



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, JUNE 02, 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

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE
INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

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 addressed 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

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 10

JOINT MEETING - BOARD OF SUPERVISORS AND WORKFORCE INVESTMENT BOARD: Review and presentation by Workforce Investment Board of the End of Year 2013/2014 Report and Future Goals

REVIEW BOARD ORDER – SEE PAGE 10

PRESENTATIONS

1) STATEWIDE WATER REDUCTIONS UPDATE

REVIEW BOARD ORDER – SEE PAGES 10 AND 11

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 50)

PUBLIC HEARINGS

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

To consider Zone Change No. ZC15-002 of 3.6 acres from R-2 (Two Family Residential) to C-2 (General Commercial) to develop a commercial shopping center on two parcels totaling 4.2 acres. Property is located on the southern corner of King Street and Stephens Street in Delhi and Conditional Use Permit No. CUP15-004 based on the findings and subject to the recommended conditions of approval.

RECOMMENDATION: 1) Open Public Hearing and receive testimony; 2) Close Public Hearing; 3) Find the project exempt from CEQA under Sections 15332 - In Fill Development Projects and 15183 - Projects Consistent with a Community Plan or Zoning; and 4) Approve Zone Change No. ZC15-002 and Related Zone Change Ordinance and Conditional Use Permit No. CUP15-004 based on the findings and subject to the conditions of approval.

REVIEW BOARD ORDER – SEE PAGE 11 THOUGH 19

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-50)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve Budget Transfer in the amount of \$226,859 to transfer savings at the John Latarocca Adult Correctional facility and the Iris Garrett Juvenile Justice facility due to the new Solar Array System. (4/5 Vote Required)
2. Adopt Resolution accepting relinquishment of a storm drainage facility (basin) constructed with the Mission Avenue Interchange Project.

ADOPTED RESOLUTION NO. 2015-47

3. Ratify Amendment No. 2 to Contract No. 2012100 with RGW Construction for the Land Lease of property at 200 E. 15th Street in Merced.
4. Approve and authorize the Chairman to sign Amendment Contract No. 2005129 with Mead & Hunt, Inc. for Airport Planning and Design Services.
5. Approve and authorize the Chairman to sign Amendment Contract No. 2009179 with Golden Valley Engineering and Surveying for civil engineering and surveying services.
6. Approve and authorize the Chairman to sign Amendment Contract No. 2007256 with Environmental Science Associates for environmental review services.
7. Approve and authorize the Chairman to sign Amendment Contract No. 2008064 with Quincy Engineering, Inc. for bridge design services.
8. Approve and authorize the Chairman to sign Amendment Contract No. 2008063 with Mark Thomas & Company, Inc. for transportation engineering services.

Aq. Commissioner

9. Approve and authorize the Chairman to sign Renewal Contract No. 2001105 with California Dept. of Food and Agriculture for fruit and vegetable quality standards inspections.

Health

10. Approve and authorize the Chairman to sign Renewal Contract No. 2006016 with California Dept. of Resources Recycling and Recovery to support waste tire enforcement activities.
11. Approve and authorize the Chairman to sign Renewal Contract No. 2014172 with Center for Community Health and Evaluation for Community Outreach Program Engagement and Education Services (COPE) for expansion program evaluation services.
12. Approve and authorize the Chairman to sign Amendment Contract No. 2015007 with RMC Water and Environment for hydrology and engineering services; and approve the related budget transfer. (4/5 Vote Required)

Mental Health

13. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 2004105 with Public Health for mail courier services.

14. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 2009242 with Probation Department for mail courier services.
15. Approve and authorize the Chairman to sign Renewal Contract No. 2013101 with Dr. Elmer Ignacio, M.D. Psychiatrist for the provision of psychiatric services at the Saturday Meds Clinic.
16. Approve and authorize the Chairman to sign Renewal Contract No. 2011177 with Human Services Agency/Area Agency on Aging for implementation of the Older Adult System of Care Program as part of the Mental Health Services Act Community Services and Supports.
17. Approve and authorize the Chairman to sign Renewal Contract No. 2011145 with Human Services Agency for implementation of the Cultural and Linguistic Outreach for Veterans as part of the Mental Health Services Act Prevention and Early Intervention.
18. Approve and authorize the Chairman to sign Renewal Contract No. 2009267 with Human Services Agency/Area Agency on Aging for implementation of the Program to Encourage Active, Rewarding Lives for Seniors (PEARLS) as part of the Mental Health Services Act Prevention and Early Intervention.
19. Approve and authorize the Chairman to sign Amendment Contract No. 2014007 with Fresno County Dept. of Behavioral Health for the provision of inpatient services at the Marie Green Psychiatric Health Facility, updating the Psychiatric Health Facility rates.

