



BOARD OF SUPERVISORS

Chairman Rodrigo Espinoza, *District 1*

Lee Lor, *District 2*

Daron McDaniel, *District 3*

Lloyd Pareira, *District 4*

Scott Silveira, *District 5*

Phone: (209) 385-7366 Fax: (209) 726-7977

SUMMARY ACTION MINUTES - FINAL

TUESDAY, FEBRUARY 11, 2020

Closed Session – 9:00 a.m.

Regular Meeting – 10:00 a.m.

Merced County Administration Building

2222 M Street

Board Room, Third Floor

Merced CA, 95340

www.countyofmerced.com

The Board of Supervisors welcomes you to its meetings which are regularly held on a scheduled Tuesday and your interest is encouraged and appreciated.

PUBLIC COMMENT PERIOD: 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 (3) minutes per person).

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 administrative 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.

CLOSED SESSION: Is the portion of the meeting conducted in private without the attendance of the public or press to discuss certain confidential matters specifically permitted by the Brown Act. The public will be provided an opportunity to comment on any matter to be considered in closed session prior to the Board adjourning into the closed session.

ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA:

Please raise your hand or step to the podium at the time the item is announced by the Board Chairperson. In order that interested parties have an opportunity to speak, any person addressing the Board will be limited to a maximum of three (3) minutes.

BOARD AGENDA AND MINUTES: Board agendas, minutes, and copies of items to be considered by the Board of Supervisors are posted on the Internet at least 72 hours preceding a Tuesday meeting at the following website: www.countyofmerced.com/boardagenda/

AUDIO/VIDEO BROADCAST: All Board meetings are normally broadcast live and replayed on local cable television. A list of cable channels and broadcast times are available at the following website: www.countyofmerced.com

REASONABLE ACCOMMODATIONS: 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. Please address your written request 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.

Spanish and Hmong interpreters are available.

Interpretes de espanol y hmong estan disponibles.

Peb muaj tug paab txhais lug Mev hab Hmoob.

SCHEDULED ITEMS

9:00 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 - 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. Garcia v. County of Merced, et al., Merced Superior Court Case No. 17CV-02567.

**THE BOARD RECESSED AT 9:02 A.M. WITH SUPERVISOR
SILVEIRA NOT PRESENT AND RECONVENED AT 10:00 A.M. WITH ALL
MEMBERS PRESENT, AND THE CHAIRMAN ADVISED STAFF WAS GIVEN
DIRECTION**

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54947: PUBLIC EMPLOYEE INTERVIEWS, Title: County Counsel. (Interviews are scheduled to commence at 1:15 p.m.)

**THE BOARD RECESSED AT 1:15 P.M. AND RECONVENED AT 3:38
P.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.

**INVOCATION led by Monsignor Harvey Fonseca, St. Judes Catholic
Church/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 THREE
MINUTES PER PERSON)**

REVIEW BOARD ORDER – SEE PAGE 9

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

SCHEDULED ITEM:

PUBLIC WORKS - FIRST READING - PROPOSED ORDINANCE

Conduct a first reading for a proposed Ordinance amending Chapter 5.90 of the Merced County Code by increasing the refuse collection rate for the unincorporated areas within County solid waste franchise areas 1 through 5.

RECOMMENDATION:

- 1) Introduce and conduct the first reading of an Ordinance that proposed to increase refuse collection rates in the Unincorporated areas of Merced County and is entitled "An Ordinance Amending refuse Serve Fees and Charges for County Solid Waste Franchise Areas " (Amends Chapter 5.90 to Merced County Code and Ordinance 1957);
- 2) Waive further reading of the proposed Ordinance; and,
- 3) Set a second reading and possible adoption of the proposed Ordinance on February 25, 2020 at 10:00 a.m. (Amends Chapter 5.90 of the Merced County Code and Ordinance 1957).

REVIEW BOARD ORDER – SEE PAGES 9 AND 10

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. Approve and authorize the Chairman to sign Amendment Contract No. 2019229 with Quincy Engineering for the preparation of a Trade Corridor Enhancement Program Grant Application package.
2. Approve Budget Transfer in the amount of \$11,653 for emergency replacement of sewage grinder at Juvenile Hall/Sandy Mush facility.
3. Approve Budget Transfer in the amount of \$15,000 for emergency repair of water main to Juvenile Hall.

Community and Economic Development

4. 1) Approve the name change from Dimension Data North America, Inc. to NTT America Solutions, Inc. for FOCUS Program Amendment Contract No. 2016071; 2) Approve the second extension of Contract No. 2016071, a FOCUS Program agreement providing telecommunications technology solutions, through April 25, 2021 with NTT America Solutions, Inc.; and 3) Authorize the Chairman to sign the Amendment Contract and one-year extension announcement letter.
5. Approve and authorize the Chairman to sign Amendment Contract No. 2019052 with Tully and Young Inc. for professional special services in connection to sustainable groundwater planning in Merced County, to extend the contract one additional year not to exceed \$75,000.

