



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, NOVEMBER 05, 2013

Closed Session – 9:30 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

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

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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

9:30 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 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 54956.9(d)(2) One Case.

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

PRESENTATION:

Merced County Office of Education Annual Williams Report 2013/2014
School review of Dos Palos-Oro Loma Joint Unified, Gustine Unified, Hilmar Unified, Le Grand Elementary, Le Grand High, Los Banos Unified, Merced City, Planada and Winton School Districts by Steve E. Gomes, County Superintendent of Schools (as required by Education Code Section 1240(c)(2)(B) pursuant to Williams Settlement)

Merced County Superintendent of Schools Steve Gomes presented the Board with a history and summary of the Annual Williams Report for 2013/2014.

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

PUBLIC HEARINGS:

COMMUNITY & ECONOMIC DEVELOPMENT - PUBLIC HEARING - PLANNING APPEAL

Appeals the Planning Commission's Approval of Conditional Use Permit No. CUP12-002 - Bobby Borba Dairy (Appeal submitted by California Clean Energy Committee). Project seeks to expand an existing dairy from 1,250

cows (800 milk cows and 450 support stock) to 4,265 - 4,590 cows (2,400 milk cows and 1,865 - 2,190 support stock), construct two freestall barns, construct 20 open lot corrals, and construct a calf hutch area all confined on 29 acres of dairy facilities, on 6 parcels totaling 462 acres. The existing dairy is located on the east side of Central Avenue, south of Williams Avenue with cropland located east of Mitchell Road and south of Williams Avenue in the Hilmar area.

RECOMMENDATION: 1) Open public hearing and receive testimony; 2) Close the public hearing; 3) Deny the appeal and uphold the Planning Commission's approval of Conditional Use Permit No. CUP12-002; 4) Certify the Project Environmental Impact Report and adopt the CEQA Findings of Fact; 5) Adopt the Statement of Overriding Considerations, approve the Mitigation Monitoring and Reporting Program, and approve Conditional Use Permit No. CUP12-002 for a maximum of 4,590 cows based on the 9 findings and subject to the 21 conditions of approval including 28 mitigation measures.

REVIEW BOARD ORDER

PUBLIC HEALTH - PUBLIC HEARING - SECOND READING OF PROPOSED ORDINANCE

Introduce and conduct a second reading of an Ordinance repealing, and reinstating with modifications, Ordinance No. 1656, Chapter 9.44 entitled, "An Ordinance to Establish Ambulance Service Planning and Response Areas to Include Provisions for Ambulance Services Licensing and Operations, Convalescent Transport Provider Licensing and Operations and an Ambulance Review Board"

RECOMMENDATION: 1) Waive further reading of proposed ordinance; 2) Open Public Hearing and receive comments; 3) Close Public Hearing; 4) Adopt proposed ordinance.

REVIEW BOARD ORDER

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-16)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

- 1) Set a Public Hearing on November 26, 2013 at 10:00 a.m. to amend Ordinance No. 1856 and Title 16, Chapter 16.12.020 through 16.50.050 of the Merced County Code; 2) Set a Public Hearing for November 26, 2013 at 10:00 a.m. to amend Ordinance Nos. 1865, 1856, 1791, 1149, 304 and 294 and Chapter 9.24 of the Merced County Code.

Human Services Agency

2. Approve and authorize the Chairman to sign Amendment Contract No. 2009186 with Mountain Crisis Services, Inc. to bring the contract in alignment with the vendor's name change to Alliance for Community Transformations, Inc. to provide shelter services to victims of domestic violence and their children.
3. Approve and authorize the Chairman to sign Amendment Contract No. 2013095 with Mountain Crisis Services, Inc. to bring the contract into alignment with the vendor's name

change to Alliance for Community Transformations, Inc. to provide services to victims of domestic violence and sexual assault.

Mental Health

4. Approve Budget Transfer name change only. Changing the description of one Sedan to one Transit Connect Van and changing one Sedan to one Transit Connect Wagon.
5. Approve and authorize the Chairman to sign Amendment Contract No. 2012163 with Community Social Model Advocates, Inc. for the provision of perinatal residential substance abuse services.

Sheriff

6. Approve Budget Transfer in the amount of \$66,386 to increase appropriations for Trial Court Security services. (4/5 Vote Required)

District Attorney

7. Approve and authorize the Chairman to sign Renewal Contract No. 2005189 with Richard S. Michaels, Attorney at Law for consulting and legal services.

Treasurer/Tax Collector

8. Approve Budget Transfer in the amount of \$11,448 for purchase of Rear Camera for Check Imaging system.

Executive Office

9. Approve travel request received from Public Health as recommended by Executive Office.

Board Recognition

10. Authorize Certificates of Recognition to Salute to Seniors Committee for 29th Annual Salute to Senior Citizens Fair and to the following individuals for being selected as 2013 Outstanding Senior Volunteers; Donald Lee, Margaret Lawrance, Tom Neeb, Geri Alves, Sherry Pearson, Sandy Lemas, Manuel Bairos, Margaret (Peggy) Merritt, Marion Plano and Lt. Col. (Ret) Raymond R. Young.
11. Authorize Certificates of Recognition to various individuals for 2013 Excellence in Education Awards.
12. Authorize Certificate of Recognition to Manuel Jimenez for his service to Merced County as Director of Mental Health.
13. Authorize Certificate of Recognition to Anna Lou Addington for her services to Merced County residents as a Weight Watchers Leader for 23 years.
14. Authorize Certificates or Recognition to Ron Macedo and Stephen Patricio for receiving the 2013 Profiles in Leadership Award.
15. Authorize Certificate of Recognition to Milan Institute in celebration of Ribbon Cutting.
16. Proclaim the month of October as "Domestic Violence Awareness Month in Merced County.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

17. Declare one pickup truck, Vehicle #61036, County Property #050744, as surplus property and donate the vehicle to the Los Banos Cemetery District as authorized by Government Code Section 25365.

