



SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, FEBRUARY 03, 2015
Regular Meeting – 10:00 a.m.

MERCED COUNTY
ADMINISTRATION BUILDING
2222 “M” STREET
BOARD ROOM, THIRD FLOOR
MERCED, CALIFORNIA 95340
(209) 385-7366

CHAIRMAN JOHN PEDROZO.....DISTRICT 1
HUBERT “HUB” WALSH, JR.....DISTRICT 2
DARON McDANIEL.....DISTRICT 3
DEIDRE F. KELSEY.....DISTRICT 4
JERRY O'BANION.....DISTRICT 5

JAMES L. BROWN
COUNTY EXECUTIVE OFFICER

JAMES N. FINCHER
COUNTY COUNSEL

*All supporting documentation is available for public review in the Office of the Clerk of the Board of Supervisors located in the County Administration Building, Third Floor, 2222 “M” Street, Merced, California, 95340
During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.*

The Agenda is available online at www.co.merced.ca.us

Any material related to an item on this Agenda submitted to the Clerk after distribution of the Agenda packet is available for public inspection in the Office of the Clerk of the Board

Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the Board Chambers

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The Agenda is divided into three sections:

CONSENT CALENDAR – These matters include routine financial and administrative action and usually are approved by a single vote.

SCHEDULED ITEMS – These items are noticed hearings, work sessions and public hearings.

REGULAR CALENDAR – These items include significant policy and administration actions. Immediately after approval of the CONSENT CALENDAR, if the time of the hearing of SCHEDULED ITEMS has not arrived, the REGULAR CALENDAR will be considered.

SCHEDULED ITEMS

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A. M.

PLEDGE OF ALLEGIANCE

PUBLIC OPPORTUNITY TO SPEAK ON ANY MATTER OF PUBLIC INTEREST WITHIN THE BOARD'S JURISDICTION INCLUDING ITEMS ON THE BOARD'S AGENDA, EXCEPT FOR THOSE ITEMS SPECIFICALLY SCHEDULED AS PUBLIC HEARINGS (Testimony limited to three minutes per person)

REVIEW BOARD ORDER – SEE PAGE 6

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 12)

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-12)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Authorize the incorporation of the Main Admin. Entry Project into the Administration Parking Lot Rehabilitation Project Construction Contract No. 2014138 with Avison Construction; and authorize the Director of Public Works to execute Change Order No. 2 in the amount of \$52,354.50 to Avison Construction.

Ag. Commissioner

2. Approve and authorize the Chairman to initial the changes relating to Exhibit D of Contract No. 2013272 with Calif. Dept. of Parks and Recreation, Div. of Boating and Waterways for providing water hyacinth control on the Merced and San Joaquin Rivers.
3. Approve and authorize the Chairman to sign Amendment Contract No. 2010115 with Calif. Dept. of Food and Ag. to provide for Asian Citrus Psyllid pest detection trapping and survey activities.

Assessor/Clerk/Recorder/ROV

4. Set a public hearing for March 17, 2015 at 10:00 a.m. to consider amending an ordinance entitled "Real Property Transfer Tax" (Amends County Code Chapter 5.20 and Supersedes Ordinance Nos. 994, 857, 570 and 566.

Elections

5. Approve budget transfer in the amount of \$55,000 to increase appropriation to Special Department Expense-Election Expense and increase revenue in Election Services associated with conducting the Merced Union High School District Special Election scheduled for May 2015 and Merced County Employees Retirement Elections scheduled for June 2015.

Workforce Investment

6. Accept Modification Two to Contract No. 2014118 adding \$2,222,426 Workforce Investment Act (WIA) funds into Adult, Dislocated Worker and Rapid Response (Grant Codes 202, 293, 502, and 541) funds to provide layoff aversion and employment & training services to WIA eligible participants.
7. Accept modification five to Contract No. 2013154 changing the start date of the Merced Dislocated Worker Additional Assistance project under grant code 1012 from 4/1/15 to 7/1/14 to provide employment related services to individuals who have been laid off including returning veterans.