Child Support Services

6. Approve Budget Transfer in the amount of \$9,188.50 for the purchase of computer desks in Computer Lab to accommodate the new computers and larger monitors.

Workforce Investment

7. Approve and authorize the Chairman to sign Amendment Contract No. 2019010 with California Employers Association to extend the contract term date to January 31, 2021.
8. Accept Modification three (3) to Subgrant AA011015 (Amendment Contract No. 2019275) to restore program integrity set aside for Workforce Innovation and Opportunity Act (WIOA) Formula Funds to Youth Funding; and approve related budget transfer. (4/5 Vote Required)

Executive Office

9. Act on Claim for Damages submitted by Jonathan Jose Castillo-Silva, Eric Lopez, Yolanda Marin, Kayla McDermott as recommended by Risk Management and County Counsel.
10. Approve travel request received from Community and Economic Development Department as recommended by Executive Office.

Board Recognition

11. Certificates of Recognition for Graduation from Merced County Drug Treatment Court to Mark Boyer, Kristopher Mays, and Jordan Guevara, presented January 31, 2020.
12. Certificates of Recognition for being selected by the Merced River Chapter of the National Society Daughters of the American Revolution Good Citizen of the Year Award to Esmeralda Barajas (Livingston High School), Genevieve Dietz (Buhach Colony High School), Jessica Arias (Atwater High School), Kate Colvin (Merced High School), Katherine Horal (Golden Valley High School), and Shiwani Lata (El Capitan High School), presented February 1, 2020.
13. Certificate of Recognition to The Tarmac for Grand Opening Ceremony in Atwater, presented January 24, 2020.
14. Proclamation in Recognition of January 26 - February 1, 2020 as "Merced County School Choice Week" in Merced County.
15. Certificates of Recognition to various individuals in Recognition of Dedicated Service to the Merced Police Department Explorer Post 204, presented January 24, 2020.
16. Certificates of Recognition to various individuals in Recognition for accomplishments in the Merced/Mariposa FFA Project Competition, presented February 5, 2020.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

17. 1) Approve a Retainer Agreement with Precision Civil Engineering Inc. for On-Call Surveying and Engineering Services for Small County Projects upon approval by County Counsel and Risk Management; 2) Authorize the Chairman of the Board of Supervisors to execute the agreement; and 3) Authorize the Director of Public Works to execute Projects Supplement Agreements.

AUTHORIZED CONTRACT NO. 2020019 AS RECOMMENDED AYES: ALL

18. 1) Adopt the Plans and Specifications for the new HVAC system and PG&E upgrade at the Merced Veterans Hall; 2) Authorize the Department of Public Works to advertise said Plans

and Specifications for 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 said construction contract upon review of the Department of Public Works, Risk Management and County Counsel; and, 5) Return to the Board of Supervisors with an informational item describing all actions taken.

AUTHORIZED CONTRACT NO. 2020022 AS RECOMMENDED AYES: ALL

19. 1) Adopt the Plans and Specifications for the Stephens Street Road Diet Improvement Project, a project to convert Stephens Street between El Capitan Way and Shell Street from four travel lanes to two travel lanes and add a two-way left turn lane, bike lanes, and pedestrian improvements in the Delhi area; 2) Authorize the Department of Public Works to advertise the project and conduct a public bid opening; 3) Authorize the Director of Public Works to award and execute a construction contract to the lowest responsible bidder provided said bid is within the established budget, upon approval of County Counsel and Risk Management; and 4) Direct the Department of Public Works to return to the Board with an informational item describing all actions taken.

AUTHORIZED CONTRACT NO. 2020023 AS RECOMMENDED AYES: ALL

20. 1) Adopt the Plans and Specifications for the Enhanced Pedestrian Crosswalk Improvements Project, a project to install rapid flashing beacon systems at four locations in the Santa Nella, Dos Palos, and Le Grand areas; 2) Authorize the Department of Public Works to advertise the project and conduct a public bid opening; 3) Authorize the Director of Public Works to award and execute a construction contract to the lowest responsible bidder provided said bid is within the established budget, upon approval of County Counsel and Risk Management; and 4) Direct the Department of Public Works to return to the Board with an informational item describing all actions taken.

AUTHORIZED CONTRACT NO. 2020024 AS RECOMMENDED AYES: ALL

21. Adopt a Resolution authorizing the Chairman to execute a grant deed conveying property from the County of Merced to the State of California to transfer the right-of-way acquired for the Atwater-Merced Expressway / State Route 99 Project by the County to the State of California.

