



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, DECEMBER 12, 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

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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 - CONFERENCE WITH REAL PROPERTY
NEGOTIATOR:**

It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) Mark Hendrickson, Director-Community and Economic Development pursuant to Government Code Section 54956.8 as follows:

Property: 3430 A Street at Castle Commerce Center

Agency Negotiator: Mark Hendrickson, Director, Community and Economic Development Department

Negotiation Parties: Merced Union High School District

Under Negotiation: To request authority to negotiate proposed lease of facility and value.

Property: Building 730 and 1.81 acre piece of property at the NE Corner of D Street and Jetstream Drive at Castle Commerce Center.

Agency Negotiator: Mark Hendrickson, Director, Community and Economic Development Department

Negotiation Parties: Mr. Chris Vierra and Mr. Shane Parson

Under Negotiation: To request authority to negotiate proposed acquisition of facility and value.

CLOSED SESSION:

It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE APPOINTMENTS, Titles: Workforce Investment Director and Public Health Director

**THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT
10:00 A.M. WITH ALL MEMBERS 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 by Mr. Tom Pigg, Dos Palos City
Councilman**

**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 - 18)

PUBLIC HEARINGS:

PUBLIC WORKS - PUBLIC HEARING

To conduct a public hearing to consider General Vacation of Randolph Road in the Delhi area.

RECOMMENDATION:

1) Open Public Hearing and accept public comments; 2) Close Public Hearing; 3) Adopt the Resolution authorizing the General Vacation of a portion of Randolph Road in the Delhi area.

REVIEW BOARD ORDER – SEE PAGE 9 AND 10

PUBLIC WORKS - PUBLIC HEARING

To conduct a public hearing to consider a Resolution Annexing Winton BBK LLC, Minor Subdivision 07-047 into the Winton Meadows Drainage Zone of Benefit No. 242 in County Service Area Number One.

RECOMMENDATION:

1) Open the Public Hearing and accept comments; 2) Close the Public Hearing; and, 3) Adopt the Resolution annexing Winton BBK, LLC MS 07-047 into the Winton Meadows Drainage Zone of Benefit No. 242 in County Service Area Number One.

REVIEW BOARD ORDER – SEE PAGE 10

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING - PROPOSED ORDINANCE

To consider amending Ordinance entitled "Allowable Land Uses and Permit Requirements" and Definitions and Construction of Words and Phrases for the Establishment of Dwelling Units (Amends Ordinance No. 1586 and Chapter 18.08; Section 18.08.02 and Chapter 18.56, Section 18.56.01b and adds Section 18.47.191 to Chapter 18.47 of the Merced County Code).

RECOMMENDATION:

1) Introduce the proposed ordinance (Amends Ordinance No. 1586 and Chapter 18.08; Section 18.08.02 and Chapter 18.56, Section 18.56.01b and adds Section 18.47.191 to Chapter 18.47 of the Merced County Code) 2) Waive further reading of proposed ordinance; 3) Open the Public Hearing and receive testimony; 4) Close the Public Hearing; 5) Consider the Planning Commission recommendation for approval of the proposed ordinance; 6) Find the Zone Code Text Amendment is exempt from CEQA pursuant to CEQA guidelines Section 15282(h) - "Other Statutory Exemptions"; and, 7) Adopt the proposed ordinance.

REVIEW BOARD ORDER – SEE PAGE 10 AND 11

REPORTS/BOARD DIRECTION

REVIEW BOARD ORDER – SEE PAGE 12

CONSENT CALENDAR (Items # 1-18)

APPROVED AS RECOMMENDED EXCEPT ITEM 1 HEARD SEPARATELY AND ITEMS 2 AND 3 PULLED AYES: ALL

Public Works

1. Adopt a Resolution restricting parking along the south side of Topeka Avenue from Benicia Court to Plainsburg Road; and authorize Public Works to remove the existing red curb to paint and install signs informing motorists of these new restrictions.

CONTINUED - REVIEW BOARD ORDER – SEE PAGE 11

2. Approve and authorize the Chairman to sign Amendment Contract No. 2009134 with Los Banos American Legion Post 166 for the operation and maintenance of the Los Banos Veterans' Building.