Human Services Agency

20. Approve and authorize the Chairman to sign Renewal Contract No. 2013114 with CareAccess for a mandated reporting system for Area Agency on Aging and Multipurpose Senior Services Programs.
21. Approve and authorize the Chairman to sign Renewal Contract No. 2013146 with Central California Legal Services Inc. for a Senior Legal Assistance Program.
22. Approve and authorize the Chairman to sign Renewal Contract No. 2010078 with Merced Union High School District for Adult Education and Training Services.
23. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 2009296 with the County Library for Literacy training services.
24. Approve and authorize the Chairman to sign Renewal Contract No. 2013081 with Aspiranet to provide housing and supportive services to youth aging out of foster care.
25. Approve and authorize the Chairman to sign Renewal Contract No. 2012130 with Aspiranet to provide home visitor services.
26. Approve and authorize the Chairman to sign Renewal Contract No. 2010135 with Aspiranet to provide SB 163 Wraparound services.
27. Approve and authorize the Chairman to sign Renewal Contract No. 2011071 with Merced County Office of Education to provide Stage One child care services.
28. Approve and authorize the Chairman to sign Renewal Contract No. 2014019 with Central Valley Diagnostic Laboratory to provide drug testing of Child Welfare clients.
29. Approve and authorize the Chairman to sign Renewal Contract No. 2007125 with Merced County Office of Education for community development and support.

Community & Economic Development

30. Set a Public Hearing for June 16, 2015 at 10:00 a.m. to consider award and approval of selected contracts under Request for Proposal No. (RFP) No. 7073 for the Fast Open Contracts Utilization Services (FOCUS) Program providing Technology Expertise, Equipment, Services, and Systems.

Child Support Services

31. Grant the Department of Child Support Services relief for shortage in the amount of \$20.00 and to replenish \$20.00 for the one counterfeit bill.

Auditor

32. Approve Budget Transfer in the amount of \$3500 for Grand Jury expenses. (4/5 Vote Required)

Treasurer/Tax Collector

33. Grant the County Treasurer relief for shortages in the amount of \$100 and grant replenishment in the amount of \$100 for a counterfeit bill.
34. Grant the County Tax Collector relief for shortages in the amount of \$200 and grant replenishment in the amount of \$200 for counterfeit bills.

Probation

35. Approve and authorize the Chairman to sign Renewal Contract No. 2012172 with Community Social Model Advocates, Inc. to provide residential alcohol and drug treatment and recovery services.
36. Approve and authorize the Chairman to sign Amendment Contract No. 2011013 with CaseloadPRO, L.P. to provide a juvenile and juvenile justice case management system including creation and conversion of existing juvenile probation data.

Public Defender

37. Approve and authorize the Chairman to sign Renewal Contract No. 2014114 with Cahoone Investigations, Charles Cahoone Investigator for investigator services.
38. Approve and authorize the Chairman to sign Renewal Contract No. 2013115 with Big Valley Investigations, Stan Scott Investigator for investigator services.

District Attorney

39. Approve the District Attorney's participation in the Worker's Compensation Insurance Fraud Program Renewal Contract No. 2006233 and authorize the District Attorney to submit a grant application to the California Department of Insurance; and adopt the Resolution.

ADOPTED RESOLUTION NO. 2015-48

County Counsel

40. Approve and authorize the Chairman to sign Memorandum of Understanding Amendment Contract No. 2014100 with Mental Health for legal services.

Human Resources

- 41. Approve and authorize the Chairman to sign Renewal Contract No. 2004311 with Liebert Cassidy Whitmore for legal services.

Executive Office

- 42. Act on Claims for Damages received from Telecia Cooke, Ethan Morse, and Mercy Medical Center as recommended by Risk Management and County Counsel.

Board Recognition

- 43. Authorize Certificates of Recognition to various individuals in honor of attaining 85 years of age and 50 years of residency in the County of Merced.
- 44. Authorize Certificates or Recognition to various individuals for their accomplishments and graduation from Merced County Day Reporting Center.
- 45. Authorize Certificate of Recognition to El Capitan High School in celebration of Time Capsule Ceremony.
- 46. Authorize Certificates of Recognition to Carole Comfort for Dos Palos Good Samaritan Award; Monica Tolbert for Dos Palos Youth Good Samaritan Award and proclaim National Day of prayer on May 7, 2015 in the County of Merced.
- 47. Authorize Certificate of Recognition proclaiming National Day of Prayer May 7, 2015 in the County of Merced.
- 48. Authorize Certificate of Recognition to Garcia Brothers Trucking Inc. for being chosen as Grand Marshal for the Planada Community Day Parade.
- 49. Authorize Certificates of Recognition to the University of California Committee for their efforts in the choice of Merced as the 10th University of California Campus as follows: Barry Broulette, Jesse Brown, Judy Campbell, Bob Carpenter, Kathleen Crookham, Jim Cunningham, Ben Duran, John Fowler, Dennis Hanks, Rod LaSalle, Jim Lindsey, Larry Morse II, Tim O'Neill, Don Ohlinger, Dwight Oliver, Cathy Paskin, Jerri Randrup, Ken Robbins, Larry Salinas, Bob Smith, Craig Smith Ralph Temple, Liz Wallace, and Roger Wood.
- 50. Proclaim June 2015 as National Alzheimer's and Brain Awareness month and June 21, 2015, as "The Longest Day" in Merced County to symbolize the challenging journey of those living with the disease and their caregivers.

