



SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, AUGUST 14, 2018
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
DARON McDANIEL....DISTRICT 3
LLOYD PAREIRA....DISTRICT 4
CHAIRMAN 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
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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 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(d)(4): One Case

**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

**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): Morse v. County of Merced, et al., Eastern District Case No. 1:16-cv-00142 DAD SKO.

**THE BOARD RECESSED AT 8:33 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 Merced Speedway Chaplain
Dell Humbert**

**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 8

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 10)

SCHEDULED ITEMS:

PUBLIC HEALTH - SECOND READING PROPOSED ORDINANCE

Reading of a proposed Ordinance entitled "Santa Cruz-Monterey-Merced Managed Medical Care Commission" (Amends Ordinance No. 1850 and Chapter 9.43 of the Merced County Code).

RECOMMENDATION:

1) Conduct a Second Reading of Proposed Ordinance entitled "Santa Cruz-Monterey-Merced Managed Medical Care Commission" (Amends Ordinance No. 1850 and Chapter 9.43 of the Merced County Code); 2) Waive further reading of the proposed Ordinance; and 3) Adopt the Ordinance.

REVIEW BOARD ORDER – SEE PAGE 8

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

To Consider Appeal of Revocation of Conditional Use Permit (CUP)15-016.

RECOMMENDATION:

1) Open Public Hearing and receive testimony regarding the revocation of Conditional Use Permit (CUP)15-016, which was granted to allow 8 rodeo style events per year on property located in Delhi area on the north side of Second Avenue and 550 feet east of North Petaluma Avenue; 2) Close the Public Hearing; and, 3) Adopt the Resolution revoking CUP15-016.

REVIEW BOARD ORDER – SEE PAGE 8 AND 9

TREASURER-TAX COLLECTOR - PUBLIC HEARING

To consider proposed Ordinance entitled "An Ordinance amending Treasurer-Tax Collector Fee Schedule" (Amends Ordinance No. 1938 and Merced County Code Chapter 5.56.10 of the Merced County Code).

RECOMMENDATION:

1) Introduce the proposed Ordinance entitled "An Ordinance amending Treasurer-Tax Collector Fee Schedule" (Amends Ordinance No. 1938 and Merced County Code Chapter 5.56.10); 2) Waive further reading of the Ordinance; and 3) Open Public Hearing and receive testimony; 4) Close the Public Hearing; and, 5) Adopt the proposed Ordinance.

REVIEW BOARD ORDER – SEE PAGE 9

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-10)

APPROVED AS RECOMMENDED AYES: ALL

Ag. Commissioner

1. Approve and authorize the Chairman to sign Renewal Contract No. 2001105 with California Department of Food and Agriculture (CDFA) for quality standards inspections.

Health

2. Approve and authorize the Chairman to sign Renewal Contract No. 2000239 with Dignity Health, dba Mercy Medical Center, for Base Hospital activities.

Behavioral Health & Recovery Services

3. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 2009267 with Human Services Agency/Area Agency on Aging to provide services through

the Program to Encourage Active, Rewarding Lives for Seniors (PEARLS) program as part of the Mental Health Services Act Prevention and Early Intervention Plan.

4. Approve and authorize the Chairman to sign Amendment Contract No. 2017091 (State Agreement No. CA0984L9T201604) with U.S. Department of Housing and Urban Development for the 2016 Continuum of Care Program Grant Project Hope Westside.

Human Services Agency

5. Approve and authorize the Chairman to sign Renewal Contract No. 2016024 with California Department of Aging for Supplemental Nutrition Assistance Program Education Services; and adopt Resolution.

ADOPTED RESOLUTION NO. 2018-88

Executive Office

6. Act on Claims for Damages submitted by Geico (as Subrogee of Brandie Hankins) and William Henshall as recommended by Risk Management and County Counsel.
7. Approve Travel Request received from Public Health as recommended by Executive Office.

