antonio August Pereira and Maria F. Pereira for the Atwater-Merced Expressway (AME) project.
26. Set the First Reading for October 16, 2012 at 10 A.M. for a proposed Ordinance entitled "Regulation of Stormwater" (Amending Merced County Code, Title 9 and adding Chapter 9.53) and set Second Reading and possible adoption of proposed Ordinance for October 30, 2012 at 10:00 A.M.

REVIEW BOARD ORDER

Human Services Agency

27. Authorize the Chairman to sign Renewal Contract No. 2006159 to accept the Child Abuse Treatment grant funding of \$170,757 for the period of 10/1/12 to 9/30/13 and authorize the Chairman and the Auditor to sign the Certificate of Assurance of Compliance and any related documents.

Health

28. Approve Budget Transfer in the amount of \$3,400 to replace aging radio equipment at the Mariposa Emergency Command Center which is the alternate communications location for Merced County EMS.
29. Approve and authorize the Chairman to sign Renewal Contract No. 2006302 with Hammon Family Properties for First 5 office space located at 676 Loughborough Drive in Merced.
30. Approve and authorize the Chairman to sign Amendment Contract No. 2012038 with Supplemental Health Care for California Children's Services - Medical Therapy Program mandated occupational and physical therapy services.

31. Approve and authorize the Chairman to sign Amendment Contract No. 2010268 with California Dept. of Public Health-Office of AIDS Program Master Agreement increasing the HIV Care program budget and decreasing the HIV Surveillance budget in FY 12/13.
32. Approve and authorize the Chairman to sign Amendment Contract No. 2008171 with California Forensic Medical Group, Inc. (CFMG) to extend contract to provide medical services for juvenile hall and medical, dental and mental health services for the adult correctional facilities.

District Attorney

33. Approve Budget Transfer in the amount of \$1,000 to increase appropriations based on grant funding for gang task force. (4/5 Vote Required)
34. Approve Budget Transfer in the amount of \$10,000 to increase Professional Services for radio advertising for victims of gangs. (4/5 Vote Required)
35. Approve Budget Transfer in the amount of \$1,250 for public advertisements concerning victims of gang violence. (4/5 Vote Required)

Assessor/Recorder

36. Approve Budget Transfer in the amount of \$10,352 to increase Recorder/Clerk Remodel to include costs for electrical and communication costs. (4/5 Vote Required)

Fire

37. Approve Budget Transfer in the amount of \$8,328 for costs higher than originally estimated related to command console and parts.

Workforce Investment

38. Accept Modification (10) to Subgrant K074150 adding revised exhibits necessary for the National Emergency Grant On-the-Job Training program.

Executive Office

39. Approve travel request received from District Attorney.
40. Act on Claims for Damages received from Demetrius R. Thomas Jr., Ramiro Fernandez, and Alberto Mora.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

41. Approve the Vehicle User Mileage Rates for the 2012-2013 FY.
APPROVED AS RECOMMENDED AYES: ALL
42. Contract with Lea's Demolition for the Demolition of Structures at 3533 E. Olive Avenue, Merced and the Lake Yosemite Concession Area Project.
APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

43. Authorize Administrative Services Support Services in conjunction with Human Services Agency to cancel the Request for Proposal #6631 for Home Delivered Meals and authorize Human Services Agency to examine alternatives for Senior Nutritional Meals Program.

APPROVED AS RECOMMENDED AYES: ALL

44. Approve and authorize the Chairman to sign Amendment Contract No. 2012132 with the Community Action Board for a Congregate Meals Program.

APPROVED AS RECOMMENDED AYES: ALL

45. Approve and authorize the Chairman to sign Amendment Contract No. 2012133 with the Community Action Board for a Home-Delivered Meals Program.

APPROVED AS RECOMMENDED AYES: ALL

46. Authorize Human Services Agency to conduct toy drives on behalf of foster youth and disadvantaged children from 9/25/12 until 12/31/12; authorize Human Services to accept donations for the Operations Holidays toy drive; and direct that deposits related to donations received for Operations Holidays be used for Operations holidays gift purchases and no other use.

APPROVED AS RECOMMENDED AYES: ALL

47. Contract with California Dept. of Aging for 2012-2016 Area Plan for Senior Services and authorize the Chairman to sign Transmittal Letter.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

48. Contract with California State Dept. of Boating and Waterways for the acceptance of up to \$80,000 of funding to purchase a replacement patrol boat and trailer for use in safety and enforcement purposes; approve removal of the 1987 Alumaweld (CF2423XC) patrol boat and Alumaweld (E32506) trailer from Fixed Asset Inventory list upon receipt of replacement patrol boat and trailer; and approve the related budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

49. Accept the District Attorney's Real Estate Fraud Report.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

50. Adopt Resolution supporting the Children's Movement of Merced County.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER

COUNTY COUNSEL

51. Adopt Resolution supporting the Eastern District Court's request for the appointment of additional, permanent judges.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

52. Contract with West, a Thomson Reuters business for legal print materials.

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

53. Approve Castle Airport's application for Federal Aviation Administration (FAA) Military Airport Program (MAP) funding for the specified projects; authorize, via ratification, Mark Hendrickson, Director of CAED to sign all application documents; accept the FAA MAP grant offer and authorize the Chairman to execute all grant acceptance documents and any subsequent documents that are necessary subject to approval by Counsel; and direct CAED to return to the Board with an informational item of all actions taken.

APPROVED AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER

EXECUTIVE OFFICE

54. PULLED.

BOARD OF SUPERVISORS

55. Authorize \$1,500 of Special Board Project Funds-District Four to be forwarded to the Church of the Cross for the Love Delhi program landscaping project.

APPROVED AS RECOMMENDED AYES: ALL

56. Authorize \$7,000 of Special Board Project Funds-District One to be forwarded to the Planada School District for assistance with transportation costs for educational trips for district students.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

57. Fire re: to inform the Board and residents of Merced County that October 7-13, 2012 is National Fire Prevention Week in the United States.
58. California Emergency Management Agency re: On September 5, 2012, the U.S. Dept. of Agriculture granted a Secretarial disaster designation for the primary counties of Contra Costa, Glenn, Kings, Placer, San Joaquin, Santa Clara, Stanislaus, and the contiguous counties of Alameda, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Kern, Lake, Marin, Mariposa, Mendocino, Merced, Monterey, Nevada, Sacramento, San Benito, San Luis Obispo, San Mateo, Santa Cruz, Solano, Sutter, Tehama, Tulare, Tuolumne, and Yuba due to agricultural losses caused by drought beginning January 1, 2012, and continuing.
59. California Emergency Management Agency re: The U.S. Small Business Administration declared the primary counties of Contra Costa, Glenn, Kings, Placer, San Joaquin, Santa Clara, Stanislaus, and the contiguous counties of Alameda, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Kern, Lake, Marin, Mariposa, Mendocino, Merced, Monterey, Nevada, Sacramento, San Benito, San Luis Obispo, San Mateo, Santa Cruz, Solano, Sutter, Tehama, Tulare, Tuolumne, and Yuba a disaster area as a result of agricultural losses caused by drought beginning January 1, 2012, and continuing.

ADOPTED RESOLUTIONS IN MEMORY OF CONRAD GLORIA AND FRANK VERDUZCO, AND ADJOURNED THE MEETING UNTIL OCTOBER 16, 2012, AT 10:00 A.M.