



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, DECEMBER 18, 2012

Closed Session – 9:00 a.m.

Regular Meeting – 10:00 a.m.

Ambulance Service Request for Proposal – 1:30 p.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

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

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 - CONFERENCE WITH LEGAL COUNSEL - INITIATION
OF LITIGATION:** It is the intention of the Board to meet in Closed Session concerning initiation of litigation pursuant to Government Code Section 54956.9(c): 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 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 - 25)

**COMMERCE, AVIATION, & ECONOMIC DEVELOPMENT - PUBLIC
HEARING**

To receive comments on possible applications for funding under the next fiscal year's State Community Development Block Grant (CDBG) Program and possible activities to be included in the application.

RECOMMENDATION: Open Public Hearing to receive testimony; adopt Resolution approving the CDBG Program Income Reuse Plan; and authorize the Chairman to execute the CDBG Program Income Reuse Plan.

REVIEW BOARD ORDER

RECORDER - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider Proposed Ordinance entitled: An Ordinance Amending the Merced County Clerk and County Recorder Fees (Amends Ordinance No. 1834, 1870 and 1881 and Merced County Code Chapter 5.36).

RECOMMENDATION: 1) Open Public Hearing; 2) Waive further reading; 3) Close Public Hearing; and 4) Adopt Ordinance.

REVIEW BOARD ORDER

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider proposed ordinance entitled: An Ordinance amending Refuse Service Fees and Charges for County Solid Waste Franchise Areas 1 through 5 (Amends Ordinance No. 1892 and Merced County Code Chapter 5.90)

RECOMMENDATION: 1) Open Public Hearing; 2) Waive further reading; 3) Close Public Hearing; 4) Adopt Ordinance.

REVIEW BOARD ORDER

PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire APN 207-034-001 from Sanford D. Wickum and Elton J. Wickum for the Atwater-Merced Expressway (AME) Project. (4/5 Vote Required)

RECOMMENDATION: Open public hearing; make four required findings set forth in the Resolution; and adopt Resolution of Necessity to commence eminent domain proceedings.

REVIEW BOARD ORDER

PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire APN 207-160-006 from Lincoln White Crane, LTD for the Atwater-Merced Expressway (AME) Project. (4/5 Vote Required)

RECOMMENDATION: Open public hearing; make four required findings set forth in the Resolution; and adopt Resolution of Necessity to commence eminent domain proceedings.

REVIEW BOARD ORDER

PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire APN 207-160-007 from Carlos Baez and Jesus Prado Palafox for the Atwater-Merced Expressway (AME) Project. (4/5 Vote Required)

RECOMMENDATION: Open public hearing; make four required findings set forth in the Resolution; and adopt Resolution of Necessity to commence eminent domain proceedings.

REVIEW BOARD ORDER

PUBLIC WORKS - PUBLIC HEARING

To consider proposed Resolution of Necessity to commence eminent domain proceedings to acquire APN 207-160-009 from 4 Acre Development for the Atwater-Merced Expressway (AME) Project. (4/5 Vote Required)

RECOMMENDATION: Open public hearing; make four required findings set forth in the Resolution; and adopt Resolution of Necessity to commence eminent domain proceedings.

REVIEW BOARD ORDER

LUNCH BREAK

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

1:30 P.M.

EXCLUSIVE OPERATOR FOR EMERGENCY AMBULANCE SERVICE - REQUEST FOR PROPOSAL

REVIEW BOARD ORDER

CONSENT CALENDAR (Items #1-25)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution to authorize Chairman to execute the Easement Deed for electrical facilities to be conveyed to the Pacific Gas & Electric Company; and adopt Resolution to authorize Chairman to execute the Easement Deed for a sewer lift station to be conveyed to the Franklin County Water District.

ADOPTED RESOLUTION

2. Adopt Resolution for the Notice of Intention to Vacate the northern portion of Bonner Road located in the Planada area, and set a Public Hearing for January 15, 2013, at 10 a.m.

ADOPTED RESOLUTION

3. Approve Budget Transfer in the amount of \$25,000 to purchase a new large format scanner/printer and color plotter to replace equipment that is old, obsolete, and not feasible to repair.
4. Approve Budget Transfer in the amount of \$10,000 for emergency repairs for the walking pier at Lake Yosemite. (4/5 Vote Required)
5. Approve Budget Transfer in the amount of \$40,000 to complete the annual fleet vehicle purchase.

