

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, FEBRUARY 26, 2013

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
HUBERT “HUB” WALSH, JR....DISTRICT 2
LINN DAVIS.....DISTRICT 3
CHAIRMAN 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 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

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 - 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): Cervantes, et al. v. County of Merced, et al. Eastern District Case No.: 1:12-cv-00868 AWI MJS.

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH SUPERVISORS WALSH AND O'BANION NOT 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 – SEE PAGE 8

PRESENTATIONS:

1) CalTrans - Merced County On-Going Construction Status

REVIEW BOARD ORDER – SEE PAGE 8

2) Merced County Association of Governments - Proposed Bus Route Changes

REVIEW BOARD ORDER – SEE PAGE 8

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 16)

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-16)

APPROVED AS RECOMMENDED AYES: 1, 3, 4 NOT PRESENT: 2, 5

Public Works

1. Adopt Resolution adjusting the 2012 mileage of maintained roads in Merced County to 1,756.373 miles.

ADOPTED RESOLUTION NO. 2013-25

2. Adopt Resolution terminating the Petrogulf Corporation Franchise (Ordinance No. 1777) for installation, operation and maintenance of pipelines within County road right-of-ways; and Return Bond No. 5011728 in the amount of \$50,000 to the Petrogulf Corporation.

ADOPTED RESOLUTION NO. 2013-26

3. Adopt Resolution for the Notice of Intention to Vacate a portion of Irwin Street, located in the Hilmar area; and Set a Public Hearing for March 26, 2013 at 10:00 a.m.

ADOPTED RESOLUTION NO. 2013-27

Health

4. Approve Renewal Contract No. 2007203 with California Department of Public Health and approve the Merced County Department of Public Health's acceptance of the Maternal, Child and Adolescent Health program funding and terms and conditions as stated in the submitted contract for FY 2012/2013 in the amount of \$498,158.

Planning

5. Set a Public Hearing for March 26, 2013 at 10:00 a.m. to receive public testimony, consider the Planning Commission's recommendations, determine the application does not require additional CEQA review under CEQA Guidelines Section 15183, Projects consistent with a Community Plan or Zoning, and take action on zone Change Application No. ZC13-001 and related Zone Change Ordinance for William Mattos.

Commerce, Aviation and Economic Dev.

6. Set a Public Hearing for March 26, 2013 at 10:00 a.m. to receive comments on submission of an application for funding under the 2013 State Community Development Block Grant (CDBG) to continue the County's Homeownership Assistance and Housing Rehabilitation Assistance Programs and for development of a regional economic development project.

Auditor

7. Set a Public Hearing for March 26, 2013 at 10:00 a.m. regarding submitted plans for the District Attorney and Sheriff's Office for the Citizens' Option for Public Safety (COPS) Program pursuant to Government Code 30061(c)(1).

Treasurer

8. Approve and authorize the Chairman to sign Amendment Contract No. 2013033 with Bid4Asset to provide internet auction services for the public auctions in 2013.

Executive Office

9. Approve travel request received from Human Services Agency as recommended by Executive Office.

10. Act on Claim for Damages received from Russell Hilton, Guardian for Xavier Hilton, Heather McAlister, Dianne Marley, Guardian of April Haramoff, Dianne Marley, Executrix of Rose Garske Estate, Paige Haramoff and Eric Gomez as recommended by Risk Management and County Counsel.

Board of Supervisors

11. Authorize Certificate of Recognition to Builders' Exchange of Merced & Mariposa for Ribbon Cutting and Open House.
12. Authorize Certificates of Recognition to individuals for Dedicated Service to the Merced Police Department Explorer Post 204.
13. Authorize Certificates of Recognition to the following individuals for years of Outstanding Leadership in Protecting our Farmland, Promoting Sustainable Agriculture and Championing the Generational Family Farm: Brian & Christina Bylsma, Heriberto & Benina Montes, Joseph & Jaime Burroughs, Ward & Rose Marie Burroughs and Zeb & Meredith Burroughs.
14. Authorize Certificates of Recognition to various individuals for commitment and dedication with the Merced County 4-H and Master Gardener programs.
15. Authorize Certificates of Recognition to the following individuals selected by the Merced River Chapter of the National Society Daughters of the American Revolution for the Good Citizens Award: Daniel Motz-Atwater High School, Bella Ayala-Buhach Colony High School, Rahel Demissie-Golden Valley High School, Adriana Morales-Livingston High School, Rachel Gray-Merced High School and Kayla Ignacz-Yosemite High School.
16. Authorize Plaque to Our Lady of Mercy Catholic School in recognition of 85th Anniversary.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

17. Approve submission of grant application to Calrecycle for the City-County Payment program for funding in the amount of \$24,084 for blue recycle totes for Planada, Le Grand, Winton and Franklin/Beachwood; and return to the Board if awarded.