Board Recognition

8. Authorize Certificates of Recognition to various individuals for graduation from PIQEs Civic Engagement Program 2018 for South Merced.
9. Authorize Certificates of Recognition to Ana Maria Barbosa Servin, Beatriz Pantoja Salgado, Claudia Alcantar Garcia, Dorian Ayala Jimenez and Juan Antonio Cabrera Rodarte for participation in the 2018 Binational Teachers Exchange Program.
10. Authorize plaque to Jerald R. and Jolynne A. O'Banion in recognition of 50th Wedding Anniversary.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

11. Find that substantial evidence demonstrates that an emergency continues to exist regarding the replacement of the cooling system, uninterrupted power supply, emergency generator, and related systems for the server room at the County Administration Building such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and the action is necessary to respond to the emergency. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

12. Authorize circulation of a Request for Proposal (RFP) to qualified conservation banks for the purchase of species credits for the Dickenson Ferry Road over Bear Creek Bridge Replacement Project; and authorize the Department to review and rank proposals as well as negotiate a preliminary contract to be submitted to the Board of Supervisors for consideration.

APPROVED AS RECOMMENDED AYES: ALL

13. Find that substantial evidence demonstrates that an emergency exists regarding the HVAC system at the Los Banos Human Services Agency and Public Health building such that the

emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency; and direct the Director of Public Works to replace/repair HVAC system and subsequent flood damage repairs at Human Services Agency and Public Health. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

14. Find that substantial evidence demonstrates that an emergency continues to exist regarding the HVAC Systems at the John Latorraca Correctional Center and the Human Services Agency (Merced site) such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency. (4/5 vote Required)

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

15. Approve submission of an Application to the California Department of Public Health, California Tobacco Control Program; authorize the Director of Public Health to sign the program application; and return to the Board for contract approval if awarded.

APPROVED AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH & RECOVERY SERVICES

16. Contract with U.S. Department of Housing and Urban Development for the 2017 Continuum of Care Program Grant (HUD Agreement No. CA0984L9T201705) for Project Hope Westside; and return to the Board for any subsequent approval related actions necessary for implementation of the grant project.

AUTHORIZED CONTRACT NO. 2018178 AS RECOMMENDED AYES: ALL

17. Contract with Aspiranet to provide specialty mental health services for youth beneficiaries as part of the DoWith Program.

AUTHORIZED CONTRACT NO. 2018179 AS RECOMMENDED AYES: ALL

18. Contract with U.S. Department of Housing and Urban Development for the 2017 Continuum of Care Program Grant (Agreement No. CA07080L9T201709) for Project Home Start; and return to the Board for any subsequent approval related actions necessary for implementation of the grant project.

AUTHORIZED CONTRACT NO. 2018180 AS RECOMMENDED AYES: ALL

19. Approve and authorize submission of Mental Health Block Grant (MHBG) Application documents for 2018-2019 to the State Department of Health Care Services (DHCS) for approval; 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: ALL

20. 1) Adopt Resolution authorizing the submission to the Mental Health Services Oversight and Accountability Commission and the State Department of Health Care Services the Mental Health Services Act Program Update to the Fiscal Year 2017/2018 through 2019/2020 Three Year Plan, including all comments and any updates from the July 10, 2018 Behavioral Health Board Public Hearing; 2) Authorize the Auditor-Controller to sign the necessary documents in this Program Update certifying fiscal accountability of the Mental Health Services Act Programs; and, 3) Authorize the Director of Behavioral Health and Recovery Services to sign all necessary documents for submission of the Program Update to the Fiscal Year 2017/2018

through 2019/2020 Three Year Plan.

ADOPTED RESOLUTION NO. 2018-89 AS RECOMMENDED AYES: ALL

21. Contract with Turning Point Community Programs to provide an Outreach and Engagement Center Pilot Program.

AUTHORIZED CONTRACT NO. 2018181 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

22. Contract with iFoster to accept a donation of one hundred (100) laptop computers to be distributed to eligible Merced County Foster Youth, ages 16-21.

AUTHORIZED CONTRACT NO. 2018182 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

23. Contract with the Local Government Commission for services of one CivicSpark Fellow to focus on project management and development of a climate action plan.