Planning

6. Set a Public Hearing for January 29, 2013, at 10:00 a.m. to consider the Zone Change Application No. ZC12-002 for Ryan LaChapell.
7. Approve and authorize Chairman to sign Amendment Contract No. 2006292 with Atkins North America for Environmental Review for the Snelling Mine Expansion project.
8. Approve and authorize Chairman to sign Amendment Contract No. 2008318 with George Reed, Inc. for environmental study for the Snelling Mine Expansion project.

Fire

9. Approve Budget Transfer in the amount of \$75,964 for office furniture for the fire administration area of the Emergency Operation Center.

Health

10. Approve and authorize the Chairman to sign Amendment Contract No. 2008171 with California Forensic Medical Group, Inc. to provide medical services for juvenile hall and medical, dental, and mental health services for the adult correctional facilities.
11. Approve and authorize the Chairman to sign Amendment Contract No. 2003162 with Riggs Ambulance Services extending ground ambulance services in Merced County through April 30, 2013.
12. Approve and authorize 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.

Human Services Agency

13. Approve and authorize the Chairman to sign Amendment Contract No. 2006315 with Larry Wolfson for lease renewal of space at 625 J Street, Los Banos.

Ag Commissioner

14. Approve and authorize the Chairman to sign Amendment Contract No. 2004324 with California Department of Food and Agriculture for Pink Bollworm Plowdown and Host-Free Monitoring Program; and adopt Resolution.

ADOPTED RESOLUTION

15. Approve and authorize the Chairman to sign Amendment Contract No. 2010002 with California Department of Food and Agriculture for Pest Exclusion County Seed Inspections; and authorize the County Agricultural Commissioner to sign the California Seed Law MOU and negotiate the rate.

Sheriff

16. Approve and authorize the Chairman to sign Amendment Contract No. 2007271 with Robert E. & Hallie C. Holl for lease of office space at 820 W. 22nd Street, Merced.
17. Approve Budget Transfer in the amount of \$3,000 for a Truck Vault to secure weapons and other valuable safety equipment carried in the SWAT Command Vehicle. (4/5 Vote Required)

Workforce Investment

18. Approve and authorize the Chairman to sign Amendment Contract No. 2011231 with Geographic Solutions for Virtual One Stop Subscription (VOS).

Executive Office

19. Approve travel requests received from Human Services Agency.
20. Act on Claims for Damages received from Jennifer Rodas and Robert Pedrelli.

Board of Supervisors

21. Authorize Resolution of appreciation commending Karen Rodriguez for 34 years of service to the County of Merced.
22. Authorize Certificate of Recognition to Planada en Accion in honor and celebration of the Neighborhood Watch Initiative.
23. Authorize Certificate of Recognition for Laird Manufacturing for Grand Opening.
24. Authorize Certificates of Recognition for individuals selected as recipients of the Agricultural Leadership Award for Outstanding Agriculture Contributions to Merced County as follows: Den K. Holsteins, Livestock & Dairy; Beth Williams, Ag Education; David Carlucci, Field & Row Crops; Shasky Farms, Trees & Vines; and Tom Murphy, Agribusiness.
25. Authorize Certificates of Recognition to individuals selected as Boys and Girls State Representatives, Miss Gustine, and Miss Newman as follows: Abraham Akhtar, Boys State Representative from Gustine; Carolina Gonzalez, Girls State Representative from Gustine; Jessica Porter, Miss Gustine; Skyler S. Loo, Boys State Representative from Newman; Donna Faye Anthieny, Girls State Representative from Newman; and Olivia Tejeda, Miss Newman.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

26. Terminate Contract No. 2008113 with Alta Apiaries effective December 19, 2012, and approve contract with Alta Apiaries for lease of approximately 2 acres of the abandoned Belcher Road Correctional Facility for the temporary storage and removal of beehives.

APPROVED AS RECOMMENDED AYES: ALL

27. Contract with Merced County Community Action Board for the management of the Stevinson Veterans Building. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

28. Simultaneously rescind existing Williamson Act contracts and re-enter into new Williamson Act contracts with the following property owners: Clayton A. Rosasco (Williamson Act No. WA2000-0126); The Forbes, Yore & McGinn Corporation (Williamson Act No. (WA2000-0010); and Otis J. Rosasco and Dorothy J. Rosasco Co-Trustees of the Otis J. Rosasco and Dorothy J. Rosasco Revocable Family Trust (Williamson Act No. WA2000-0126), to reflect the new property lines resulting from prior-approved property line adjustments, and make the 7 legal findings required by Williamson Act Section 51257(a).