PULLED – NO ACTION TAKEN

3. Approve and authorize the Chairman to sign Amendment Contract No. 2009132 with Dos Palos American Legion Post 86 for operation and maintenance of the Dos Palos Veterans' Building.

PULLED – NO ACTION TAKEN

Health

4. Approve and authorize the Chairman to sign Renewal Contract No. 2016290 with The Regents of the University of California, Merced to develop a Return on Investment analysis and finance plan for the California Accountable Communities for Health Initiative Grant.

Behavioral Health and Recovery Serv.

5. Authorize the Director of Behavioral Health and Recovery Services to sign Amendment Contract No. 2016107 with The Regents of the University of California, Merced for Triage Program Evaluation, reflecting the Department's name change, updating the scope of work, and extending contract dates.

Sheriff

6. Approve and authorize the Chairman to sign Amendment Contract No. 2015200 with Forensic Medical Group for autopsy services.

Auditor

7. Approve budget transfer in the amount of \$1,071,834 to separate the two new Energy Debt service accounts to improve tracking/accounting. (4/5 Vote Required)

Fire

8. Approve budget transfer in the amount of \$650,000 to purchase a Fire Engine for assignment to Station 81. (4/5 Vote Required)

Executive Office

9. Act on Claim for Damages submitted by Delores Cesena as recommended by Risk Management and County Counsel.

Board of Supervisors

10. Approve minutes for July 7, 2017-Special Meeting, July 11, 2017, July 18, 2017, August 15, 2017, August 29, 2017, September 12, 2017, September 12, 2017-Final Budget, September 19, 2017, October 17, 2017, October 24, 2017 and October 24, 2017-IHSS.

Board Recognition

11. Authorize Certificate of Recognition to Aspiranet in recognition of Ribbon Cutting.
12. Authorize Certificate of Recognition to Terry Brown for receiving Pro Cowboy Country Artist Association's Awards: Album of the Year, Song of the Year, Songwriter of the Year, and Male Vocalist of the Year.
13. Authorize Certificate of Recognition to Jams@209 Sports Bar & Grill for Ribbon Cutting.
14. Authorize Certificates of Recognition to the following individuals for being selected as recipients of the Agricultural Leadership for Outstanding Agriculture Contributions to Merced County: Kellogg Supply-Agribusiness Award, Vikki Davis-Education, David Souza-Field & Row Crops, M&M Livestock-Livestock/Dairy, and Ben Crane-Trees & Vines.
15. Authorize Certificates of Recognition to Victor Baca, James Lindsey, Stephanie Martinez and Jay Wedel for graduation from Merced County Superior Court Drug Treatment Court.
16. Authorize Resolution in Recognition to Jose Carlos Ramirez for being an advocate for issues facing the San Joaquin Valley and wishing him continued success on becoming the next Light Welterweight Champion of the World.
17. Authorize Proclamation in recognition of Homeless Memorial Day, December 21, 2017 in Merced County.
18. Authorize Certificate of Recognition to John Derby for retirement and dedicated service as the founder and publisher of The Merced County Times.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

19. 1) Consider the Final Environmental Impact Report (EIR) prepared for the Black Rascal Creek Flood Control Project in accordance with the California Environmental Quality Act (CEQA); 2) Adopt the Resolution certifying the EIR, including the required findings to support the mitigation included in the EIR, adopting the Mitigation Monitoring and Reporting Program for the project, and approving the project; and, 3) Direct staff to file the Notice of Determination with the State Clearinghouse.

CONTINUED TO JANUARY 9, 2018 AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 11 AND 12

20. 1) Consider the proposed Mitigated Negative Declaration for the Burchell Avenue Bridge Replacement Project and comments received during the public review process and find that there is no substantial evidence that the project will have a significant effect on the environment; and, 2) Adopt the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program for the Burchell Avenue Bridge Replacement Project.