REGULAR CALENDAR

BOARD ACTION

HEALTH

- 51. Contract with California Dept. of Public Health, Emergency Preparedness Office for Supplemental Public Health Emergency Preparedness (PHEP) Ebola funds of \$70,360.
AUTHORIZED CONTRACT NO. 2015073 AS RECOMMENDED AYES: ALL
- 52. Contract with The Regents of the University of California, Merced to provide communication strategy services for the Partnerships to Improve Community Health Grant.
AUTHORIZED CONTRACT NO. 2015074 AS RECOMMENDED AYES: ALL

53. 1) Approve the Intergovernmental Agreement No. 13-90533 regarding transfer of public funds with the California Department of Healthcare Services; 2) approve the Intergovernmental Transfer Assessment Fee Contract No. 13-90558; 3) approve Amendment 8 for Amendment Contract No. 2010280 with the Central California Alliance for Health; and 4) authorize the Chairman to sign all copies of the three agreements with the authorization to execute conditional upon California Department of Health Care Services approval in substantially the form submitted here.

AUTHORIZED CONTRACT NOS. 2015070 AND 2015071 AS RECOMMENDED
AYES: ALL

MENTAL HEALTH

54. Approve Memorandum of Understanding with Superior Court of California, County of Merced, for Recidivism Reduction - Mental Health Treatment Court.

AUTHORIZED CONTRACT NO. 2015075 AS RECOMMENDED **AYES: ALL**

55. Contract with Community Social Model Advocates, Inc. for residential alcohol and drug residential recovery services.

AUTHORIZED CONTRACT NO. 2015076 AS RECOMMENDED **AYES: ALL**

56. Approve and authorize the Chairman to sign Amendment Contract No. 2010068 with Kings View Corporation for Patients' Rights Advocate service; authorize the Dept. of Administrative Services on behalf of the Mental Health Department to develop and release a Request for Proposal to secure a qualified provider of Patients' Rights Advocate services, to select the most responsive bidder, to negotiate an agreement; and return to the Board for final approval and execution.

APPROVED AS RECOMMENDED **AYES: ALL**

HUMAN SERVICES AGENCY

57. Contract with Merced County Office of Education to provide a camp for foster youth.

AUTHORIZED CONTRACT NO. 2015077 AS RECOMMENDED **AYES: ALL**

58. Approve the termination of Contract No. 2013074 with Merced County Office of Education Family Resources Center effective May 31, 2015.

APPROVED AS RECOMMENDED **AYES: ALL**

59. Approve and authorize the Chairman to sign Renewal Contract No. 2009186 with Alliance for Community Transformations to provide domestic violence shelter services; authorize Administrative Services in conjunction with the Human Services Agency to prepare and release a Request or Proposal to qualifying domestic violence shelter-based programs within Merced County; and direct staff to return to the Board for selection of a fund recipient and for approval of the agreement.

APPROVED AS RECOMMENDED **AYES: ALL**

60. Approve and authorize the Chairman to sign Renewal Contract No. 2013095 with Alliance for Community Transformations, Inc. to provide the services of a Family Violence Advocate; authorize Administrative Services, in conjunction with the Human Services Agency to prepare and release a Request for Proposal (RFP) to qualifying domestic violence advocacy programs within Merced County; and direct staff to return to the Board for selection of a fund recipient and approval of the agreement distributing funds.

APPROVED AS RECOMMENDED **AYES: ALL**

COMMUNITY & ECONOMIC DEVELOPMENT

61. Lease agreement with Human Services Agency for Building 765 at Castle Commerce Center.

AUTHORIZED CONTRACT NO. 2015078 AS RECOMMENDED AYES: ALL

62. Contract with Mintier Harnish, LP for consultant services to prepare the Zoning Code Update and associated Mitigated Negative Declaration and web-based zoning code.