APPROVED AS RECOMMENDED AYES: ALL

18. 1) Approve the Plans and Specifications for the Refinish Flooring at Juvenile Hall Project, 2) authorize Public Works to advertise said plans and specifications for a Public Bid Opening, 3) authorize the Director of Public Works to award the construction contract to the lowest responsible bidder provided said bid is within the established budget, 4) authorize the Chairman to execute said contract upon review of Public Works and County Counsel, and 5) direct Public Works to return to the Board with an informational item describing all actions taken.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

19. Approve the FY2013/2014 Area Plan Update for the Merced County Area Agency on Aging and authorize the Chairman to sign the Transmittal Letter.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

20. Authorize Administrative Services-Support Services in conjunction with Public Health to cancel the Request for Proposal for Nutrition Education and Obesity Prevention services to low income populations.

APPROVED AS RECOMMENDED AYES: ALL

21. Adopt the Merced Integrated Regional Water Management Plan and adopt resolution.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER

MENTAL HEALTH

22. Contract with Morse Partners for the lease of Office Space located at 1944 M Street in Merced for Mental Health Administration offices.

APPROVED AS RECOMMENDED AYES: ALL

COMMUNITY & ECONOMIC DEV.

23. Contract with Eddie and John Silveira for the consultant, Environmental Planning Partners, Inc., to prepare an Environmental Impact Report for the Silveira Brothers Dairy #1 Expansion project (CUP13-008).

APPROVED AS RECOMMENDED AYES: ALL

24. Contract with Environmental Planning Partners, Inc. to prepare tasks for an Environmental Impact Report for the Silveira Brothers Dairy #1 Expansion project (CUP13-008); and approve related budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

25. Approve the Sheriff to accept the donation in the amount of \$200 from Neves Farming and a donation in the amount of \$50 from Nancy Von Gunten to be used specifically for the Sheriff's K-9 Unit to purchase equipment; and approve the related Budget Transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

26. Approve the standardization of Glock handguns for the Sheriff's Office; Authorize Administrative Services to issue purchase order to LC Action Police Supply for initial purchase of Glock Handguns, magazines and holsters; approve the trade-in of existing Glock handguns for credit towards the purchase of the new handguns.

APPROVED AS RECOMMENDED AYES: ALL

27. Authorize Administrative Services to issue purchase order to Cellebrite USA, Inc for purchase of Cellebrite UFED device; approve trade-in of existing Cellebrite UFED device that is no longer capable of analyzing new phones; authorize the removal of the old Cellebrite UFED (property tag 56439) from the departments fixed asset inventory; and approve the related budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

28. Contract with United Healthcare for Retiree Reimbursement Arrangement deposits beginning January 1, 2014 and authorize the Chairman to sign the service agreement and authorize the Assistant CEO to sign further documents as necessary.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

29. Authorize letter of support for California's Intercity Passenger Rail Program.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

30. Reappoint the following individuals to serve as members of the In-Home Supportive Services Advisory Committee: Scott De Moss/CEO or Designee, until 7/3/2015, Edith Watson/Consumer District 2, until 7/3/2015, Deborah Albert/Consumer District 1, until 7/3/2014, Sally Miller/Consumer Member and Matthew Botwright/Private or Public Sector Provider, until 7/3/2016.

APPROVED AS RECOMMENDED AYES: ALL

31. Appoint William Hass to serve as a member of the Hilmar Municipal Advisory Council, until May 3, 2017.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

32. Department of Public Works re: Contract awarded to Maxwell Asphalt, Inc., Salt Lake City, UT in the amount of \$223,129.90 for the Castle Airport Marking Rehabilitation Project.
33. Department of Public Works re: Contract awarded to Rolfe Construction Co., Atwater, CA in the amount of \$596,868.13 for the Castle Airport Taxiway B-1 Construction Project.
34. Merced County Mosquito Abatement District re: Managers Report for September 2013.

35. Department of Water Resources re: Milepost 62 Pipeline Relocation Project.
36. Department of Conservation re: Milepost 62 Pipeline Relocation Project, Merced County (APN: 069-190-043; DWR Parcel No. D-SL-275).
37. State Dept. of Fish and Game re: Notice of Proposed Regulatory action relative to Section 601 and subsection 702(a)(1), Title 14, California Code of Regulations, relating to Enhancement on Private Lands Management, which was published in the California Regulatory Notice Register on October 25, 2013.

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF AURORA PEGUERO, DICK JUAREZ, EVERETT GALE, BOB HOBBS, RICHARD CONRAD, EVERETT YOUNCE, AND BOB STONE AND ADJOURNED THE MEETING UNTIL TUESDAY, NOVEMBER 26, 2013, AT 10:00 A.M.