APPROVED AS RECOMMENDED AYES: ALL

21. Approve the Memorandum of Agreement with Winton Water and Sanitary District regarding the District owned water and sewer facilities on the Walnut Avenue ATP Phase 2 Project.
AUTHORIZED CONTRACT NO. 2017247 AS RECOMMENDED AYES: ALL
22. Contract with Merced County Association of Governments (MCAG) for Pavement Management System.
AUTHORIZED CONTRACT NO. 2017249 AS RECOMMENDED AYES: ALL

HEALTH

23. Approve submission of an application for the Waste Tire Enforcement Grant application (Cycle 25) for enforcement activities; designate the Director of Public Health or designee to submit all payment requests and grant activity forms; adopt the resolution granting Board approval to sign all application documents; and direct the Department of Public Health to return to the Board if awarded.
ADOPTED RESOLUTION NO. 2017-126 AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH AND RECOVERY SERV.

24. Contract with State Dept. of Health Care Services, Substance Abuse Prevention and Treatment Block Grants (SABG) for substance abuse disorder services; and adopt the resolution.
AUTHORIZED CONTRACT NO. 2017250 AND ADOPTED RESOLUTION NO. 2017-124 AS RECOMMENDED AYES: ALL
25. Contract with Merritt Hawkins & Associates, LLC for provider recruitment services (Psychiatrist); and approve the related budget transfer. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2017251 AS RECOMMENDED AYES: ALL
26. Accept the Sutter Health Grant for Community Outreach event, in the amount of \$6,930; and approve the related budget transfer. (4/5 Vote Required)
APPROVED AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEV.

27. 1) Adopt the Castle Airport 5-Year Airport Capital Improvement Plan (ACIP) Annual Update; 2) Authorize the Chairman to sign all Airport Capital Improvement Plan documents; 3) Authorize staff to submit Grant applications for the projects listed on the ACIP, signed by the Director of Community and Economic Dev. with County Counsel approval providing the requested Federal Aviation Administration (FAA), State and Local funding is no higher than the amounts listed per project on the ACIP; and 4) Director staff to return to the Board with the grant offers for approval.
APPROVED AS RECOMMENDED AYES: ALL
28. Contract with Burlington Northern Santa Fe (BNSF) Railway Company for Industry Track Agreement.
AUTHORIZED CONTRACT NO. 2017252 AS RECOMMENDED AYES: ALL

ELECTIONS

29. Ratify the contract with the Secretary of State for reimbursement of costs related to the HAVA Polling Place Accessibility Training Program.
AUTHORIZED CONTRACT NO. 2017248 AS RECOMMENDED AYES: ALL

TREASURER/TAX COLLECTOR

30. Adopt a resolution delegating investment authority to the County Treasurer for the year 2018 pursuant to Government Code section 27000.1 and 53607.

ADOPTED RESOLUTION NO. 2017-125 AS RECOMMENDED AYES: ALL

31. Accept the 2018 Investment Policy and the 2018 Treasury Oversight Committee Directive, with no revisions.

APPROVED AS RECOMMENDED AYES: ALL

WORKFORCE DEVELOPMENT

32. Contract with County of Stanislaus Dept. of Workforce Development to provide services to qualified Veterans and/or spouses of qualified veterans to assist with reintegration into the local workforce.

AUTHORIZED CONTRACT NO. 2017253 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

33. Confirm the appointment of Rebecca Nanyonjo as Director of Public Health and approve "A" level benefits effective January 29, 2018.

APPROVED AS RECOMMENDED AYES: ALL

34. Confirm the appointment of David A. Mirrione as Director of Workforce Investment and approve "A" level benefits effective January 8, 2018.

APPROVED AS RECOMMENDED AYES: ALL

35. Retroactively authorize and approve a new interdepartmental agreement with Human Services Agency and Behavioral Health and Recovery Services for Housing Project Management.

AUTHORIZED CONTRACT NO. 2017254 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

36. Adopt the Board of Supervisors 2018 Calendar for the regularly scheduled Meetings.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

37. Appoint Christie Hendricks to serve on the May Day Fair Board representing District 3, filling an unexpired term until July 1, 2019.

APPROVED AS RECOMMENDED AYES: ALL

38. Appoint Jupah Moua as a member of the Merced Cemetery District until August 6, 2021 and reappoint Roberta Saling, until August 16, 2021.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

39. Public Works re: Contract No. 2016258 awarded to RA Nemetz of Galt, California in the amount of \$2,980,560 for the Dickens Ferry over Bear Creek Bridge Replacement Project.