AUTHORIZED CONTRACT NO. 2015079 AS RECOMMENDED AYES: ALL

DEPT. OF ADMINISTRATIVE SERVICES

63. Contract with SSB Bart Group for the purchase of software products, services and to conduct the County Website Audit; and authorize the Director of Administrative Services to negotiate and sign a final Statement of Work.

AUTHORIZED CONTRACT NO. 2015072 AS RECOMMENDED AYES: ALL

64. Contract with Emerson Network Power, Liebert Services to replace batteries that support the uninterruptable power supply (UPS) system; and authorize the Director of Administration Services to negotiate and sign a final Statement of Work.

AUTHORIZED CONTRACT NO. 2015080 AS RECOMMENDED AYES: ALL

65. Contract with Pictometry International Corp. for the purchase of Aerial Photography Services; and approve the related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2015069 AS RECOMMENDED AYES: ALL

66. Approve Budget Transfer in the amount of \$105,000 for fixed asset project required to prepare the computer and telephone network infrastructure at 1920 Customer Care Way in support of Human Services Agency. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

67. Contract with Merced County Office of Education to provide Workforce Innovation and Opportunity Act Youth services.

AUTHORIZED CONTRACT NO. 2015081 AS RECOMMENDED AYES: ALL

TREASURER/TAX COLLECTOR

68. Accept Quarterly Investment Report for the period of January 31, 2015 to March 31, 2015.

APPROVED AS RECOMMENDED AYES: ALL

FIRE

69. Designate the Director of Emergency Services, Deputy Director of Emergency Services - Administration and Auditor/Controller as authorized Agents; and authorize the attached Cal OES Resolution.

APPROVED AS RECOMMENDED AYES: ALL

70. Adopt Resolution (supersedes Resolution No. 2014-16) proclaiming the existence of a local emergency due to drought.

ADOPTED RESOLUTION NO. 2015-49 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

71. Approve and authorize the Chairman to sign Amendment Contract No. 2003093 with Merced Defense Associates for indigent defense services; authorize the circulation of the Request for Proposal (RFP) to have an independent law firm or association provide Indigent Defense services; and authorize Administrative Services to issue RFP on behalf of the County Executive Office with a negotiated contract returned to the Board upon concurrence with County Counsel.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

72. Appoint Lupe Rubalcava Jr. to serve as a member of the Planada Municipal Advisory Council, until March 31, 2019.

APPROVED AS RECOMMENDED AYES: ALL

73. Reappoint Rhonda Walton to serve as a member of the First 5 Commission, representing District 5, until March 23, 2016.

APPROVED AS RECOMMENDED AYES: ALL

74. Appoint Delores Cabezut-Ortiz to serve as a member of the East Merced Resource Conservation District, until January 28, 2017.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

75. Health re: Accela, Inc. is exercising their option to renew the Decade Software Agreement with Public Health/Environmental Health per Appendix B of current Contract No. 2013249; extending terms from July 1, 2015 through June 30, 2016 and will take a one-time discount of portal service of \$10,000 for a total renewal price of \$72,130.
76. Central Valley Regional Water Quality Control Board re: Webcast of Board Meeting, June 4, 2015 at 9:00 a.m. and June 5, 2015 at 8:30 a.m. at Central Valley Water Board 11020 Sun Center Drive, #200, Rancho Cordova, CA 95670.

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF SALLY CANELLA, LUCKY DANIELSON, RUDY TREVINO, GUS VILLALTA, AND ROBERT LEE BURNS, AND ADJOURNED THE MEETING UNTIL TUESDAY, JUNE 16, 2015, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 2, 2015

10:00 A.M. SCHEDULED ITEM **2015-06-02 PUBLIC OPPORTUNITY**

The Following speak in regards to keeping bilingual pay and pay increases: John Sanchez, Health, Amparo Amy Martinez, Tia Maxon, Jaime Soto, Dana Jensen and Sabrina Butler.

James Hodges comments on water issues and tracking the water left in the ground.
Present: Pedrozo, Walsh, McDaniel, Kelsey, O'Banion

10:00 A.M. SCHEDULED ITEM **2015-06-02 JOINT MEETING WITH WORKFORCE INVESTMENT BOARD**

The Clerk announces a joint meeting with Workforce Investment Board to review Year End Report and Future Goals is before the Board.

Director of Workforce Investment Robert Morris reviews the powerpoint presentation on the following: Agenda, Business Services, Participant Data-Adult & DW, Participant Data – Youth, Enterprise Zone, Total Visits to Worknet PY 13/14, Number and Type of Services Accessed through Worknet PY 13/14, Customer Satisfaction Data 13/14, How did you hear about Worknet, Current Highlights, Fiscal Information, Other Grants PY 13/14 Expenditures and WIB Members 13/14.

