

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, OCTOBER 18, 2016

Closed Session – 8:30 a.m.

Regular Meeting – 10:00 a.m.

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

JOHN PEDROZO.....DISTRICT 1
CHAIRMAN 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

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The Agenda is divided into three sections:

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

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

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

SCHEDULED ITEMS

8:30 A. M.

THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA- TESTIMONY IS LIMITED TO THREE MINUTES PER PERSON

CLOSED SESSION:

It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with: United Public Employees (UPE), Unit 3; Agency Negotiator: Marci Barrera

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): Lemus v. County of Merced, et al., United States District Court case no.: 1:15-cv-0359-MCE-EPG

CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

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

Property: Property bordered by Air Flight Drive, B Street, Heritage Drive and A Street at Castle Commerce Center

Agency Negotiator: Mark Hendrickson, Director Community and Economic Development

Negotiation Parties: Merced Union High School District

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

Property: Building 561 and approximately 0.45 acres at Castle Commerce Center

Agency Negotiator: Mark Hendrickson, Director Community and Economic Development

Negotiating Parties: API Holdings

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

Property: Building 1325 and approximately 4.02 acres at Castle Commerce Center
Agency Negotiator: Mark Hendrickson, Director Community and Economic Development
Negotiating Parties: Mr. Les Warkenton
Under Negotiation: To request authority to negotiate proposed acquisition of facility and value

Property: Building 730 at Castle Commerce Center
Agency Negotiator: Mark Hendrickson, Director Community and Economic Development
Negotiating Parties: Mr. Chris Vierra and Mr. Shane Parson
Under Negotiation: To request authority to negotiate proposed acquisition of facility and value

THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT, AND THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION

GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A. M.

PLEDGE OF ALLEGIANCE

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 11

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 20)

PUBLIC HEARINGS:

PUBLIC WORKS - PUBLIC HEARING - PROPOSED RESOLUTION

To consider a resolution adjusting fees for the Hilmar Bridge & Major Thoroughfare Area of Benefit.

RECOMMENDATION:

1) Open Public Hearing and accept public comments; 2) Close Public Hearing; 3) Adopt the Resolution adjusting fees for the Hilmar Bridge & Major Thoroughfare Area of Benefit.

REVIEW BOARD ORDER – SEE PAGE 11

BEHAVIORIAL HEALTH AND RECOVERY - PUBLIC HEARING - PROPOSED ORDINANCE

To consider proposed Ordinance amending Mental Health Fee Schedule (Supersedes Ordinance Nos. 1935 and Chapter 9.48 Section 9.48.030 of the Merced County Code).

RECOMMENDATION:

1) Waive further reading of the proposed Ordinance; 2) Open Public Hearing and receive public comment; 3) Close Public Hearing; 4) Adopt Ordinance Amending Mental Health Fee Schedule (Supersedes Ordinance No. 1935 and Chapter 9.48 Section 9.48.030 of the Merced County Code).

REVIEW BOARD ORDER – SEE PAGE 11 AND 12

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

To consider appeal of Planning Commission's approval of Conditional Use Permit No. CUP16-009 - Robert Murphy RV Park.

RECOMMENDATION:

1) Open Public Hearing and receive public comment; 2) Close Public Hearing; 3) Make one of the following motions: (a) Deny the appeal and uphold the Planning Commission's approval of conditional use Permit No. CUP16-009, OR (b) Direct staff to prepare an Initial Study to determine impacts and take the application back to the Planning Commission for new CEQA determination and project action, OR; (c) Uphold the appeal and rescind the Planning Commission's determination regarding CEQA and rescind the Planning Commission's project approval.

REVIEW BOARD ORDER – SEE PAGE 12 AND 13

1:30 PM: State Water Resources Control Board (See separate agenda)

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-20)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

- 1. Adopt the Resolution for the Summary Vacation of excess right-of-way along the frontage of property located on Second Street in the Volta area.

ADOPTED RESOLUTION NO. 2016-120

- 2. Adopt the Resolution for the Summary Vacation of "K" Street and portions of 4th, 5th, and 6th Street in the town of Ingomar.

ADOPTED RESOLUTION NO. 2016-121

- 3. Approve and authorize the Chairman to sign Amendment Contract No. 2012067 with Atwater Veterans of Foreign Wars Post 9946 to change the signatory on the Lease Agreement.