CONTRACT AWARDED NO. 2016258

**THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF BARNARD PARADISO
AND DeLINDA VINCENT AND ADJOURNED THE MEETING UNTIL TUESDAY,
DECEMBER 19, 2017, AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – December 12, 2017

10:00 A.M. SCHEDULED ITEM

2017-12-12 PUBLIC OPPORTUNITY

Nicola Adams informs the Board of an upcoming MLK Celebration and would like a donation from the Board of \$1000 to help fund the event.

Susan Flinspach, Friends of the Merced County Library informs the Board the Library will be celebrating their 50th anniversary and will hold a event in April to celebrate. Susan gives background on her group and submits pamphlet on information for donations.

Angel Rojas, Public Employees Unit 3 representative comments on low wages earned by Unit 3 employees and submits Living Wage Calculation information.

Chief Probation Officer Jeff Kettering introduces Probation Officer Jennifer Shaw and recognizes her for saving a life performing CPR on an individual that had collapsed at an event she was attending.

David Rodriguez, states concerns on a Public Works project located on Topeka Avenue in Planada.

Present: McDaniel, Espinoza, Lor, Pareira, O'Banion

10:00 A.M. SCHEDULED ITEM

2017-12-12 PUBLIC WORKS – PUBLIC HEARING

The time and date previously scheduled for a public hearing to consider General Vacation of Randolph Road in the Delhi Area.

Public Works Director Dana Hertfelder reviews the staff report.

The Board discusses other access roads to residents located on Randolph Road and if residents understand there will be no further maintenance of the specified portion of Randolph Road.

The Chairman opens the Public Hearing and asks if there is anyone present wishing to speak.

Gilford Belford states he is a property owner on the east side of Randolph Road and it has been a nuisance since he has owned the property due to people dumping trash on Randolph Road. He also states that all the property owners agree the road should be closed to the public.

The Chairman closes the public hearing.

Upon motion of Supervisor Pareira, seconded by Supervisor Espinoza, duly carried, the Board approves the General Vacation of a portion of Randolph Road in the Delhi area and adopts Resolution No. 2017-122.

Ayes: McDaniel, Espinoza, Lor, Pareira, O'Banion

10:00 A.M. SCHEDULED ITEM

2017-12-12 PUBLIC WORKS – PUBLIC HEARING

The time and date previously scheduled for a public hearing to consider Annexing Winton BBK LLC, minor Subdivision 07-047 into the Winton Meadows Drainage Zone of Benefit No. 242 in County Service Area Number One and consider the Resolution.

Director of Public Works Dana Hertfelder reviews the staff report.

The Chairman opens the public hearing and asks if there is anyone present wishing to speak. No one speaks. The Chairman closes the public hearing.

Upon motion of Supervisor Pareira, seconded by Supervisor Espinoza, duly carried, the Board approves annexation of Winton BBK LLC, minor Subdivision 07-047 into the Winton Meadows Drainage Zone of Benefit No. 242 in County Service Area Number One and adopt Resolution No. 2017-123.

Ayes: McDaniel, Espinoza, Lor, Pareira, O'Banion

10:00 A.M. SCHEDULED ITEM

**2017-12-12 COMMUNITY AND ECONOMIC DEVELOPMENT – PUBLIC HEARING –
ORDINANCE NO. 1956**

The time and date previously scheduled for a public hearing to consider amending Ordinance entitled "Allowable Land Uses and Permit Requirements" and Definitions and Construction of Words and Phrases for the Establishment of Dwelling Units (Amends Ordinance No. 1586 and Chapter 18.08; Section 18.08.02 and Chapter 18.56, Section 18.56.01b and adds Section 18.47.191 to Chapter 18.47 of the Merced County Code).

Director of Community and Economic Development Mark Hendrickson reviews the staff report and submits copy of powerpoint presentation.

Deputy Director of Community and Economic Development Steve Maxey reviews power point presentation Zone Code Text Amendment No. ZCTA17-001 – Accessory Dwelling Units.

The Board discusses CCR's, how long the property owners must live on the property with rental units, public health and safety issues with multi-family properties.

Upon motion of Supervisor Pareira, seconded by Supervisor O'Banion, duly carried, the Board waives further reading of the ordinance.