Supervisor Walsh comments on the adult dislocation worker program and if it creates the most extended employment levels.

Mr. Morris states “yes” the program has the best levels but not everyone is registered.

Supervisor Pedrozo introduces the Workforce Investment Board members.
Present: Pedrozo, Walsh, McDaniel, Kelsey, O'Banion

10:00 A.M. SCHEDULED ITEM **2015-06-02 PRESENTATION – STATEWIDE WATER REDUCTIONS UPDATE**

The Clerk announces an update on the Statewide Water Reductions is before the Board.

Executive Analyst Mike North submits powerpoint presentation on Executive Order B-29-15.

Public Works Director Dana Hertfelder gives an update and reviews a powerpoint presentation on how Executive Order B-29-15 impacts County facilities, covering the following: Intent and purpose of Order, Main Components to be considered, 25% mandatory reduction in urban water usage, Rural Public Water Systems, Emergency Water Distribution Plan and Future Steps.

Supervisor Kelsey states concerns regarding the parks watering 3 days a week and the trees getting enough water.

Mr. Hertfelder states the parks will go to watering 3 days a week and trees will be watered by hand.

Supervisor Kelsey questions how they are getting information to the public regarding emergency loans for wells.

Fire Division Chief Mark Lawson states they are working closely with the Director of Community and Economic Development Mark Hendrickson and the possibility of CDBG Funds.

Supervisor Kelsey questions if the cemeterys are aware of the order.

Mr. Hertfelder states they will be notified.

County Executive Officer Jim Brown states the Executive Order is primarily for large urban water users and does not apply to small users at this time.

Supervisor O'Banion questions non municipal water supplies such as S. Dos Palos Park and their water use, and also states concerns on not watering trees.

Mr. Hertfelder states canal water does not fall under the order.

Supervisor McDaniel states concerns with the reduction in water stifling growth at Castle.

Mr. Hertfelder states Castle is on their own water system and water two days a week.

The Board has further discussion regarding prohibiting water of public medians, landscape watering with new homes, watering at other County Offices, and emergency funding for emergency issues, temporary water delivery.

Mr. Brown states the County will need to put together a plan in case a large area goes dry and this point no loan plan is in place.

Environmental Health Director Ron Rowe states other counties have plans in place and if the need arose, water would be delivered in large plastic tanks.

The Board has further discussion regarding emergency funds for private wells.
Present: Pedrozo, Walsh, McDaniel, Kelsey, O'Banion

10:00 A.M. SCHEDULED ITEM
2015-06-02 COMMUNITY AND ECONOMIC DEVELOPMENT PUBLIC HEARING

The time and date previously set for a public hearing to consider Zone Change No. ZC15-002 and Conditional use Permit No. CUP15-004 – Sterling Properties Commercial Shopping Center Project in Delhi, CA.

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

Planner Brian Guerrero reviews the powerpoint presentation reviewing the following: Vicinity Maps, Site Aerial Photos, Site Plans, Site Photos, General Plan and Zoning, Delhi Community Plan, Environmental Review, Planning Commission, and Project Action.

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

Duane Andrews of Golden Valley Engineering representing Sterling Properties speaks in support of the project.

The Chairman closes the public hearing.

Supervisor Kelsey states the project is consistent with Delhi Community Plan and also states concerns with the amount of Dollar Stores going in.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board finds the project exempt from CEQA under Sections 15332 – In Fill Development Projects and 15183 – Projects Consistent with a Community Plan or Zoning; and approves Zone Change No. ZC15-002 and Related Zone Change Ordinance No. 1931, and Conditional Use Permit No. CUP15-004 based on the findings and subject to the conditions of approval as follows:

CEQA Findings:

1. The proposed project has been found to be consistent with the General Plan goals and policies for the Mixed Use Designation, and has been found to be consistent with the Zoning Code designation of C-2 (General Commercial) and applicable regulations as found under Sections III.B & C of this report. Additionally, the project has been determined to be consistent with the Delhi Community Plan as found under Section III.B.4 of this Staff Report.
2. The proposed development project occurs within the Urban Community of Delhi on a site that consists of two parcels totaling 4.2 acres in size. The project site is adjacent to a residential subdivision to the west, south and east, and commercial development to the north.
3. According to the California Natural Diversity Database, (CNDDDB), no special status, endangered or threatened species are known to be located on the project site or surrounding area, therefore the site poses no value as habitat.
4. Approval of the project will not result in significant effects relating to traffic, noise, air quality or water quality. The Department of Public Works/Roads Division has conditioned the project to be consistent with goals and policies in the General Plan that promotes an efficient circulation pattern for the Delhi residents. The SJVAPCD has also submitted comments regarding air quality to avoid any impacts and no comments were received from the Regional Water Quality Control Board in regards to concerns over water quality. Therefore this project will not result in any significant effects.
5. The project site can be adequately served by all required utilities and public services. The Merced County Fire Department has submitted comments in order to properly serve the

site if an emergency occurs. The project site is located within the Deli County Water District and hookups to their services can be obtained. Therefore, the project can be adequately served by all required utilities and services.