Fire

8. Approve budget transfer in the amount of \$95,000 to increase appropriation related to the acceptance of the federal FY 13 Emergency Management Performance Grant (EMPG) supplemental award.

REVIEW BOARD ORDER – SEE PAGE 6

Board Recognition

9. Authorize Certificate of Recognition to Lorinne Taglio McKnight Day for commitment to the community of Gustine.
10. Authorize Certificates of Recognition to various individuals for dedicated service to Merced Police Department Explorer Post 204.

REVIEW BOARD ORDER – SEE PAGES 6 AND 7

11. Authorize Certificate of Recognition to Fighting Spirit Pro in celebration of 2 year anniversary show.
12. Authorize Certificates of Recognition to the following; Danielle Diele-Miss Merced County 2014, Marina Inserra-Miss Yosemite Valley 2014 and Marion Carpenter-2014 Merced County's Outstanding Teen.

REGULAR CALENDAR

BOARD ACTION

HUMAN SERVICES AGENCY

13. Approve Interdepartmental Agreement with Workforce Investment to provide subsidized employment services to WtW participants during the period of 1/1/15 through 5/31/15 for a Contract total not to exceed \$794,279; and approve budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2015008 AS RECOMMENDED AYES: ALL

COMMUNITY & ECONOMIC DEVELOPMENT

14. 1) Approve the Los Banos Agricultural & Industrial Business Logistics Center Guidance Package; 2) Direct staff to work with the Applicant to provide periodic updates to the Board to take place no less than quarterly; 3) authorize staff participation (including the CEO and his designees, the Director of Community & Economic Development and his designees) in a working group expected to include officials from the city and the private landowners; and 4) Authorize the Chairman to participate in the aforementioned working group and to appoint an additional member of the Board.

APPROVED AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER – SEE PAGE 7

15. 1) Request the Board approve the release of the Fast Open Contracts Utilization Services (FOCUS) Program; 2) Request for Joint Venture Proposal (RFJVP) for telecommunications technology solutions; and 3) Request the Board authorize Community and Economic Development Dept. Admin. Services & Information Systems to select the most qualified firms to fulfill the scope of work delineated in the RFJVP and return to the Board for approval of contract awards.

APPROVED AS RECOMMENDED AYES: ALL

16. Adopt the Castle Airport 5-Year Airport Capital Improvement Plan Annual Update and authorize Chairman to sign all Airport Capital Improvement Plan Documents.

APPROVED AS RECOMMENDED AYES: ALL

17. Contract with Golden Valley Health Centers for lease of Building 759 at Castle Commerce Center.

AUTHORIZED CONTRACT NO. 2015009 AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER – SEE PAGE 8

TREASURER/TAX COLLECTOR

18. Authorize a release of lien for the lien agreement with Larry Goodman (Recorded document 23102, Volume 2699, Page 267) and accept the net amount realized at the sale of property.

APPROVED AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

19. Contract with Madera County Workforce Investment Corp. to implement a Jobs Driven National Emergency Grant in the amount of \$206,977 to assist forty long term unemployed individuals, individuals receiving unemployment insurance, and/or returning veterans in Merced County by providing employment-related services including vocational training; authorize the Chairman to sign all applicable copies of the agreement for the period July 1, 2014 through June 30, 2016; and approve related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2015010 AS RECOMMENDED AYES: ALL

20. Contract with Geographic Solutions for Virtual One Stop Case Management System at a cost not to exceed \$57,720; and approve related budget transfer.

AUTHORIZED CONTRACT NO. 2015011 AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER – SEE PAGE 8

21. Approve the appointments of Stergios (Steve) Roussos and Mary Ruiz to the Merced County Workforce Investment Board Youth Council.

APPROVED AS RECOMMENDED AYES: ALL

COUNTY EXECUTIVE OFFICE

22. Set first reading for March 3, 2015 at 10:00 a.m. to consider the proposed groundwater ordinance, set a second reading and possible adoption of the proposed groundwater ordinance for March 17, 2015 at 10:00 a.m.; - OR - direct staff to continue working with stakeholder groups to refine the draft groundwater ordinance and implementation process.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGES 8, 9 AND 10

BOARD OF SUPERVISORS

23. Authorize \$500 of District One's Special Board Project Funds to be forwarded to the Friends of the Fair Committee to assist with the building fund for the agricultural barns at the Fair.

