



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, SEPTEMBER 19, 2017

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

RODRIGO ESPINOZA....DISTRICT 1
LEE LOR....DISTRICT 2
CHAIRMAN DARON McDANIEL....DISTRICT 3
LLOYD PAREIRA....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**

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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

**8:30 A. M. THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA-
TESTIMONY IS LIMITED TO THREE MINUTES PER PERSON**

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: United Public Employees (UPE), Unit 3. Agency Negotiator: Marci Barrera

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): 1. Hollins v. County of Merced, et al., Merced Superior Court Case No. 15CV-02871.

THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH SUPERVISOR O'BANION NOT PRESENT, AND THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION

GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA ITEMS)

**10:00 A. M. PLEDGE OF ALLEGIANCE/INVOCATION
 Invocation led by Supervisor Lloyd Pareira**

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 THREE MINUTES PER PERSON)

REVIEW BOARD ORDER – SEE PAGE 9

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

PRESENTATION:

Violence Interruption/Prevention Emergency Response (VIPER) Program Update

REVIEW BOARD ORDER – SEE PAGE 9

PUBLIC HEARING:

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

To consider Major Subdivision No. MAS 17-001 - Bloss Cove, with an associated development agreement No. DA 17-001.

RECOMMENDATION:

1) Open Public Hearing and receive testimony; 2) Close Public Hearing; 3) Consider the Planning Commission's recommendations to approve the major subdivision and Development Agreement; 4) Find the project exempt from CEQA under Section 15183 of the CEQA Guidelines, "Projects Consistent with a General Plan or Zoning"; 5) Approve major subdivision application no. MAS 17-001, located on the south side of W. Bloss Avenue, approximately 650 feet east of N. Klint Drive in the Hilmar area, identified as Assessor's Parcel Number (APN) 017-110-003 based on the findings included in the staff report and subject to the proposed conditions of approval; 6) Introduce an ordinance approving Development Agreement DA 17-001 for Major Subdivision Project MAS 17-001; 7) Waive further reading of the proposed ordinance; 8) Set Second Reading and possible adoption of the ordinance approving Development Agreement DA 17-001 for October 17, 2017 at 10:00 a.m.

REVIEW BOARD ORDER – SEE PAGES 9 - 11

REPORTS/BOARD DIRECTION

CONSENT CALENDAR (Items # 1-13)

APPROVED AS RECOMMENDED

AYES: 1, 2, 3, 4 NOT PRESENT: 5

Public Works

- 1) Find that the property known as Shattuck Park is not needed for current or prospective use by the County of Merced; 2) Approve Amendment Contract No. 2000128, extending the lease of Shattuck Park to the Delhi Unified School District until June 30, 2060 and authorize the Director of Public Works to provide written consent to allow subletting of a portion of the facility to Merced County Office of Education for use as a Head Start Program after review of the proposed lease by County Counsel and Risk Management; and 3) Authorize the Chairman to execute the Amendment upon approval of County Counsel.

Health

- Approve and authorize the Chairman to sign Renewal Contract No. 2014165 with Ajinder Singh, MD for his service as the Emergency Medical Services Agency Medical Director.
- Approve Renewal Contract No. 2016190 with Community Partners for the California Accountable Communities for Health Initiative; and authorize the Director of Public Health to electronically sign all copies of the Grant Agreement.
- Approve and authorize the Chairman to sign Amendment Contract No. 2016272 with Conduent Healthy Communities Corporation for a web-based template system that will provide content to help plan for community health improvements and evaluation for the Partnerships to Improve Community Health Grant.

Behavioral Health and Recovery Services

5. Approve and authorize the Chairman to sign Amendment Contract No. 2013148 with Aspiranet for the specialty mental health services of the DoWith Program.
6. Authorize Behavioral Health and Recovery Services to accept donations for the Annual Toy Drive, with monetary donations to be used for the Toy Drive and for no other purpose; and authorize Behavioral Health and Recovery Services to conduct Toy Drives on behalf of unserved, underserved and disadvantaged youth from 9/19/17 until 12/31/17.
7. Proclaim the week of October 23-31, 2017 as Red Ribbon Celebration Week in Merced County; and authorize and encourage all County departments and employees to wear red ribbons and to display red ribbons on County buildings and vehicles during that week.
8. Proclaim the month of September 2017 as "National Recovery Month" in Merced County.