ADOPTED RESOLUTION NO. 2020-12 AS RECOMMENDED AYES: ALL

PUBLIC HEALTH

22. 1) Ratify submission of an application for the Waste Tire Enforcement Grant Application (Cycle 27) for enforcement and inspection activities tentatively planned to start June 30, 2020 ending June 29, 2021 in the amount of \$77,241; 2) Adopt the Resolution granting Board approval to sign all application documents; 3) Designate the Director of Public Health or designee to submit all payment requests and grant activity forms; and 4) Direct the Department of Public Health to return to the Board if awarded.

ADOPTED RESOLUTION NO. 2020-11 AS RECOMMENDED AYES: ALL

23. Approve the Director of Public Health to sign all copies of the non-binding letter of intent to enter into the Intergovernmental Transfer funding mechanism with the Central California Alliance for Health.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

24. 1) Authorize the Director of Human Services Agency, or designee, to electronically submit a Homeless Housing and Assistance Program grant application in the amount of \$663,533.24 for Merced Navigation Center operations to the State of California Business, Consumer Services, and Housing Agency, Division of California Homeless Coordinating and Financing Council prior to the February 15, 2020 deadline; 2) Authorize the Director of Human Services Agency to execute all documents relating to the grant application; 3) Direct the Director of Human Services Agency to return to the Board of Supervisors with the application results and to accept award; and 4) Authorize Human Services Agency to accept any future reallocation of funding for this program.

APPROVED AS RECOMMENDED AYES: ALL

25. Approve Contract with Aspiranet to provide home visitor services to families involved with the Child Welfare System that have children who are at risk of abuse or neglect; and authorize the Chairman to sign the Contract.

AUTHORIZED CONTRACT NO. 2020020 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

26. 1) Adopt a Resolution authorizing the submittal of a CalHome Program grant application in the amount of \$600,000 to be used for the first-time homebuyer mortgage assistance and owner-occupied rehabilitation assistance to low or very low income households within the unincorporated areas of Merced County; 2) Authorize the Chairman to execute the application, the Standard Agreement, any amendments thereto, and any all other documents or instruments necessary or required by the California Department of Housing and Community Development (HCD) for acceptance of grant funds and participation in the CalHome Program; 3) Direct Community and Economic Development Department (CED) to return to the Board with an information item of all actions taken; 4) Authorize CED Director to transfer or modify CalHome grant budget amounts and activities as necessary to fully expend CalHome Programs funds; 5) Authorize CED Director and/or Deputy Planning Director to execute loan documents, funds requests, and other required reporting forms necessary to participate in the CalHome Program.

ADOPTED RESOLUTION NO. 2020-13 AS RECOMMENDED AYES: ALL

27. Approve and authorize payment for Merced County's funding contribution of the Merced Integrated Regional Water Management Authority's FY 2019-2020 Budget.

APPROVED AS RECOMMENDED AYES: ALL

LIBRARY

28. Request the Board to authorize the County Librarian to close the Gustine Library from March 11 through March 25, 2020 to the complete Capital Improvement Project to install carpet.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

29. Approve Contract with City of Atwater for animal control services.

AUTHORIZED CONTRACT NO. 2020021 AS RECOMMENDED AYES: ALL

TREASURER

- 30. Authorize the distribution of excess proceeds from the public auction of tax defaulted property sold for failure to pay taxes on real property per Exhibit "A" to the valid claimants in the amount of \$654,024.55. The remaining funds that do not have a valid claim totaling \$61,086.86 per Exhibits "A" and "B" are to be transferred to Trust Fund #02000-02080 Property Taxes-Tax Loss Reserve.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

- 31. Approve and adopt the 2020 Board Assignments as designated.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 10

BOARD APPOINTMENTS

- 32. Appoint Mr. Shirish Shah to serve as a member of the East Merced Resource Conservation District, filling an unexpired term until January 28, 2021.

APPROVED AS RECOMMENDED AYES: ALL

- 33. Appoint Skye Emery and Sara Rosenthal as trustees to the Law Library Board of Trustees for 2020.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

- 34. Public Works re: Contract No. 2019284 was awarded to George Reed, from Modesto, California in the amount of \$796,500 for the Merced Falls Road Shoulder Project.
- 35. Public Works re: Contract No. 2019072 was awarded to Teichert Construction, from Fresno, California in the amount of \$4,015,986 for the La Grange Road Over Dry Creek Bridge Replacement project.
- 36. Department of Water Resources re: Notice of Preparation of Environmental Impact Report for the Delta Conveyance Project.
- 37. Merced County Mosquito Abatement District re: General Manager's Report December 17, 2019 through January 21, 2020.
- 38. California Fish and Game Commission re: Notice of Receipt of Petition regarding a five-year status review concerning Clara Hunt's Milkvetch (*Astragalus claranus* Jeps.) recommending up-listing the species from threatened to endangered status.
- 39. California Fish and Game Commission re: Notice of proposed regulatory action relative to sections 550, 550.5, 551, 552, 630 and 702, Title 14, California Code of Regulations, relating to wildlife areas, public lands and ecological reserves.
- 40. California Fish and Game Commission re: 15-day continuation notice for the Experimental Fishing Permit (EFP) Program (Phase 1) regulations, published in the California Regulatory