APPROVED AS RECOMMENDED AYES: ALL

24. Authorize \$500 of District One's Special Board Project Funds to be forwarded to the LHS/Livingston Young Women's Conference to be held in the City of Livingston on March 28, 2015.

APPROVED AS RECOMMENDED AYES: ALL

25. Authorize \$5,087.95 of District Two's Special Board Project Funds to be forwarded to the Boys and Girls Club for a new AVAYA Telephone System.

APPROVED AS RECOMMENDED AYES: ALL

26. Authorize \$600 of District Four's Special Board Project Funds to be forwarded to the Hot Rod Diner in Hilmar to be paid in monthly increments of \$100 for weekly meeting space for room rental for the Hilmar Senior Social Club from January through June 2015.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

27. Community & Economic Development re: Lease agreement issued to Ferreria Produce, LLC for Building 1562 (approximately 2,400 sq. ft.) and 0.24 acres of land located at Castle Commerce Center.

CONTRACT NO. 2015012

28. Fish and Game Commission re: Notice of Proposed Regulatory Action relative to amending sections 311,353,464,465,475, and 485; repealing Section 355; and, adding Section 250.1, Title 14, California Code of Regulations, relating to the prohibition on the use of lead and ammunition using lead projectiles for the take of wildlife with firearms, which was published in the California Regulatory Notice Register on January 16, 2014.

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF WALTER SCOTT, GILDA GOULART, AND LORENZO MEJIA, AND ADJOURNED THE MEETING UNTIL TUESDAY, FEBRUARY 10, 2015, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – FEBRUARY 3, 2015

10:00 A.M. SCHEDULED ITEM **2015-02-03 PUBLIC OPPORTUNITY**

James Hodges states concerns on global warming.

Les Policy comments on Item #14 on today's agenda, and states this project can be successful because private industry is running it. He encourages the Board to move the project forward.

Frank Stombaugh of Los Banos, states there is brand new material that he has not been able to access up to this point. He states he would like to be added to an e-mail list that would provide him with information as it is being developed. He also requests names of stakeholders that are referred to in the material.

Present: Pedrozo, Walsh, McDaniel, Kelsey, O'Banion

CONSENT ITEM NO. 8 **2015-02-03 FIRE**

The Clerk announces approval of a budget transfer in the amount of \$95,000 to increase appropriation related to the acceptance of the Federal FY 13 Emergency Management Performance Grant (EMPG) supplemental award is before the Board for consideration.

The Clerk clarifies the budget transfer with this item will require a 4/5 vote.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board approves the budget transfer in the amount of \$95,000 to increase appropriation related to the acceptance of the Federal FY 13 Emergency Management Performance Grant (EMPG) supplemental award.

Ayes: Pedrozo, Walsh, McDaniel, Kelsey, O'Banion

CONSENT ITEM NO. 10 **2015-02-03 BOARD RECOGNITION**

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board authorizes Certificates of Recognition to Jose Ambriz-63 hours, Benjamin Anguiano-346 hours, Monique Anquiano-312 hours, Anthony Armenta-85 hours, Mark Barroso-1403 hours, Abraham Bustos-1003 hours, Gabriela Bustos-1083.5 hours, Adrian Cardenas-219.5 hours, Alejandro Cardenas-63 hours, Joshua Castillo-762 hours, John Chang-521 hours, Kevin Chang-492 hours, Kevin Dutra-847 hours, Nicholas Guzman-172 hours, Deon Herr-451 hours, Leon Herr-344.5 hours, Samuel Jenkins-81.5 hours, Robert Justice-605.5 hours, Ta Lee-507.5 hours, Viangkao Lee-430 hours, Jenny Lor-429 hours, Kaleb Montgomery-1,078 hours, Nestor Morales-234.5 hours, Christian Navarro-200 hours, Asia Reyna-275 hours, Brennen Reyna-297.5 hours, Naomi Romero-219 hours, Shelby Sign-1,531 hours, Justin Solis-49 hours, Hope Stokes-496 hours, Chai Thor-228.5 hours, Richard Vang-741 hours, Jared Whitehead-98 hours, Justin Woodley-682 hours, Amanda Xiong-436.5 hours, Cheng Xiong-625 hours, Julie Xiong-600 hours,

Pao Hue Xiong-196.5 hours, Tou Xiong-402 hours, Vanessa Xiong-481.5 hours, John Yang-136.5 hours, and Travell Zavala-532.5 hours.