APPROVED AS RECOMMENDED AYES: ALL

29. Simultaneously rescind existing Williamson Act contracts and re-enter into new Williamson Act contracts with the following property owners: Rodney and Sharlene DeJager (Williamson Contract No. WA2000-0694); Edward and Cobi DeJager Trustees (Williamson Contract No. WA2000-0694); and Jerry A. and Teresa M. Furtado (Williamson Act No. WA06-009), to reflect the new property lines resulting from prior-approved property line adjustments.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

30. Contract with L.J. Steiner LLC for lease of property located at 3376 North Highway 59, Merced, to house Veteran's Services, All Dads Matter, Boot Camp for New Dads, and Foster Parent Training.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

31. Approve submission of a Merced County Affordable Care Act Readiness Project Grant proposal to the California Endowment for health care improvement opportunities available through the Affordable Care Act (ACA).

APPROVED AS RECOMMENDED AYES: ALL

ELECTIONS

32. Adopt Resolution to call for a special Municipal election on March 5, 2013, for a one-half cent Transaction and Use Tax increase for public safety services for the City of Atwater.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

33. Certify results of the Statewide Presidential General Election held on November 6, 2012.

APPROVED AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

34. Adopt Resolution authorizing the District Attorney to sign the Anti-Drug Abuse Enforcement Program grant award agreement for 2012/2013.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

ADMINISTRATIVE SERVICES

35. Declare items identified on Exhibit A as surplus property and authorize its disposal by approved internet public auction.

APPROVED AS RECOMMENDED AYES: ALL

CHILD SUPPORT

36. Contract with Contra Costa County Department of Child Support Services for early intervention delinquency services, and approve related Budget Transfer.

APPROVED AS RECOMMENDED AYES: ALL

RETIREMENT

37. Adopt recommended Retirement contribution rates for AB 340 Tier effective for January 18, 2013, payroll, and adopt General Member rates for Tier 3 as submitted in Exhibit A.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

38. Authorize \$1,000 of District One's Special Board Project funds to be forwarded to the Merced Multi-Cultural Arts Center for support of their programs in the community.

APPROVED AS RECOMMENDED AYES: ALL

39. Authorize \$6,000 of District One's Special Board Project funds to be forwarded to the Bible Christian Church at Nineveh Outreach Food Pantry for providing food to the Planada,

LeGrand and Plainsburg areas.

APPROVED AS RECOMMENDED AYES: ALL

40. Authorize \$350 of District One's Special Board Project funds to be forwarded to the American Legion Post #83 for their annual Project Fishbowl fundraiser event which was held November 16, 2012.

APPROVED AS RECOMMENDED AYES: ALL

41. Accept and approve the amendments to the Conflict of Interest Code for Merced County as submitted and authorize notification of the action taken as required.

APPROVED AS RECOMMENDED AYES: ALL

42. Designate the Merced County Arts Council as the local partner in the California State-Local Partnership Program and authorize the Letter of Support for the National Endowment for the Arts grant program.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

43. Appoint Kelly Gray to serve as Public Member At-Large on the Solid Waste Independent Hearing Panel until April 7, 2016.

APPROVED AS RECOMMENDED AYES: ALL

44. Appoint Iris Mojica de Tatum as a member of the Mental Health Advisory Board representing District One until June 30, 2015.

APPROVED AS RECOMMENDED AYES: ALL

45. Appoint the following members to serve on the Franklin/Beachwood Municipal Advisory Council: Tsia Xiong and Carl Starks until April 6, 2016, Toni Borges, Jennifer Sanchez and Joseph Zamora until April 6, 2015, Vera Ortiz until April 6, 2014, and Dennis Haines until April 6, 2013.

APPROVED AS RECOMMENDED AYES: ALL

46. Reappoint Jack Mobley to serve as a member of the Planning Commission, representing District Three until October 1, 2016.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

47. Department of Administrative Services re: Internet Auction Proceeds of the sale of fleet vehicles.

48. Fish and Game Commission re: Notice of Receipt of Petition to list the Townsend's big-eared bat as threatened or endangered under the California Endangered Species Act.

49. Delta Stewardship Council re: Notice of availability of a Re-circulated Draft Program Environmental Impact Report for the Delta Plan and Delta Stewardship Council Notice of Proposed Rulemaking.

ADOPTED RESOLUTIONS IN MEMORY OF KEVIN ROBINSON, MARY "PARKY" FALASCO, AND ANN C. IACOPI, AND ADJOURNED THE MEETING UNTIL JANUARY 15, 2013, AT 10:00 A.M