Notice Register on August 23, 2019, Notice No. Z2019-0813-01, and adopted by the Fish and Game Commission on October 10, 2019 in Valley Center.

41. Central California Alliance for Health re: Annual Report of the Santa Cruz-Monterey-Merced Managed Medical Care Commission: 2019.

THE BOARD RECESSED TO MEET AS A MERCED COUNTY DELTA-MENDOTA GROUNDWATER SUSTAINABILITY AGENCY AND RECONVENED TO MEET AS A BOARD OF SUPERVISORS

THE BOARD ADOPTED RESOLUTION IN MEMORY OF MIKE SALVADORI AND ADJOURNED THE MEETING AT 3:38 P.M. UNTIL TUESDAY, FEBRUARY 25, 2020 AT 10:00 A.M

BOARD ORDERS – SUMMARY ACTION MINUTES – FEBRUARY 11, 2020

10:00 A.M. SCHEDULED ITEM **2020-02-11 PUBLIC OPPORTUNITY**

Ryan Heller, representative from Assemblymember Adam Gray's office reminds the public that they are available for State assistance and asks the Board for a support letter for AB 1980 (Gray) – Traffic Tickets: Stop the Ticket Tax. He submits sample support letter and fact sheet on AB 1980 in the board bin.

Rebecca Fermanski, who works for a pain management organization and is a CEO of Patient Advocacy from the Midwest introduces herself to the Board and speaks about the homeless in Merced County.

David Franklin speaks about wanting to sell his home and the issues he is having with the Assessor and Recorder's office.

Naden Sadu, owner of El Campo Market in Planada for 33 years speaks about their liquor license issues and the code being changed, the loss of business to Dollar General and her frustrations with the Planning Department.

Present: Espinoza, Lor, McDaniel, Pareira, Silveira

10:00 A.M. SCHEDULED ITEM **2020-02-11 PUBLIC WORKS – FIRST READING – PROPOSED ORDINANCE**

The time and date previously scheduled to conduct a first reading for a proposed Ordinance amending Chapter 5.90 of the Merced County Code by increasing the refuse collection rate for the unincorporated areas within county solid waste franchise areas 1 through 5.

Dana Hertfelder, Director of Public Works reviews the staff report.

Supervisor McDaniel comments on the CPI and appreciates that at 2.72% it is a smaller increase this year. He questions how Waste Management arrived at this increase.

Vanessa Barberos with Waste Management explained how they arrived at the rate using last year's CPI year on year change. She also explained how they used information from an audited financial statement that is submitted to County staff that showed a 3.06% increase in local operating cost.

Supervisor McDaniel thanks Ms. Barberos and states the approach this year was much better than the past year.

Ms. Barberos states they included notification of the rate increase and how it was calculated in communication to constituents.

Supervisor Silveira thanks Ms. Barberos and states that last year we did not approve the rate increase due to not receiving the information we requested but justified the rate increase this year.

Supervisor Pareira comments that Waste Management charges an extra \$150 if the flap is not closed on a dumpster whether it is full or not and requests if we can address this in the future.

A concerned citizen speaks about the homeless sometimes being inside of the dumpsters.

Upon motion of Supervisor McDaniel, seconded by Supervisor Silveira, duly carried, the Board waives further reading of the proposed ordinance and sets second reading and possible adoption of the proposed ordinance on February 25, 2020 at 10:00 a.m. (Amends Chapter 5.90 of the Merced County Code and Ordinance 1957).

ACTION ITEM NO. 31
2020-02-11 BOARD OF SUPERVISORS

The Clerk announces item to approve and adopt the 2020 Board Assignments as designated is before the Board for consideration.

Supervisor Silveira thanks the Chairman for allowing him to be the primary member on the San Joaquin Valley Regional Association of California Counties.

Supervisor Pareira thanks the Chairman for allowing him to continue serving on the San Joaquin Valley Multiagency Working Group (Regional Housing Planning) and appreciates the support.

Upon motion of Supervisor McDaniel, seconded by Supervisor Lor, duly carried, the Board approves and adopts the 2020 Board Assignments as designated.
Ayes: Espinoza, Lor, McDaniel, Pareira, Silveira