Health

- 4. Approve Renewal Contract No. 2007030 with Calif. Dept. of Health Care Services and approve Public Health's acceptance of the Child Health and Disability Prevention program, Health Care Program for Children in Foster Care program, and the California Children's Services program terms and conditions as stated in the submitted certification statements; authorize the Chairman to sign the Certification Statements; and approve the related budget transfer. (4/5 Vote Required)

5. Approve and authorize the Chairman to sign Renewal Contract No. 2007062 with Calif. Dept. of Resources Recycling and Recovery for the Solid Waste Local Enforcement Agency Grant (No. EA 27-16-0007) EA27 for FY 16/17 for \$18,745; and adopt the resolution authorizing the Chairman to sign the Grant Agreement and authorizing the Director of Public Health or Designee to sign all payment requests.

ADOPTED RESOLUTION NO. 2016-122

Behavioral Health and Recovery

6. Authorize Behavioral Health and Recovery Services to accept donations for the Annual Toy Drive, with monetary donations to be used for the Toy Drive and for no other purpose; and to conduct Toy Drives on behalf of unserved, underserved and disadvantaged youth from 10/18/16 until 12/31/16.
7. Proclaim the week of October 23-31, 2016 as Red Ribbon Celebration Week in Merced County; and, authorize and encourage all County Departments and employees to wear and display red ribbons on County buildings and vehicles during that week.
8. Approve and authorize the Chairman to sign Amendment Contract No. 2012115 with California Institute for Behavioral Health Solutions for consultation, training and technical assistance on the integration of behavioral health and primary care.

Human Services Agency

9. Authorize the Human Services Agency and the Sheriff's Department to accept donations for the Operation Holiday Toy Drive. Some donations may have to be deposited, but they will be earmarked for Operation Holiday gift purchases and no other use; and authorize the Human Services Agency and the Sheriff's Dept. to conduct toy drives on behalf of foster youth and disadvantaged children from 10/1/16 until 12/31/16.

Community and Economic Dev.

10. Approve and authorize the Chairman to sign Amendment Contract No. 2013260 with LRC Engineering, LLC correcting the Base Rent amount for Building 175 and 91.5 acres at Castle Commerce Center.

Fire

11. Continue the proclamation of the existence of a local emergency due to drought.

Sheriff

12. Approve Budget Transfer in the amount of \$25,000 to increase fixed asset account to purchase Robotex Avatar III Robot. (4/5 Vote Required)
13. Approve Budget Transfer in the amount of \$400,000 to purchase armored vehicle to be added to Sheriff's special equipment. (4/5 Vote Required)

Executive Office

14. Approve and authorize the Chairman to sign Amendment Contract No. 2016035 with Mainstream Unlimited to provide comprehensive critical incident services.
15. Act on Claim for Damages received from Chee Vang as recommended by Risk Management and County Counsel

16. Set a Public Hearing for November 8, 2016 at 10:00 a.m. to solicit comments from the Public and adopt the necessary finding regarding the proposed energy and water conservation retrofit contract with OpTerra Energy Services for thirteen Merced County facilities, pursuant to Government Code Section 4217.12.

Board of Supervisors

17. Approve minutes for August 16, 2016, August 30, 2016, August 30, 2016 - IHSS, September 13, 2016, September 13, 2016 - IHSS, September 20, 2016, September 20, 2016 - IHSS, and September 20, 2016 - Final Budget.

Board Recognition

18. Authorize Certificates of Recognition to various individuals for receiving the Excellence in Business Award.
19. Authorize Certificate of Recognition to Jeff Rivero for receiving the Presidential Innovation Award for Environmental Educators.
20. Authorize Certificates of Recognition to Gustine Fire Department, Gustine Police Department and Merced County Emergency First Response Team in appreciation of Dedicated Service as First Responders.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

21. Contract with Winton Veterans of Foreign Wars Post 7792 for lease agreement for the operation and maintenance of the Winton Veterans' Memorial Hall. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2016240 AS RECOMMENDED AYES: ALL
22. Approve an increase in the Project Budget from \$2,000,000 to \$2,100,000, 2) Award the Construction Contract and authorize the Chairman of the Board of Supervisors execute Contract No. 2016176 with Marko Construction in the amount of \$1,575,950.00 for the Los Banos Justice Center Remodel upon review of DPW and County Counsel, and; 3) Approve the related Budget Transfer (4/5 Vote Required).
AUTHORIZED CONTRACT NO. 2016176 AS RECOMMENDED AYES: ALL