APPROVED AS RECOMMENDED AYES: 1, 3, 4 NOT PRESENT: 2, 5

18. Authorize the Department of Public Works to circulate a Request for Qualifications (RFQ) for a qualified consultant to provide road and bridge design services for County projects; and authorize the Department to review and rank Statements of Qualifications as well as negotiate a retainer contract to be submitted to the Board for consideration.

APPROVED AS RECOMMENDED AYES: 1, 3, 4 NOT PRESENT: 2, 5

19. Approve Plans and Specifications for the Canal School Road over the Newman Wasteway Bridge Replacement Project; approve related budget transfer; and return to the Board with an informational item disclosing all actions taken.

**AUTHORIZED CONTRACT NO. 2013034 AS RECOMMENDED AYES: 1, 3, 4
NOT PRESENT: 2, 5**

20. Contract with California Dept. of Fish and Game for the Canal School Road at Newman Wasteway Bridge Replacement Project.

**AUTHORIZED CONTRACT NO. 2013031 AS RECOMMENDED AYES: 1, 3, 4
NOT PRESENT: 2, 5**

21. Contract with George Zambelli for purchase of real property for acquisition of property for the Atwater-Merced Expressway project; adopt Resolution accepting a Grant Deed (APN 005-120-030) from George Zambelli needed for construction of the Atwater-Merced Expressway project; and approve payment to Fidelity National Title Company for the agreed value of the property plus escrow and other transaction fees.

ADOPTED RESOLUTION NO. 2013-28 AND AUTHORIZED CONTRACT NO. 2013035 AS RECOMMENDED AYES: 1, 3, 4 NOT PRESENT: 2, 5

22. Contract with Pacific Bell Telephone Company for purchase of Real Property for acquisition of right-of-way for the Atwater-Merced Expressway project; adopt resolution accepting a Grant Deed for right-of-way (APN 005-120-013) from Pacific Bell Telephone Company needed for construction of the Atwater-Merced Expressway project; approve payment to Fidelity National Title Company for the agreed value of the property plus escrow and any other transaction fees; and authorize the Chairman to sign the Release of Claims agreement.

ADOPTED RESOLUTION NO. 2013-29 AND AUTHORIZED CONTRACT NO. 2013036 AS RECOMMENDED AYES: 1, 3, 4 NOT PRESENT: 2, 5

HEALTH

23. Request the Board to relieve the Department of Public Health of liability for Fixed Asset No. 55895 (laptop/Emergency Medical Services Agency/Budget Unit 40005) and Fixed Asset No. 53095 (expired phone system/First 5 Division/Budget Unit 40600).

APPROVED AS RECOMMENDED AYES: 1, 3, 4 NOT PRESENT: 2, 5

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

24. Contract with IMS Worldwide, Inc. for Foreign-Trade Zone No. 226 consulting services for the period of July 1, 2012 through August 31, 2013.

**AUTHORIZED CONTRACT NO. 2013037 AS RECOMMENDED AYES: 1, 3, 4
NOT PRESENT: 2, 5**

PROBATION

25. Authorize Administrative Services, in conjunction with the Probation Department, to decline RFP #6657 for securing the services of a qualified contractor to provide a Cognitive Behavioral Therapy program to adults.

APPROVED AS RECOMMENDED AYES: 1, 3, 4 NOT PRESENT: 2, 5

26. Authorize Administrative Services, in conjunction with the Probation Department, to prepare and release a Request for Proposal to provide services relating to GPS monitoring for offenders and return to the Board for contract approval.

APPROVED AS RECOMMENDED AYES: 1, 3, 4 NOT PRESENT: 2, 5

DEPT. ADMINISTRATIVE SERVICES

27. Contract with LexisNexis for a five year subscription for online legal research.

**AUTHORIZED CONTRACT NO. 2013032 AS RECOMMENDED AYES: 1, 3, 4
NOT PRESENT: 2, 5**

28. Authorize Administrative Services-Purchasing to use FireRescue GPO contracts to procure fire service goods and services when it is favorable to the County.