6. There are no mapped or known environmentally sensitive areas on or immediately adjacent to, the project site.
7. The Community and Economic Development Department has received no information from any responsible or affected agencies identifying any potentially significant project-specific effects which are peculiar to the proposed project or its site.
8. An Environmental Impact Report for the Delhi Community Plan was certified on June 13, 2006. This Program EIR included an evaluation of commercial uses in areas designated Mixed Use within the Community Plan.
9. The determination the application is exempt from CEQA review reflects the independent judgment of the County.

Project Findings:

1. Zone Change No. ZC15-002 and Conditional Use Permit No. CUP15-004 proposes to change the zoning of 3.6 acres from R-2 (Two Family Residential) to C-2 (General Commercial) and requests to establish a commercial shopping center in two phases between two parcels totaling 4.2 acres.
2. Minor Subdivision No. MS15-003 was approved by the Hearing Officer on March 25, 2015 to divide the 4.2 acre parcel into two parcels; Parcel 1 = 3.65 acres and Parcel 2 = 0.5 acres.
3. The property is located on the southern corner of King Street and Stephens Street in the Urban Community of Delhi.
4. The property is designated Delhi Urban Community Mixed Use in the General Plan, Mixed Use in the Delhi Community Plan and zoned R-2 (Two Family Residential) and C-2 (General Commercial).
5. The project is consistent with the County General Plan and the Delhi Community Plan
6. The application is consistent with the Merced County Zoning Code.
7. The project, as conditioned, will continue to be compatible with the land use designation and existing land uses of the surrounding properties.
8. A public notice for the projects was published in the Merced Sun-Star on May 16, 2015.
9. Referrals were sent to the following agencies: Division of Environmental Health, Fire Department, Public Works/Roads Division and the Public Works/Building and Safety Division. The project was also referred to the Turlock Irrigation District, San Joaquin Valley Air Pollution Control District, the Delhi County Water District and the Regional Water Quality Control Board.

10. The project was taken to the Delhi Municipal Advisory Council on March 12, 2015. Although no action was taken on the project, the attending members present were supportive of the project.
11. The project is subject to all applicable Local, State and Federal regulations.
12. The proposed uses, if conducted in compliance with all requirements and conditions, will not be a nuisance or detrimental to the public health, safety or general welfare.

Conditions of Approval

Community and Economic Development Department

1. The Zone Change is granted to change the zoning designation of 3.6 acres from R-2 (Two Family Residential) to C-2 (General Commercial) between two parcels totaling 4.2 acres
2. The Conditional Use Permit No. CUP15-004 is granted to allow the development of a commercial shopping center on two parcels totaling 4.2 acres in two phases: Phase 1 will include O'Reilly's Auto Parts Store and Dollar Tree Store, 65 parking spaces and installation of the pedestrian plaza and associated landscape screening. Additionally, appropriate landscaping for the 65 parking spaces shall be installed during this phase. Phase 2 will include the shell buildings for future tenants and remaining parking spaces. These proposed shell buildings will be reviewed for zoning code consistency at the time of building permit submittal and any additional permits required on the proposed uses will be considered if necessary. Proposed uses allowed under this permit would include office space, commercial retail, restaurants, salons and barber shops and convenience stores. Other uses proposed may be subject to additional permitting.
3. The application shall comply with all applicable regulations administered by local, state, and federal government.
4. Applicant shall install Opaque-Screen Type A landscaping consistent with Section 18.38.040 of the Zoning Code and must be maintained on an ongoing basis to screen visual contact with the parking area at the corner of King Street and Stephens Street. Additionally, the landscaping shall be consistent with the requirements set forth in Section 4.7 of the Delhi Community Plan.
5. The developer (Sterling Commercial Properties and/or subsequent property owners) shall install and maintain the pedestrian plaza located on the northern corner of proposed Parcel 2 from Minor Subdivision No. MS15-003. The applicant will work with the Community and Economic Development Department to ensure the architectural theme and design of the pedestrian plaza is consistent with the Delhi Community Plan and the Merced County Zoning Code.
6. The applicant shall install a minimum 7-foot tall masonry wall along the southwestern property line and a section of the southeastern property line from the southernmost portion of the property line to where the zone of the adjacent parcels change from R-3 to C-2.
7. The applicant shall submit a site plan for the entire site identifying all existing structures, proposed shell buildings, landscaping, setbacks, parking spaces and the masonry wall for County review and comment prior to implementation of Phase II.