HEALTH

23. Contract with Intrepid Ascent to develop a health analytics component and perform consulting services for the Health Information Exchange.
AUTHORIZED CONTRACT NO. 2016241 AS RECOMMENDED AYES: ALL
24. Contract with United Way of Merced County for nutrition education and obesity prevention services.
AUTHORIZED CONTRACT NO. 2016242 AS RECOMMENDED AYES: ALL
25. Contract with California Health Collaborative for nutrition education and obesity prevention services.
AUTHORIZED CONTRACT NO. 2016243 AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH AND RECOVERY

26. Contract with Milhous Children's Services for the provision of specialty mental health services to youth clients placed out-of-county.
AUTHORIZED CONTRACT NO. 2016244 AS RECOMMENDED AYES: ALL
27. Contract with Davis Guest Homes for transitional residential treatment services.
AUTHORIZED CONTRACT NO. 2016245 AS RECOMMENDED AYES: ALL
28. Contract with California Health Facilities Financing Authority (Contract No. 2016128) for 2016 Investment in Mental Health Wellness Fifth Round Grant Agreement for remodel of the existing Wellness Center to a 6-8 bed Crisis Stabilization Unit (CSU) for adults and refurbish the current CSU to a 4-bed CSU for youth ages 12-18; and adopt the resolution.
AUTHORIZED CONTRACT NO. 2016246 AND ADOPTED RESOLUTION NO. 2016-123 AS RECOMMENDED AYES: ALL
29. Contract with 7th Avenue Center for Mental Health Rehabilitation Center Services.
AUTHORIZED CONTRACT NO. 2016247 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

30. Contract with Mega Lab Services to provide drug testing for Child Welfare clients.
AUTHORIZED CONTRACT NO. 2016249 AS RECOMMENDED AYES: ALL
31. Contract with California Health Advocates of California for Senior Medicare Patrol Liaison Support for Medicare fraud and prevention services.
AUTHORIZED CONTRACT NO. 2016248 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEV.

32. Authorize staff to work with Patelco Credit Union to develop necessary documents related to a no-cost transfer of ownership to the County; and return to the Board at a later date for consideration of execution of those said documents.
APPROVED AS RECOMMENDED AYES: ALL
33. Approve sale of Building 1360 and 5.07 acres of land to Mackey & sons, Inc. for \$315,000; and authorize the Chairman to execute all necessary documents to effectuate the sale and transfer of Building 1360 and 5.07 acres of land within the Castle Commerce Center.
AUTHORIZED CONTRACT NO. 2016239 AS RECOMMENDED AYES: ALL
34. Contract with Self-Help Enterprises (RFP No. 7143) for Grant Writing, Administration and Implementation of the Affordable Housing Program.
AUTHORIZED CONTRACT NO. 2016250 AS RECOMMENDED AYES: ALL
35. Contract with Foster Farms LLC for the consultant, Environmental Planning Partners, Inc., to prepare an Initial Study for the Foster Farms Robin Ranch Expansion Project (CUP16-003) located on Robin Avenue just north of the intersection of White Crane road in the Livingston area.
AUTHORIZED CONTRACT NO. 2016251 AS RECOMMENDED AYES: ALL
36. Contract with Environmental Planning Partners, Inc., to prepare an Initial Study for the Foster Farms Robin Ranch Expansion Project (CUP16-003) located on Robin Avenue just north of White Crane Road in the Livingston area.
AUTHORIZED CONTRACT NO. 2016252 AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

37. Contract with Merced College to provide Certified Nurse Assistant Training services.
AUTHORIZED CONTRACT NO. 2016253 AS RECOMMENDED AYES: ALL

FIRE

38. Accept grant award from California Governor's Office of Emergency Service FY 16 Emergency Management Performance Grant (EMPG) in the amount of \$180,209 to support staffing and operation costs associated with the Office of Emergency Services.
AUTHORIZED CONTRACT NO. 2016254 AS RECOMMENDED AYES: ALL
39. Accept grant award from the California Governor's Office of Emergency Services FY 16 Homeland Security Grant Program (HSGP) in the amount of \$346,483. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2016255 AS RECOMMENDED AYES: ALL