AUTHORIZED CONTRACT NO. 2018176 AS RECOMMENDED AYES: ALL

24. Contract with Rincon Consultants, Inc. for preparation of the Greenhouse Gas Inventory and Climate Action Plan.

AUTHORIZED CONTRACT NO. 2018177 AS RECOMMENDED AYES: ALL

25. 1) Adopt two Resolutions approving submittal of an application to the California State Department of Housing and Community Development (HCD) to participate in the 2018 HOME Program for an allocation of funds not to exceed: a) Five Hundred Thousand Dollars (\$500,000) for a First Time Homebuyer (with or without Rehabilitation) Program, and/or Owner Occupied Housing Rehabilitation Program for eligible low-income families within the unincorporated areas of Merced County; b) Nine Hundred and Fifty-Five Thousand Dollars (\$955,000) for first time homebuyer assistance for homebuyers in Self-Help Enterprises' subdivision located at East Childs Avenue and Santa Fe Avenue in Planada, California; 2) Authorize the Chairman to execute the application(s), the Standard Agreements(s), any amendments thereto, and any and all other documents or instruments necessary or required by HCD or HUD for participation in the HOME Program; 3) Authorize the Community & Economic Development (CED) Director to act as the Certifying Officer and execute NEPA environmental review documents subject to review by Planning and Counsel, and transfer or modify budget amounts and activities as necessary; and, 4) Authorize CED Director and/or Deputy Director Planning to execute loan documents, funds requests, and other required reporting forms necessary to participate in the HOME Program.

ADOPTED RESOLUTION NO. 2018-90 (GRANT) AND RESOLUTION NO. 2018-91 (AGREEMENT) AS RECOMMENDED AYES: ALL

26. Approve payment to the West Turlock Subbasin Groundwater Sustainability Agency (GSA) for Fiscal Year 2018-2019 GSA membership fee and Groundwater Sustainability Plan development costs.

APPROVED AS RECOMMENDED AYES: ALL

ADMINISTRATIVE SERVICES

27. Contract with Vertiv Services, Inc. for annual maintenance of the Uninterruptable Power Supply (UPS) Systems that support the Emergency Operations Center and Main Administration Building Data Center.

AUTHORIZED CONTRACT NO. 2018183 AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

28. Approve donation of the 2014 Dodge Caravan, Vehicle No. 44080 to the Livingston Police Department and authorize Fleet Management Services to transfer title to the City of Livingston.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

29. Contract with City of Livingston for Animal Control Services.

AUTHORIZED CONTRACT NO. 2018184 AS RECOMMENDED AYES: ALL

30. Approve the following departmental personnel actions: 1) Sheriff-Corrections Budget Unit 23000 Change: 1 Correctional Sergeant/Correctional Senior Sergeant (Position 176) to Sheriff Sergeant/Sheriff Senior Sergeant; and approve amendments to the Position Allocation Resolution 06-120/A.

ADOPTED RESOLUTION NO. 2018-92 AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

31. Appoint Hubert (Hub) Walsh to serve as the Board of Supervisors Representative At-Large member on the Housing Authority of the County of Merced for a 4 year term ending February 18, 2022.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

32. Public Works re: Contract No. 2017191 awarded to Granite Construction, Fresno, California in the amount of \$28,987,364.00 for Campus Parkway Segment 2 Part A & B.
33. Merced County Mosquito Abatement District re: General Manager's Report for June 19 - July 17, 2018.
34. Gustine Unified School District re: Public Hearing to consider a resolution implementing school facilities fees in accordance with Education Code Section 17620.
35. Central Valley Regional Water Quality Control Board re: Update to the Proposition 65 notification issued on August 24, 2017 regarding additional environmental investigations were performed in the former Castle Air Force Base vicinity located in Atwater, California.

THE BOARD ADJOURNED THE MEETING AT 11:09 A.M. UNTIL TUESDAY, AUGUST 28, 2018, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – AUGUST 14, 2018

10:00 A.M. SCHEDULED ITEM **2018-08-14 PUBLIC OPPORTUNITY**

Sheriff Vern Warnke introduces the STAR Team who will focus on gang enforcement, and gives an update on staffing numbers.