8. Trash enclosures shall be installed consistent to Section 18.44.030 of the Merced County Zoning Code.
9. Any future signs proposed shall be approved by the Community and Economic Development Department, and shall be designed in compliance with Zone Code Section 18.28.020.E. and the Delhi Community Plan Downtown Delhi Section (Section 4.4.4 of the Delhi Community Plan).
10. Both property owners of the two newly created parcels of APN 009-152-001 shall enter into a reciprocal parking access agreement to ensure adequate parking for both newly created parcels.

County Counsel

11. STERLING COMMERCIAL PROPERTIES must indemnify, defend and hold harmless, the County of Merced, its Board of Supervisors, commissions, officers, employees, agents and assigns (hereinafter "County") from and against any and all claims, petitions, demands, liability, judgments, awards, interest, attorney's fees, expert witness and consultant fees and other costs and expenses of whatsoever kind or nature, at any time arising out of or in any way connected with the approval, modification, denial, or the exhaustion of administrative appeals associated with Zone Change No. ZC15-002 and Conditional Use Permit No. CUP15-004 ("project") whether in tort, contract, writ of mandamus, or otherwise. This duty shall include, but not be limited to, claims, petitions, or the like for bodily injury, property damage, personal injury, contractual damages, writ of mandamus, or otherwise alleged to be caused to any person or entity including, but not limited to employees, agents, commissions, boards, and officers of STERLING COMMERCIAL PROPERTIES. The liability of STERLING COMMERCIAL PROPERTIES for indemnity under this term and condition shall apply, regardless of fault, to any acts or omissions, willful misconduct, or negligent conduct of any kind, on the part of STERLING COMMERCIAL PROPERTIES, its employees, subcontractors, agents, and officers. The duty shall extend to any allegation or claim of liability, or petition, except in circumstances found by a jury or judge to be the sole and legal result of the willful misconduct of County. This duty shall arise at the first notice of filing a lawsuit, claim, petition, or allegation of liability against County. STERLING COMMERCIAL PROPERTIES will on request and at its expense, defend any action suit or proceeding arising hereunder. This term and condition shall not be limited to any claim, petition, demand, liability, judgment, award, interest, attorney's fees, expert or consultant witness fees, legal research fees, staff and administrative costs, administrative record costs, materials, and costs and expenses of whatsoever kind or nature, that may arise at the time of project approval, modification, or denial, but shall also apply to all such claims and the like, after project approval, modification, denial, or the exercise or exhaustion of administrative appeals, including but not limited to actions arising from public interest, land use and environmental legal actions. Attorney's fees shall include any and all attorney's fees but not be limited to attorney's fees and staff time incurred by the offices of County counsel. County shall have full discretion to select legal counsel of its own choosing to represent County, at a cost not exceeding the prevailing and reasonable rates for counsel practicing environmental and land use law in the State of California, or practicing any other area of law that the County determines the claim may reasonably require. This term and condition for indemnification shall be interpreted to the broadest extent permitted by law.

Building Division

12. The applicant must hire an architect or engineer licensed in the state of California to draw the plans and provide structural calculations for all proposed structures. The plans must be submitted to the Building Division for approval and a permit before any construction can begin. Submittals must consist of:
 1. 2 sets of plans and 2 sets of calculations/reports on paper.
 2. 1 set of all plans and calculations/reports in an electronic format (either on CD/Disk, flash drive or email.)
13. California requires that all proposed non-residential structures must first obtain a soils report completed by a licensed geotechnical engineer. That report must be reviewed by the design engineer to incorporate any mitigating measures into the design drawings.

Environmental Health

14. The septic tank serving the existing building must be destroyed under permit issued by MCDEH, at the time of the building demolition.

Fire Department

15. **ADDRESS IDENTIFICATION:**
New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. **(CFC 505.1)**
16. **FIRE DEPARTMENT ACCESS:**
All driveways accessing the parcel shall be surfaced with an approved all weather driving surfacing material. Shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. **(CFC Sec. 503)**

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches. **(CFC 503.2.1)**
17. **FIRE FLOW REQUIREMENTS:**
All projects shall meet the fire flow requirements as per California Fire Code. In addition, all options shall be approved by this office.