Ayes: Pedrozo, Walsh, McDaniel, Kelsey, O'Banion

ACTION ITEM NO. 14

2015-02-03 COMMUNITY & ECONOMIC DEVELOPMENT

The Clerk announces approval of the Los Banos Agricultural & Industrial Business Logistics Center Guidance Package is before the Board for consideration.

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

Steve Carrigan, Los Banos City Manager, reviews powerpoint regarding City Goals, Industrial Park, Vicinity Map, Partnership, Infrastructure & Utilities Costs, Runway Relocation, Where We're At Now, Working Group, and Project Potential.

The Board discusses the project site, amount of acreage, water infrastructure, Williamson Act impacts and proposed working group members.

James Hodges states concerns with water issues and the spending of public funds on the project.

Les Policy comments that the land currently almonds which use lots of water, and this project will use less water.

Mr. Lamas of Los Banos states he is looking forward to the project.

Supervisor Walsh comments that use of government funds has not been requested.

Supervisor Kelsey states she is in support of approving the guidance package today only with no other commitment at this point. The area is in need of a good hospital and the potential of job creation.

Supervisor O'Banion states the expense to the County would be in staff time.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board approves the Los Banos Agricultural & Industrial Business Logistics Center Guidance Package; directs Staff to work with the Applicant to provide periodic updates to the Board, to take place no less than quarterly; authorizes staff participation (including the County Executive Officer and his designees, the Director of Community & Economic Development and his designees) in a working group expected to include officials from the city and the private landowners and two members from the Board to be part of the committee; and, to place the Board appointees on the upcoming Board assignments.

Ayes: Pedrozo, Walsh, McDaniel, Kelsey, O'Banion

ACTION ITEM NO. 17

2015-02-03 COMMUNITY & ECONOMIC DEVELOPMENT

The Clerk announces approval of a lease agreement with Golden Valley Health Centers for Building 759 at Castle Commerce Center is before the Board for consideration.

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

Supervisor Walsh questions how many buildings at Castle are leased.

Mr. Hendrickson states about 95 percent are leased at this time.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried the Board approves Contract No. 2015009 for lease of Building 759 at Castle Commerce Center to Golden Valley Health Centers.

Ayes: Pedrozo, Walsh, McDaniel, Kelsey, O'Banion

ACTION ITEM NO. 20

2015-02-03 WORKFORCE INVESTMENT

The Clerk announces approval of a contract with Geographic Solutions for a period of twelve months (January 1, 2015 through December 31, 2015) for a Virtual One Stop case Management System for job seekers and staff at Worknet Employment Resource Centers is before the Board for consideration. The Clerk states that the item before the Board also includes a budget transfer in the amount of \$15,000 which was left off the Board Agenda Item recommendation.

Upon motion of Supervisor Walsh, seconded by Supervisor McDaniel, duly carried, the Board approves Contract No. 2015011 with Geographic Solutions for Virtual One Stop Subscription and associated budget transfer.

Ayes: Pedrozo, Walsh, McDaniel, Kelsey, O'Banion

ACTION ITEM NO. 22

2015-02-03 EXECUTIVE OFFICE

The Clerk announces approval to set a first reading for March 3, 2015 at 10:00 a.m. to consider the adoption of the proposed groundwater ordinance, and set a second reading and possible adoption of the proposed ordinance on March 17, 2015 at 10:00 a.m. or direct staff to continue working with stakeholder groups to refine the draft groundwater ordinance and implementation process is before the Board for consideration.

The Clerk announces a correction to the dates listed on the agenda should state first reading set for March 3, 2015 not February 10, 2015 as listed, and also states there are three Supplemental Items received after the posting of the agenda.