ADMINISTRATIVE SERVICES

40. Declare passenger cars, light duty trucks, miscellaneous office furniture, assorted office equipment and miscellaneous supplies identified (listed on Exhibit A) as Surplus Property as recommended and authorize its disposal by approved internet public auction.
APPROVED AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

41. Ratify the Memorandum of Understanding with Merced County Attorney's Association (MCAA) representing Bargaining Unit 7; and approve salary ranges for Deputy County Counsel I/II/III/IV (3052/3051/3048/3047), salary range 72.9/77.2/81.1/84.4 to 73.0/77.3/81.2/84.5 effective October 17, 2016.
AUTHORIZED CONTRACT NO. 2016256 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

42. Authorize the Chairman to sign the Civil Grand Jury letter of response pertaining to matters under the control of the Board as noted in the Fiscal Year 2015/2016 Civil Grand Jury report.
APPROVED AS RECOMMENDED AYES: ALL
43. Authority to utilize HealthEquity's Health Savings Account (H.S.A.) Services via Anthem Blue Cross, the County's medical provider, authorize the transfer of employer contributions (as defined) and voluntary employee contributions (if applicable) into individual employee H.S.A.'s held with HealthEquity; authorize the County to pay monthly H.S.A. account maintenance fees for active employees and authorize the Chairman to sign all related documents.
APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

44. Authorize \$3,000 of District One's Special Board Project Funds to be forwarded to American Legion Post 660 in support of their programs.
APPROVED AS RECOMMENDED AYES: ALL
45. Authorize \$1,500 of District One's Special Board Project Funds to be forwarded to the El Nido Fire Station to assist with the cost of purchasing a new riding mower.
APPROVED AS RECOMMENDED AYES: ALL

46. Authorize \$1,000 of District One's Special Board Project Funds to be forwarded to the Livingston Historical Museum for a bike rack in the park.
APPROVED AS RECOMMENDED **AYES: ALL**
47. Authorize \$2,000 of District One's Special Board Project Funds and \$2,000 of District Four's Special Board Project Funds to be forwarded to the Merced County Sheriff Activities League in support of their Youth Services Boxing Program; and approve the related budget transfer.
APPROVED AS RECOMMENDED **AYES: ALL**
48. Authorize \$2,000 of District Four's Special Board Project Funds to be forwarded to the Local Government Commission for creation of a scholarship fund.
APPROVED AS RECOMMENDED **AYES: ALL**
49. Authorize \$2,400 of District Four's Special Board Project Funds to be forwarded to the Gustine Fire Station for the purchase of a new refrigerator.
APPROVED AS RECOMMENDED **AYES: ALL**
50. Authorize \$5,000 of District Four's Special Board Project Funds to be forwarded to the Hilmar Unified School District to assist with a portion of the cost of installing a lighted crosswalk on Bloss Avenue.
APPROVED AS RECOMMENDED **AYES: ALL**

BOARD APPOINTMENTS

51. Appoint Stephanie Martin-Ward to serve as a member of the Snelling Municipal Advisory Council until February 16, 2018.
APPROVED AS RECOMMENDED **AYES: ALL**
REVIEW BOARD ORDER – SEE PAGE 14
52. PULLED
53. Reappoint Dan Ramos and David Sagouspe to serve as members of the Los Banos Resource Conservation District, until February 1, 2020; and reappoint Joe Mello and Robert Teicheira to serve until February 1, 2018.
APPROVED AS RECOMMENDED **AYES: ALL**

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE **AYES: ALL**

54. Public Works re: Contract No. 2015214 (JOC-002) awarded to Harris Builders, Hilmar, CA, in an amount Not-to-Exceed \$1,000,000 for building construction remodeling, repairs and maintenance services; and Contract No. 2015215 (JOC-003) awarded to T&S West, Linden, CA, in an amount Not-to-Exceed \$1,000,000 for Building Construction Remodeling, Repairs and Maintenance Services.
55. Public Works re: Contract No. 2015152 awarded to Marko Construction, Fresno, CA in the amount of \$234,717 for the One Stop Permit Center Remodel at Main Administration Building, 2nd Floor.
56. Merced County Mosquito Abatement District re: Managers Report for August 2016.
57. Fish and Game Commission re: Notice of Proposed Regulatory Action relative to amending subsections (a) and (b) of Section 27.20, Sections 27.25, 27.30, 27.35, 27.40, 27.45, 27.50,

28.27, 28.49 and 28.55; and adding Section 28.47, Title 14, CCR, relating to recreational fishing regulations for federal groundfish and associated species for consistency with federal rules for 2017 and 2018, which was published in the California Regulatory Notice Register on September 16, 2016.