The following individuals spoke regarding maintenance needs at the Veteran's Memorial Building in Merced: Carla Cejas, Vince Cole, Bill Dacus, Guadalupe Gonzales and Connie Snook.
Present: O'Banion, Espinoza, Lor, McDaniel, Pareira

10:00 A.M. SCHEDULED ITEM **2018-08-14 PUBLIC HEALTH – SECOND READING – PROPOSED ORDINANCE**

The Clerk announces the second reading and possible adoption of an ordinance entitled "Santa Cruz-Monterey-Merced Managed Medical Care Commission" (Amends Ordinance No. 1850 and Chapter 9.43 of the Merced County Code) is before the Board for consideration.

Upon motion of Supervisor McDaniel, seconded by Supervisor Lor, duly carried, the Board waives further reading of the Ordinance.
Ayes: O'Banion, Espinoza, Lor, McDaniel, Pareira

Upon motion of Supervisor Lor, seconded by Supervisor McDaniel, duly carried, the Board adopts Ordinance No. 1963.
Ayes: O'Banion, Espinoza, Lor, McDaniel, Pareira

10:00 A.M. SCHEDULED ITEM **2018-08-14 COMMUNITY AND ECONOMIC DEVELOPMENT – PUBLIC HEARING**

The time and date previously scheduled to consider Appeal of Revocation of Conditional Use Permit (CUP)15-016.

Director of Community and Economic Development Mark Hendrickson reviews the staff report.

Deputy Director of Community and Economic Development Steve Maxey gives a powerpoint presentation covering the following: Background, Board Consideration, Vicinity Map, Aerial Map, Analysis, Environmental Impact Report, Public Comments and Recommendation.

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

Roberto Torres, property owner, states he did not know what was going on and that he did have a vet on call. He also states it was a mistake to rent property for this event and would like a second chance.

Jovita Torres, property owner, states they did not know there were any issues until the notice of revocation was received.

Deputy Sheriff Jeff Coburn states what he witnessed at the event did not constitute a rodeo. Deputy Coburn describes the event and states it was a tail pulling event and considered it animal cruelty. He also states there have been protest at these types of events up and down the states because of the cruelty to the animals.

Deputy Sheriff Vince Gallagher comments on the details of security needed at the event, which included 4 private security individuals and 2 deputies based on the description of the event provided by the promotor, Mr. Gonzales.

Mr. Torres states he never talked to Deputy Gallagher and no one called him.

The Chairman closes the public hearing.

Chairman O'Banion questions if Mr. Torres would be able to come back in the future to reapply for a permit.

Mr. Maxey states he would be able to apply again.

Supervisor McDaniel questions what permits are needed at these events.

Deputy Gallagher states a letter from Sheriff's Office is needed, California Department of Alcohol Beverage Control issues a one-day license for alcohol sales, and a rental agreement from promoters.

The Board has further discussion regarding the revocation of the CUP.

Upon motion of Supervisor McDaniel, seconded by Supervisor Pareira, duly carried, the Board adopts Resolution No. 2018-87 revoking Conditional Use Permit CUP15-016 allowing 8 rodeo-style events per year on property located in the Delhi area on the north side of Second Avenue and 550 feet east of North Petaluma Avenue in the Delhi area.

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

10:00 A.M. SCHEDULED ITEM

2018-08-14 TREASURER-TAX COLLECTOR – PUBLIC HEARING – PROPOSED ORDINANCE

The time and date previously scheduled to consider an ordinance entitled "Amending Treasurer-Tax Collector Fee Schedule" (Amends Ordinance No. 1938 and Chapter 5.56.10 of the Merced County Code).

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 McDaniel, seconded by Supervisor Lor, duly carried, the Board waives further reading of the ordinance.

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

Upon motion of Supervisor McDaniel, seconded by Supervisor Lor, duly carried, the Board adopts Ordinance No. 1964.

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