County Executive Officer James Brown states if the Board decides to move forward with the setting of the proposed ordinance, the first reading would be on March 3rd and the second reading would be on March 17th.

Mr. Brown reviews the staff report and also states three supplemental letters were received on Friday and could not be included in today's Board packets; however copies of the material are available for the public. Mr. Brown also states the stakeholders group has not reviewed the new material yet. Mr. Brown continues with a powerpoint presentation covering; Previous Board Discussion, Summary of Language Changes, Suggestions Submitted January 30th, Permit Implementation Process, Application & Staff Screening, Preliminary Application Review – PAR, Additional Analysis, CEQA Process, Notification, Expert Involvement, Estimated Well Permit Cost, Monitoring and Reporting, Appeal Process, Board Confirmation/Direction, Water Committee Structure, and Options for Consideration.

Supervisor Kelsey comments on the appeals process requirement of notification within ¼ miles from the project site and asks if notification will change to go beyond ¼ miles if the well is larger, an export-type of well for example.

Mr. Brown states as of now, if an appeal is received, everyone within a ¼ mile receives notification.

Supervisor Kelsey states concerns with a large well impacting property owners outside the ¼ mile area. Supervisor Kelsey also comments on the possibility of the ordinance going retroactive to 2014, the makeup of a water committee, suggests members should include two people from each district, nominated by Board members and approved by all Board members.

Supervisor McDaniel questions if it would delay the process to bring in the stakeholders to review the suggestions that staff has on this, referring to suggested changes submitted on Friday.

Mr. Brown states if the Board decides to move forward today, staff is recommending March 3 and March 17 for First and Second Readings. He states there is one more Board meeting before that (next week) so an option for the Board could be to say set the First and Second Reading but bring language back next week before publishing. The Board could say they wish to see the language before setting the hearings. Mr. Brown states if the Board does not go past next week, the process is not delayed; however, if the Board goes beyond next Tuesday, the process is delayed.

The Board has lengthy discussion regarding CEQA, well expansions, drainage monitoring, formalized water committee, sunset clause, GSA's, supplemental items submitted, and the process of setting the first and second readings of the proposed ordinance.

Billy Grissom states they need to stop water from being pumped and sold out of county. He has had several of his wells drop 60 feet because his neighbors are pumping and selling the water. He also states he only has 40 more feet before he has to drill below the Corcoran clay.

Greg Thompson, a representative for Joseph Gallo Farms, submits a signed letter; original letter submitted on the 29th was not signed. Mr. Thompson also comments on CEQA issues and language in proposed ordinance.

Greg Hostetler thanks staff and stakeholders group for their work on the proposed ordinance and protecting citizens by managing water.

Bob Weimer thanks staff for participation in stakeholders meetings and states should move forward with hearing considering remarks. Mr. Weimer also states maybe the Board should consider splitting the ordinance into two parts one dealing with export of water and one with drilling.

Bob Giampoli, Farm Bureau representative, states he agrees with Mr. Weimer's comments: water is not sustainable as is, and something needs to be done now.

Ray Beltize states need to keep moving forward with the process.

James Hodges agrees with prior comments and the need to keep water from leaving the county. Mr. Hodges also states he would like to know how much water we have left in the ground and how much has been used over the past 100 years.

The Board has further discussion on the Ordinance being retroactive, repercussions and legal issues.

Mr. Brown reviews some points for clarification on permits, sunset clause, and appeals process.

The Board has lengthy discussion regarding the appeals process, notification of property owners, inspections, and the water committee makeup.

Mr. Brown clarifies action the Board is taking today.

Upon motion of Supervisor Walsh, seconded by Supervisor McDaniel, duly carried, the Board sets the first reading of the proposed Groundwater Ordinance for March 3, 2015 at 10:00 a.m. and the second reading and possible adoption for March 17, 2015 at 10:00 a.m. and directs staff to bring an item forward on the next agenda for staff to provide clarification on CEQA definition, ordinance being retroactive, and permit process.

Ayes: Pedrozo, Walsh, McDaniel, Kelsey, O'Banion