Human Services Agency

9. Authorize the Human Services Agency and Sheriff's Department to accept donations for the Operation Holiday Toy Drive. Some donations may have to be deposited, but they will be earmarked for Operation Holidays gift purchases and no other use; and authorize the Human Services Agency and the Sheriff's Department to conduct toy drives on behalf of foster youth and disadvantaged children from 10/1/17 until 12/31/17.

Sheriff

10. Approve and authorize the Chairman to sign Renewal Contract No. 2009169 with Behavioral Intervention (B.I.) Incorporated for electronic monitoring services of adult inmates.

Board of Supervisors

11. Approve and authorize the Chairman to sign Renewal Contract No. 2006293 with Nancy Lueder Misra for the loan of the "Merced County Courthouse Needlepoint" to Merced County for the purpose of display.

Board Recognition

12. Authorize Certificates of Recognition to Julianna O'Banion Borboa-2016 Little Miss Dos Palos; Leyla Cervera-2016 Little Miss Dos Palos 1st Runner Up; Lucy Merrell-2016 Little Miss Dos Palos 2nd Runner Up; Diana Tagliafero-2016 Teen Miss; Monica Tolbert-2016 Teen Miss 1st Runner Up; Zailynn Buckley-2016 Little Miss; Willow Merrell-2016 Little Miss 1st Runner Up; Serena Ortiz-2016 Little Miss 2nd Runner Up; Ashlyn Powers-2016 Tiny Miss; Shyanne Terra-2016 Tiny Miss 1st Runner Up; Samara Medeiros-2016 Tiny Miss 2nd Runner Up; Marin Wiley-2016 Baby Miss and Emily Sanchez-Baby Miss 1st Runner Up.
13. Authorize Certificate of Recognition for City of Atwater for the Patriot and Remembrance Program honoring first responders from Atwater and Merced and Gold Star Wives.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

14. 1) Approve the Plans and Specifications for the Campus Parkway Segment 2 Project; 2) Authorize Public Works to advertise the project and conduct a Public Bid Opening; 3) Authorize the Director of Public Works to award a construction contract to the lowest responsible bidder provided said bid is within the established budget; 4) Authorize the Chairman to execute the Construction Contract upon review of Public Works and County Counsel; 5) Direct Public Works to return to the Board with an informational item describing all actions taken.

**AUTHORIZED CONTRACT NO. 2017191 AS RECOMMENDED AYES: 1, 2, 3, 4
NOT PRESENT: 5**

15. Approve the Agreement for Purchase of Real Property between Merced County and Angelina B. Pelayo for acquisition of property located at the corner of Walnut Avenue and California Street (APN: 146-143-004) for the Walnut Avenue Rule 20A & Pedestrian Project; 2) Authorize the Chairman to sign the agreement listing the terms and conditions of the acquisition; 3) Adopt Resolution accepting the Grant deed from Angelina B. Pelayo; and 4) Approve payment to Trans County Title Company for the accepted value of property plus escrow and any other transaction fees.

AUTHORIZED CONTRACT NO. 2017192 AND ADOPTED RESOLUTION NO. 2017-103 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

16. Contract with California Department of Fish and Wildlife for the Dickenson Ferry Road over Bear Creek Bridge Replacement Project: Streambed Alteration Agreement.

**AUTHORIZED CONTRACT NO. 2017193 AS RECOMMENDED AYES: 1, 2, 3, 4
NOT PRESENT: 5**

HEALTH

17. Contract with Diringier and Associates to provide consulting services for related activities of the Medi-Cal Access Campaign Grant.

**AUTHORIZED CONTRACT NO. 2017194 AS RECOMMENDED AYES: 1, 2, 3, 4
NOT PRESENT: 5**

BEHAVIORAL HEALTH AND RECOVERY SERVICES

18. Contract with Turning Point Community Programs for specialty mental health, employment, and housing services through the Community Assistance Recovery Enterprise Program as part of the Mental Health Services Act Community Services and Supports Plan.

**AUTHORIZED CONTRACT NO. 2017195 AS RECOMMENDED AYES: 1, 2, 3, 4
NOT PRESENT: 5**

19. Contract with Turning Point Community Programs for the Housing Specialists Program as part of the Mental Health Services Act Community Services and Supports Plan.