58. Fish and Game Commission re: Notice of Proposed Regulatory Action relative to Amending Section 670, Title 14, California Code of Regulations, relating to Falconry regulations, which was published in the California Regulatory Notice Register on September 9, 2016.
59. Fish and Game Commission re: Notice of Proposed Regulatory action relative to Amending sections 1.74, 5.05, 5.40, 5.60, 7.00, 7.50, subsections (a)(1) of Section 29.45, subsection (c) of Section 43, and subsections (c)(3) and (c)(7) of Section 671, Title 14, California Code of Regulations, relating to Sport Fishing regulations, which was published in the California Regulatory Notice Register on September 9, 2016.
60. Fish and Game Commission re: Notice of Proposed Regulatory action to add Section 748.6, Title 14, California Code of Regulations, relating to standards for imposing penalty enhancements for illegal take of game with defined characteristics, which was published in the California Regulatory Notice Register on September 30, 2016.
61. Fish and Game Commission re: Notice of Proposed Regulatory action relative to Section 632, Title 14, California Code of Regulations, relating to tribal take in north coast marine protected areas, which was published in the California Regulatory Notice Register on October 7, 2016.
62. Fish and Game Commission re: 15 Day Notice of California Notice Register 2016, No. Z2016-0705-03 re: Upland Game Bird Special Hunt Drawing and Application.
63. Cal OES re: September 22, 2016, the U.S. Small Business Administration declared the primary county of Santa Clara and the contiguous counties of Alameda, Merced, San Benito, San Joaquin, San Mateo, Santa Cruz, and Stanislaus a disaster area as a result of the economic impacts caused by a fire, in the Rancho Shopping Center, that occurred May 25, 2016.

THE BOARD RECESSED TO MEET AS AN IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY AND RECONVENED TO MEET AS A BOARD OF SUPERVISORS

THE BOARD RECESSED UNTIL 1:30 P.M.

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF JACK MARASTI, HENRY SANSONI, BERTHA SANSONI, MODESTO BALDOCCHI, KATIE MORRIS, GENE AUE AND ROSALINDA MOITOSO.

BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 18, 2016

10:00 A.M. SCHEDULED ITEM **2016-10-18 PUBLIC OPPORTUNITY**

Retirement Board Chairman Darlene Ingersoll introduces Christine Santos as the new Retirement Plan Administrator.

Ms. Santos gives background on herself.

Adolfo Space and Jim Kanaby of the Young Patriot Challenge Committee for Education on the Constitution give background on their committee, education services they provide teaching school children about the Constitution, and submit flyers on the Constitution Contest.

David Garcia of Merced County Public Works states concerns on the maintenance services of “The Bus” ran by Merced County Association of Governments and is concerned about the safety of the vehicles.

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

10:00 A.M. SCHEDULED ITEM **2016-10-18 PUBLIC WORKS – PUBLIC HEARING – RESOLUTION NO. 2016-119**

The time and date previously set for a public hearing to consider a resolution adjusting fees for the Hilmar Bridge & Major Thoroughfare Area of Benefit.

Public Works Director Dana Hertfelder Director reviews the staff report.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor O’Banion, duly carried the Board adopts Resolution No. 2016-119 adjusting fees for the Hilmar Bridge & Major Thoroughfare Area of Benefit.

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

10:00 A.M. SCHEDULED ITEM **2016-10-18 BEHAVIORIAL HEALTH AND RECOVERY SERV. – PUBLIC HEARING – ORDINANCE NO. 1945**

The time and date previously set for a public hearing to consider a proposed ordinance amending Mental Health Fee Schedule (Supersedes Ordinance No. 1935 and Amends Chapter 9.48 Section 9.48.030).