507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

Public Works/Roads Division

18. The Merced County Department of Public Works offers the following comments:
 - a. The Stephens Street frontage needs to be designed to conform to County Standard ST-Letteau. The developer will be required to build curb, gutter, sidewalk and pavement widening. The curb and gutter shall be designed to accommodate U-Turns on Stephens Street at King Street. Construction of the raised center median is not feasible at this time; the raised center median will be constructed at a future time by the County using funds to be paid by the applicant as part of the Delhi Bridge and Major Thoroughfare fee program. The driveway serving the project site along Stephens Street will be restricted to right-in, right-out only when the center median is constructed.
 - b. The entire King Street frontage of the project site shall be reconstructed by the project developer to accommodate heavy trucks associated with the project.
 - c. LED street lighting required along roadways.
 - d. The County has a storm drainage system located at the southeast corner of the project site. There is sufficient capacity in the storm drainage basin to accommodate this project.
 - e. This project will be subject to the Regional Transportation Impact Fee (RTIF) program and to the Delhi Bridge and Major Thoroughfare (BMT) fee.
19. The applicants have received approval from the Department of Public Works to use the adjacent storm drainage detention basin. The applicant will need to form (or annex their property into) a storm drainage maintenance zone of benefit to pay for the ongoing cost of maintaining the County's storm drainage system that will serve the property.

San Joaquin Valley Air Pollution Control District

20. Future development may require further environmental review and mitigation. Referral documents for those projects should include a project summary detailing, at minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources.
21. Individual development projects would be subject to District Rule 9510 (Indirect Source Review) if upon full build-out the project would include or exceed any one of the thresholds provided in the comment letter dated March 24, 2015.
22. Any applicant subject to District Rule 9510 is required to submit an Air Impact Analysis (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit.
23. Particulate Matter 2.5 microns or less in size (PM_{2.5}) from under-fired char broilers (UFCs) pose immediate health risk. .

The District will amend Rule 4692 (Commercial Charbroiling) in 2016, with a 2017 compliance date, to add emission control requirements for UFCs. Installing char broiler emissions control systems during construction of new facilities is likely to result in substantial economic benefit compared to costly retrofitting.

Therefore the District strongly recommends that new restaurants that will operate UFCs to install emission control systems during the construction phase. To ease the financial burden for Valley businesses that wish to install control equipment before it is required, the District will offer incentive funding during the time leading up to the 2016 amendment. Restaurants with UFCs may be eligible to apply for funding to add emission control systems. Please contact the District at (559) 230-5858 for more information.

24. Individual development projects may also be subject to the following District Rules: Regulation VIII (Fugitive PM 10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
25. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at www.valleyair.org/rules/1ruleslist.htm.

Turlock Irrigation District

26. The subject parcel is a member of Improvement District (ID) 52, the Delhi State Land Settlement. District Standards require that properties that will no longer irrigate or have direct access to water must apply for abandonment of the parcel(s) from the improvement district(s). Developed property adjoining irrigated ground must be graded so that finished grading elevations are at least 6 inches higher than irrigated ground. A protective berm must be installed to prevent irrigation water from reaching non-irrigated properties. Stub-end streets adjoining irrigated ground must have a berm installed at least 12" above the finished grade of the irrigated parcel(s).
27. An irrigation pipeline belonging to Improvement District 52 runs from south to north across the eastern portion of the subject property. It will be necessary for the developer to submit plans detailing the existing irrigation facilities, relative to the proposed site improvements, in order for the District to determine specific impacts and requirements.
28. The District shall review and approve all maps and plans for the project. Any improvements to this property which impact irrigation facilities shall be subject to the District's approval and meet all District standards and specifications. If it is determined that irrigation facilities will be impacted, the applicant will need to provide irrigation improvement plans and enter into an Irrigation Improvements Agreement for the required irrigation facility modifications. There is a District Board approved time and material fee associated with this review.
29. Work on irrigation facilities can only be performed during the non-irrigation season which typically runs from November 1, through March 1, but can vary.
30. If the pipeline is to be relocated in a new alignment, then irrigation improvement plans, an Irrigation Improvements Agreement and a 25-foot irrigation easement centered on the pipeline must be executed before the District approves a final map.

31. In order for the District to accept the necessary easements, this statement should appear on the acceptance documents:

Certificate of Acceptance

This is to certify that the interest in real property conveyed by this map to the Turlock Irrigation District, a governmental agency, and to the named improvement districts of the District (if any) are hereby accepted by the undersigned officer on behalf of the Board of Directors of the Turlock Irrigation District pursuant to authority conferred by Turlock Irrigation Rule RL 0340.001 adopted on January 2, 1990 and revised December 18, 2001.

Please refer to the comment letter dated March 18, 2015 for the appropriate signature blocks.

32. A 10-foot Public Utility Easement must be dedicated along all street frontages. If it will be a joint trench, that includes the relocated irrigation pipe, then a 15-foot PUE is required.
33. The owner/developer must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at the developer's expense.
34. Coordinate with Turlock Irrigation District regarding utility placement in order to comply with setback requirements from the existing irrigation line that traverses the site.

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