**AUTHORIZED CONTRACT NO. 2017196 AS RECOMMENDED AYES: 1, 2, 3, 4
NOT PRESENT: 5**

20. Contract with Aspiranet for specialty mental health services and Full Service Partnership services for the WeCan Program.

**AUTHORIZED CONTRACT NO. 2017197 AS RECOMMENDED AYES: 1, 2, 3, 4
NOT PRESENT: 5**

21. Contract with Aspiranet for Intensive Home-Based Services Program.
AUTHORIZED CONTRACT NO. 2017198 AS RECOMMENDED AYES: 1, 2, 3, 4
NOT PRESENT: 5
22. Contract with California Psychiatric Transitions for client placement services.
AUTHORIZED CONTRACT NO. 2017199 AS RECOMMENDED AYES: 1, 2, 3, 4
NOT PRESENT: 5
23. Approve and authorize the retroactive approval for Behavioral Health and Recovery Services to submit Mental Health Block Grant (MHBG) Application documents for 2017-2018 to the State Department of Health Care Services (DHCS) for approval, and authorize the Director of Behavioral Health and Recovery Services to sign all MHBG documents necessary for submittal; and return to the Board upon receipt of approval by DHCS of MHBG Application documents.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

HUMAN SERVICES AGENCY

24. 1) Approve County of Merced's sponsorship of the 2017 Veterans Day Parade to be held on November 11, 2017; 2) Authorize County Risk Management to secure Special Event Insurance naming the City of Merced as Additional Insured for this event; 3) Authorize the Chairman to sign the Street Closure Application; 4) Approve the submission of the Street Closure Application.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

FIRE

25. Approve and authorize the Chairman and Merced County Fire Chief to sign the agreement with Merced College District for firefighting training.
AUTHORIZED CONTRACT NO. 2017200 AS RECOMMENDED AYES: 1, 2, 3, 4
NOT PRESENT: 5
26. Contract with California Department of Forestry and Fire Protection (CAL FIRE) for Fire Protection; and adopt Resolution.
AUTHORIZED CONTRACT NO. 2017201 AND RESOLUTION NO. 2017-104 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

DISTRICT ATTORNEY

27. Authorize the Department of Administrative Services, on behalf of the District Attorney to develop and release a Request for Proposal to secure a qualified vendor to provide specialized services to at-risk youth involved in the gang lifestyle, to select the most responsive bidder, to negotiate an agreement and return to the Board for final agreement execution.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

REVIEW BOARD ORDER – SEE PAGE 11 AND 12

WORKFORCE INVESTMENT

28. Contract with Merced County Office of Education to provide Workforce Innovation and Opportunity Act youth services.
AUTHORIZED CONTRACT NO. 2017202 AS RECOMMENDED AYES: 1, 2, 3, 4
NOT PRESENT: 5

LIBRARY

29. Retroactively Approve and Authorize County Librarian to sign and submit application and Accept award from Southern California Library Cooperative 2016/2017 Technology TNT for Libraries: Year 2 project for two 3D printers for Merced County Library.

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

SHERIFF

30. Law Enforcement Memorandum of Agreement (LEMA) with Mariposa County Sheriff's Office for mutual aid services provided during the Detwiler Fire; and authorize the Sheriff to sign the LEMA in concurrence with CEO and Counsel approval.

AUTHORIZED CONTRACT NO. 2017203 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

AUDITOR-CONTROLLER

31. Adopt Resolution pursuant to the provisions of Revenue & Taxation Code 4804, and at the request of County Counsel, that the Board hereby waives the requirement for the written consent of the Board of Supervisors and of the county legal advisor which would otherwise be required under the provisions of Sections 4834, 4895, 4986, and 5097.2; and authorize the Chairman to sign the Implement Section 4804 of the R&T code Resolution form.

ADOPTED RESOLUTION NO. 2017-105 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

ELECTIONS

32. Adopt Resolution to call for an election on November 21, 2017 to fill the Merced County Employees' Retirement Association (MCERA) Board seats set to expire December 31, 2017 for #3 General, #8 Retired and #8 Alternate Retired members for the new term commencing January 1, 2018; and authorize the Elections Division of the Registrar of Voters to procure and furnish those election services requested by MCERA as more fully set forth in their Resolution, and to submit a cost bill to MCERA for reimbursement of the election services provided to them.