Ayes: McDaniel, Espinoza, Lor, Pareira, O'Banion

The Chairman opens the public hearing and asks if there is anyone present wishing to speak. No one speaks. The Chairman closes the public hearing.

Upon motion of Supervisor Lor, seconded by Supervisor Espinoza, duly carried, the Board approves Planning Commission's recommendation for approval of the proposed ordinance and finds the Zone Code Text Amendment is exempt from CEQA pursuant to CEQA guidelines section 15282(h) – Other Statutory Exemptions.

Ayes: McDaniel, Espinoza, Lor, Pareira, O'Banion

Upon motion of Supervisor O'Banion, seconded by Supervisor Lor, duly carried, the Board adopts Ordinance No. 1956.

Ayes: McDaniel, Espinoza, Lor, Pareira, O'Banion

CONSENT ITEM #1

2017-12-12 PUBLIC WORKS

The Clerk announces adoption of a Resolution to restrict parking along the south side of Topeka Avenue from Benicia Court to Plainsburg Road and to authorize Public Works to remove the existing red curb paint and install signs informing motorists of these new restrictions is before the Board for consideration.

Supervisor Espinoza states concerns relayed by constituents that live on Topeka regarding the lack of parking space.

Director of Public Works Dana Hertfelder reviews the staff report and states the nearby school had requested some of the changes. He also states he would like to contact the school before any action on today's item is modified.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pareira, duly carried, the Board continues the item to a later date.

Ayes: McDaniel, Espinoza, Lor, Pareira, O'Banion

ACTION ITEM #19

2017-12-12 PUBLIC WORKS

The Clerk announces consideration of the Final Environmental Impact Report (EIR) prepared for the Black Rascal Creek Flood Control Project in accordance with the California Environmental Quality Act (CEQA); consideration of a Resolution certifying the EIR, including the required findings to support the mitigation included in the EIR, adopting the Mitigation Monitoring and Reporting Program for the project, and approving the project; and to direct staff to file the Notice of Determination with the State Clearinghouse is before the Board for consideration.

Greg Thompson, representing Hunt Farms, states his clients have not had proper notification of the project and requests the item be postponed so there can be better communication with the property owner. He also states this project will have impacts on the Hunt family's farming operations, and they feel they have been left out of the process.

Chairman McDaniel states there could only be limited contact with property owner because of CEQA guidelines.

Mr. Thompson states the property owners received notices late from the County and have not had proper time to evaluate the project.

Director of Public Works Dana Hertfelder introduces Heather Waldrup who prepared the documents for today's action for the project. He also states the project will need to be approved

first to be able to move forward with any other actions, but he has no issue with continuing the item.

County Counsel James Fincher states he has no issue with the item being continued for property owners to review the documents.

County Executive Officer James Brown states it is ok to continue the item for better review of the documents but there has to be limited discussion between the County and property owners.

Supervisor O'Banion states he has no issue with continuing the item but the project is not new, it has been in the works since the 1990's. He also states concerns with postponing flood control in the area which can lead to more issues and the project needs to move forward.

Mr. Brown questions if the project can be delayed for 30 days without impacting the current work.

Heather Waldrup states 30 day delay should be no problem.

Chairman McDaniel states concerns if the 30 day delay will cause a problem with funding and money that has been secured for the project.

Mr. Hertfelder states 30 days should not affect funding.

Supervisor Pareira questions if the 30 day delay will line up with the next Board meetings in January and if the January 19th date will be appropriate.

Mr. Brown states it will depend on information and legal comments provided for the record today.

Upon motion of Supervisor Pareira, seconded by Supervisor Lor, duly carried, the Board continues the item for 30 days. (See Board Reports below)
Ayes: McDaniel, Espinoza, Lor, Pareira, O'Banion

BOARD REPORTS **2017-12-12 COUNTY COUNSEL**

County Counsel James Fincher comments on Action Item 19, the continuation of the Final EIR and Mitigation Monitoring and Reporting Program for the Black Rascal Creek Flood Control Project. Mr. Fincher also states due to CEQA guidelines the item has to be continued to a certain date so the item will be brought back to the Board on January 9, 2018, and bring clarification on who received the draft EIR, and review of last minute comments submitted for the record at today's meeting.

Present: McDaniel, Espinoza, Lor, Pareira, O'Banion