APPROVED AS RECOMMENDED AYES: 1, 3, 4 NOT PRESENT: 2, 5

TREASURER

29. Acceptance of the Quarterly Investment Report for the period of July 1, 2012 to December 31, 2012.

APPROVED AS RECOMMENDED AYES: 1, 3, 4 NOT PRESENT: 2, 5

HUMAN RESOURCES

30. Approve and adopt the revised County of Merced Drug and Alcohol Testing Policy.

APPROVED AS RECOMMENDED AYES: 1, 3, 4 NOT PRESENT: 2, 5

BOARD OF SUPERVISORS

31. Authorize \$15,000 of District Five's Special Board Project Funds to be utilized for the purchase and installation of new windows and replacement door glass at the Dale Hale Hall, authorize Administrative Services to issue a Purchase Order to selected lowest responsive bidder; and approve related budget transfer.

APPROVED AS RECOMMENDED AYES: 1, 3, 4 NOT PRESENT: 2, 5

32. Authorize an amount not to exceed \$8,500 from District Four's Special Board Project Funds to be utilized by the American Legion Post #240 to repair and upgrade the gutters and paint the rear area of the Gustine Veterans Hall.

APPROVED AS RECOMMENDED AYES: 1, 3, 4 NOT PRESENT: 2, 5

33. Recognize April 21-27, 2013 as Volunteer Week in order to coincide with National Volunteer Week; director staff to coordinate applications, nominations and screening committee; set March 22, 2013 as the deadline to receive applications/nominations; and set April 23, 2013 as the date for awarding the Volunteer Recognition and Service Program certificates.

APPROVED AS RECOMMENDED AYES: 1, 3, 4 NOT PRESENT: 2, 5

BOARD APPOINTMENTS

34. Approve the 2013 Board Assignments as submitted.

APPROVED AS RECOMMENDED AYES: 1, 3, 4 NOT PRESENT: 2, 5

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: 1, 3, 4 NOT PRESENT: 2, 5

35. Commerce, Aviation and Economic Development re: Facility Use Agreement issued to F.P. Creative for filming of an Internet Commercial at Castle Airport.

CONTRACT NO. 2013038

36. Commerce, Aviation and Economic Development re: Lease Agreement issued to McKuin Pipeline, Inc. for the use of Facility Area 526 (approximately 1.10 acres) located at Castle Commerce Center.

CONTRACT NO. 2013039

37. Commerce, Aviation and Economic Development re: Lease Agreement issued to American Revival, Inc. for Building 1253 (approximately 20,160 sq. ft.) and the adjacent parking lot

totaling approximately 2.55 acres located at Castle Commerce Center.

CONTRACT NO. 2013040

38. Commerce, Aviation and Economic Development re: Lease agreement issued to Edward A. Vanek, D.O. Inc. dba Merced Advanced Orthopedics for Building 1248 (approximately 10,311 sq. ft.) and the adjacent parking lot totaling approximately 2.44 acres located at Castle Commerce Center.

CONTRACT NO. 2013041

39. Commerce, Aviation and Economic Development re: Lease agreement issued to Sierra Academy of Aeronautics for Building 317 (approximately 23,275 sq. ft.) and approximately 1.80 acres located at Castle Commerce Center.

CONTRACT NO. 2013042

40. Fish and Game Commission re: Notice of Proposed Regulatory Actions relative to "Practice of Falconry," in the sections identified in Title 14, California Code of Regulations, which appeared in the California Regulatory Notice of Register on December 14, 2012.
41. Treasurer-Tax Collector re: Re-offer and Postponed Tax Defaulted Properties Internet Auction will be held on May 18-21, 2013.

ADOPTED RESOLUTIONS IN MEMORY OF GEORGE SLOWN, JACK PETITT, AMADO CASTILLO, JACK SPIELMAN, JOHNNIE RAMDONDINI, JOHN FREITAS, RUBEN CASTILLO, AND MADELINE SOUDERS AND ADJOURNED THE MEETING UNTIL TUESDAY, MARCH 26, 2012 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – FEBRUARY 26, 2013

10:00 A.M. SCHEDULED ITEM
2013-02-26 PUBLIC OPPORTUNITY

Nancy Young Bergman, President of CASA speaks regarding an upcoming CASA event on March 22, 2013.

Present: Kelsey, Pedrozo, Davis

10:00 A.M. SCHEDULED ITEM
2013-02-26 PRESENTATION – CalTrans-On-Going Construction Status

Laurel Gordon of CalTrans gives a presentation on project plans for construction on State Highway's in Merced County and submits handout.

Supervisor Pedrozo questions projects on Highway 99.

Present: Kelsey, Pedrozo, Davis

10:00 A.M. SCHEDULED ITEM
2013-02-26 PRESENTATION – Merced County Association of Governments-Bus Route

Rich Green, Transit Manager gives a power point presentation on Short Range Transit Plans, Upcoming Changes, Accessing Mobile Bus Information, Proposed New Bus Routes and ADA Recertification Process and submits handouts.

Present: Kelsey, Pedrozo, Davis