ADOPTED RESOLUTION NO. 2017-106 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

EXECUTIVE OFFICE

33. Approve Budget Transfer in the amount of \$76,566 to create appropriation for the emergency Public Works project to remediate and repair water damage in the District Attorney's Office in Los Banos. (4/5 Vote Required)

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

34. Authorize the Chairman to sign the Civil Grand Jury letter of response pertaining to matters under the control of the Board as noted in the Fiscal Year 2016/17 Civil Grand Jury report.

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

BOARD INFORMATION & POSSIBLE ACTION

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

35. Fire re: Inform the Board and residents of Merced County that October 8 through October 14, 2017 is National Fire Prevention Week in the United States.
36. Law Library re: Submittal of their 2016-2017 Annual Report pursuant to Business and Professions Code 6349.
37. Cal OES re: On August 30, 2017, the U.S. Small Business Administration declared the primary counties of Fresno and Tulare and the contiguous counties of Inyo, Kern, Kings, Madera, Merced, Mono, Monterey, and San Benito a disaster area. This declaration is a result of economic impacts caused by flooding due to extreme snow melt that occurred June 17-29, 2017.
38. Central Valley Regional Water Quality Control Board re: Prop 65 notification being made as a result of environmental investigations associated with the Former Castle Air Force Base located in Atwater, CA for 1, 2, 3 - Trichloropropane (TCP) and groundwater impacts.
39. Fish and Game Commission re: Notice of Proposed regulatory action relative to amending sections 1.05, 1.11, 1.18, 1.61, 1.74, 2.10, 2.25, 5.35, 5.41, 5.88, 7.00, 7.50; and Add Section 2.05; and Repeal Section 1.60, Title 14, California Code of Regulations, relating to freshwater sport fishing regulations.

**THE BOARD ADJOURNED THE MEETING AT 11:25 A.M. UNTIL TUESDAY,
OCTOBER 17, 2017, AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – SEPTEMBER 19, 2017

10:00 A.M. SCHEDULED ITEM
2017-09-19 PUBLIC OPPORTUNITY

James Hodges, Merced resident thanks Supervisor Lor for taking the time to meet with him on his recent accident.

Present: McDaniel, Espinoza, Lor, Pareira

Not Present: O'Banion

10:00 A.M. SCHEDULED ITEM
2017-09-19 PRESENTATION – VIPER PROGRAM UPDATE

District Attorney Larry Morse gives a powerpoint presentation on the Violence Interruption/Prevention Emergency Response (VIPER) Program covering the following: History, Concept, Development, Operation Scrapbook, Future Goals and Objectives, and Community Engagement.

District Attorney Morse introduces the new Chief District Attorney Bill Olsen who will be managing the Violence Interruption/Prevention Emergency Response (VIPER) Program.

Chairman McDaniel thanks all those that were involved with Operation Scrapbook.

Supervisor Pareira requests that all of those present that were involved with Operation Scrapbook to please stand up so that we may recognize and thank you.

Supervisor Espinoza thanks everyone that was involved with Operation Scrapbook.

Supervisor Lor also thanks all involved and gives a special thanks to District Attorney Morse. She further states she recognizes his dedication to our youth in the community.

Present: McDaniel, Espinoza, Lor, Pareira

Not Present: O'Banion

10:00 A.M. SCHEDULED ITEM
2017-09-19 COMMUNITY AND ECONOMIC DEVELOPMENT – PUBLIC HEARING

The time and date previously set for a public hearing to consider Major Subdivision No. MAS 17-001 - Bloss Cove, with an associated development agreement No. DA 17-001.

Community and Economic Development Director Mark Hendrickson reviews the staff report and introduces Deputy Director Steven Maxey who gives a powerpoint presentation covering the following: Project Details, Project Site, Proposed Subdivision Map, Project Analysis, Proposed Park, Development Agreement, Community Engagement, Public Comments Received, Analysis: Context, Mitigation and Recommendation.

Supervisor Espinoza requests information on the lot sizes for the subdivision.