Behavioral Health and Recovery Services Director Yvonna Brown reviews the staff report.

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

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board adopts Ordinance No. 1945 amending Mental Health Fee Schedule (Supersedes Ordinance No. 1035 and Amends Chapter 9.48 Section 9.48.030).

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

10:00 A.M. SCHEDULED ITEM

2016-10-18 COMMUNITY AND ECONOMIC DEVELOPMENT – PUBLIC HEARING

The time and date previously set for a public hearing to consider appeal of Planning Commission's approval of Conditional Use Permit No. CUP16-009 – Robert Murphy RV Park.

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

Community and Economic Development Deputy Director Steve Maxey reviews the power point presentation on Conditional Use Permit No. CUP16-009 covering; Proposal, Vicinity Map, Aerial Map, Site Plan, Planning Commission Hearing, Appeal of Planning Commission Approval, Possible Board Actions and Reason for Appeal.

The Board has lengthy discussion concerning laundry and restroom facilities being available, type of waste and septic disposal, difference between Mobile Home Park and RV Park, length of stay in the RV Park, the meaning of Ag. Tourism, concerns with fumigation of the neighboring farm crops and possible liabilities and its effects with Park residents, well capacity and Fire Department access.

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

Paul Garcia, Delhi resident states concerns with smell of septic tanks and fumigation of neighboring farm lands.

George Petrulackis, California Land Use & Environment Attorney representing Spice Farm Inc. states the project is in opposition to the current land use plan and opposes the project. He also states the project CEQA was inappropriate. Mr. Petrulackis states further concerns regarding water and septic issues and the park being used for Agricultural Tourism. Mr. Petrulackis believes the RV Park is going to be used for long term housing since the length of stay at the proposed RV Park is 180 days and an RV Park stay is usually no more than two weeks. He states further concerns with enforcement when the park should be closed for neighboring crops to be fumigated, trespassing from RV Park residents, frivolous law suits from RV Park residents, and the need of an onsite manager. Mr. Petrulackis recommends the Board choose Option C or Option B.

Brianne Ramos, Farm Bureau Executive Director states concerns with the RV Park placement and believes the Board should look into new CEQA review or oppose the project.

Dave Ortiz, Winton resident states concerns with the impacts on existing farmers and removal of the tenants while fumigation of the neighboring crops are being done.

The Chairman closes the public hearing.

Supervisor Kelsey asks for clarification of Options B and C.

Mr. Maxey reviews the options.

The Board has further discussion concerning septic systems, well water requirements and permitting process, fencing of RV Park and temporary closure.

Supervisor Kelsey questions if the project is an RV Park or Semi permanent housing and also questions the possible need for Environmental Impact Report.

Supervisor O'Banion asks if the applicant is present and states it is difficult to make a decision if the applicant is not even here. Supervisor O'Banion also states he needs answers to additional questions.

Mr. Maxey states the application is not present.

Supervisor Pedrozo makes the motion to choose Option B, to include that the item be brought back to the Board of Supervisors, not Planning Commission, with the answers to the questions raised today.

County Counsel James Fincher states the Board can choose to bring the item back to the Board and not Planning Commission, but it is not consistent with past practice.

Supervisor Kelsey amends the motion to include that staff make rounds with Agricultural Interest groups to get perspective on how to approach the issues.

Supervisor Pedrozo moves, seconded by Supervisor Kelsey to choose Option B and to include the item come back to the Board with the information requested, not Planning Commission, and that staff contact Agricultural Interest groups to get their perspective on the project.

Supervisor Walsh votes "No" and believes the process should be followed and should go back to Planning Commission first to explore questions raised.

Supervisor O'Banion also votes "No" for same reason, believes should go back to Planning Commission for review first.

Ayes: Pedrozo, McDaniel, Kelsey

Noes: Walsh, O'Banion

ACTION ITEM #51

2016-10-18 BOARD APPOINTMENTS

The Clerk announces reappointment of Stephanie Martin-Ward to the Snelling Municipal Advisory Council is before the Board for consideration, and the term date should be until February 16, 2020 instead of February 16, 2018

Upon motion of Supervisor McDaniel, seconded by Supervisor Pedrozo, duly carried, the Board reappoints Stephanie Martin-Ward to the Snelling Municipal Advisory Council until February 16, 2020.

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