Mr. Maxey states they are 5,000 square foot lots, which is the standard size per our County Ordinance.

Supervisor Pereira asks questions regarding conditions in the Development Agreement pertaining to mitigation of Bridge and Major Thoroughfare fees, whether there will be a BBQ area, a sink in the picnic area, and potable water for irrigation in the park.

Mr. Maxey responds that the amount will be consistent with the Bridge and Major Thoroughfare fees, they will see if a BBQ area and sinks can be included, and they will be using potable water in the park.

Supervisor Espinoza asks if the conditions address whether tile or wood shingles will be used on the roofs.

Mr. Maxey states that they are following the Hilmar Community Plan and that it is at the discretion of the developer.

The Chairman opens the public hearing and asks if there is anyone present wishing to speak.

Tony DeMelo, with North Star Engineering states they designed the development as consistently as they could and are incorporating traffic calming to slow down traffic. He further states they have extended the utilities to the project site and they are especially happy about the park.

Scott Dorius, legal counsel representing the developer, states he appreciates the comments and questions from Supervisor Espinoza and Supervisor Pereira and thanks County Counsel's office for working with them on the Development Agreement.

David Alvey, Hilmar resident and Lieutenant with the Sheriff's Department speaks in support of the project but would like to see more study done on the traffic issue, and crosswalk on Echo Street.

The Chairman closes the public hearing.

Supervisor Lor questions Mr. Maxey about the subdivision map previously approved that expired in December of 2016.

Mr. Maxey states that once a map is approved the expiration date is not tracked, and the applicant allowed the map lapse.

Supervisor Lor states that the fees have increased since the original approval of the map, and questions if we have those figures.

Mr. Maxey responds that the fees increased from \$1,900 to \$5,900 per unit.

County Executive Officer James Brown states it is likely due to timing, financing and economics as to why the developer has waited until now to go forward with the project.

Scott Dorius, legal counsel for the developer states that one issue was that they were still working on the Bloss Woods subdivision at the time, another issue was the map expiration date. He states that this is why they are doing the Development Agreement to resolve that issue. He

further states that a Development Agreement allows for counties and developer's to exchange things.

Mr. Brown states this is not the standard process for a Development Agreement.

Upon motion of Supervisor Pareira, seconded by Supervisor Lor the Board finds the project exempt from CEQA under Section 15183 of the CEQA Guidelines, "Projects Consistent with a General Plan or Zoning".

Upon motion of Supervisor Pareira, seconded by Supervisor Lor, duly carried the Board approves Major Subdivision Application No. MAS 17-001, located on the south side of W. Bloss Avenue, approximately 650 feet east of N. Klint Drive in the Hilmar area, identified as Assessor's Parcel Number 017-110-003 based on the findings included in the staff report and subject to the proposed conditions of approval.

Upon motion of Supervisor Espinoza, seconded by Supervisor Pareira, duly carried the Board waives further reading of the proposed ordinance and sets second reading and possible adoption of the ordinance approving Development Agreement DA 17-001 for October 17, 2017 at 10:00 a.m.

Ayes: McDaniel, Espinoza, Lor, Pareira

Not Present: O'Banion

ACTION ITEM NO. 27
2017-09-19 DISTRICT ATTORNEY

The Clerk announces authorizing the Department of Administrative Services, on behalf of the District Attorney to develop and release a Request for Proposal to secure a qualified vendor to provide specialized services to at-risk youth involved in the gang lifestyle, to select the most responsive bidder, and to negotiate an agreement is before the Board for consideration.

Isai Palma, Merced resident, questions when the Request for Proposal will be available and further states there is a lot of local organizations that would be able to provide services.

Jeanette Pacheco, Administrative Services Director for the District Attorney's Office responds that they are currently working on the Request for Proposal and it may not be just one organization that they select, could be a couple different ones.

Upon a motion of Supervisor Espinoza, seconded by Supervisor Pareira, duly carried the Board approves the Department of Administrative Services, on behalf of the District Attorney to develop and release a Request for Proposal to secure a qualified vendor to provide specialized services to at-risk youth involved in the gang lifestyle, to select the most responsive bidder, to negotiate an agreement and return to the Board for final agreement execution.

Ayes: McDaniel, Espinoza, Lor, Pareira

Not Present: O'Banion