



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, NOVEMBER 06, 2012

Closed Session – 9:00 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
LINN DAVIS.....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
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The Agenda is divided into three sections:

CONSENT CALENDAR – These matters include routine financial and administrative actions and are approved by a single majority 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

9:00 A. M.

**THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA-
TESTIMONY IS LIMITED TO FIVE MINUTES PER PERSON
CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL -
SIGNIFICANT EXPOSURE TO LITIGATION:** It is the intention of the Board to meet in Closed Session concerning a Conference Significant Exposure to Litigation pursuant to Government Code Section 54956(b): One Case
**THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M.
WITH ALL MEMBERS PRESENT, AND THE CHAIRMAN ADVISED STAFF
WAS GIVEN DIRECTION.**

**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 five minutes per person)

PRESENTATIONS:

- 1) Health: West Nile and Valley Fever Update
REVIEW BOARD ORDER
- 2) MCAG: Regional Transportation Plan/Sustainable Communities Strategy Introduction
REVIEW BOARD ORDER

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 15)

PUBLIC HEALTH - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider Proposed Ordinance titled: Amending Fees for Services provided by the Department of Public Health; Amends Ord. No. 1885 and revises Title 9, General Health and Safety, Merced County Code Chapter 9.49.010 Environmental Health Fees.

RECOMMENDATION: Open public hearing; Waive further reading and adopt Ordinance.

REVIEW BOARD ORDER

COUNTY COUNSEL - PUBLIC HEARING - SECOND READING AND POSSIBLE ADOPTION

To consider Proposed Ordinance titled: Amending membership of the Le Grand Recreation Committee to decrease members from 9 to 7.

RECOMMENDATION: Open public hearing; Waive further reading of proposed ordinance and adopt Ordinance

REVIEW BOARD ORDER

PLANNING - PUBLIC HEARING

To consider proposal to construct a Solar Photovoltaic Electrical Generation Facility in Santa Nella Area (Quinto Solar PV Project).

RECOMMENDATION: 1) Open public hearing and Certify the October 18, 2012, Revised Final Environmental Impact Report based on the 3 findings contained in the November 6, 2012, Staff Report; 2) approve Conditional Use Permit No. CUP10-008, based on the 8 Project Findings and subject to the 26 Conditions of Approval, including 31 CEQA Mitigation Measures; 3) adopt the November 6, 2012, Revised CEQA Environmental Findings of Fact, including revised Table A; 4) approve the October 18, 2012, Revised Mitigation Monitoring and Reporting Program and; 5) remove the Project site from the Merced County Williamson Act Agricultural Preserve.

REVIEW BOARD ORDER

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-15)

APPROVED AS RECOMMENDED EXCEPT ITEM 6 PULLED FOR SEPARATE DISCUSSION **AYES: ALL**

Public Works

1. Set Public Hearing for December 18, 2012 at 10:00 a.m. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire a portion of APN 207-034-001 from Sanford D. Wickum and Elton J. Wickum for the Atwater-Merced Expressway (AME) project.
2. Set Public Hearing for December 18, 2012 at 10:00 a.m. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire a portion of APN 207-160-006 from Lincoln White Crane, LTD for the Atwater-Merced Expressway (AME) project.
3. Set Public Hearing for December 18, 2012 at 10:00 a.m. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire a portion of APN 207-160-007 from Carlos Baez and Jesus Prado Palafox for the Atwater-Merced Expressway (AME) project.
4. Set Public Hearing for December 18, 2012 at 10:00 a.m. to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire a portion of APN 207-160-009 from 4 Acre Development for the Atwater-Merced Expressway (AME) project.

5. Adopt Resolution accepting a deed from CFT Developments, LLC conveying a public utility easement along State Highway 33 in the Santa Nella area.

ADOPTED RESOLUTION

6. Adopt Resolution naming the Bike Path adjacent to North and South Bear Creek the "Michael O. Sullivan Bike Path".

ADOPTED RESOLUTION

REVIEW BOARD ORDER

Mental Health

7. Set Public Hearing for December 4, 2012 at 10:00 a.m. to consider Proposed Ordinance amending Mental Health Services Fees (Supersedes Ordinance No. 1893 and Amends Merced County Code Chapter 9.48, Section 9.48.030).

Planning

8. Approve and authorize the Chairman to sign Amendment Contract No. 2012070 with Bobby Borba Dairy for the consultant, Environmental Planning Partners, Inc., to complete Task 5 for the Environmental Impact Report for the Bobby Borba Dairy Expansion project (CUP12-002).
9. Approve and authorize the Chairman to sign Amendment Contract No. 2012071 with Environmental Planning Partners, Inc. to complete Task 5 as part of the Environmental Impact Report for the Bobby Borba Dairy Expansion project (CUP12-002); and approve the related budget transfer. (4/5 Vote Required)

Library

10. Approve Budget Transfer in the amount of \$13,067 to pay for increase in San Joaquin Valley Library System membership dues.
11. PULLED

Law Library

12. Accept the Merced County Law Library 2011-2012 Annual Report.

Administrative Services

13. Approve Budget Transfer in the amount of \$5,200 to replace portable radios at Juvenile Hall.

Executive Office

14. Approve Budget Transfer in the amount of \$86,515 for software and integration projects that were inadvertently eliminated at the end of the last fiscal year.

Sheriff

15. Approve Budget Transfer in the amount of \$25,000 to replace two washing machines at the main jail which are no longer repairable. (4/5 Vote Required)

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

16. Contract with Galvin Preservation Associates, Inc. (GPA) for environmental consulting services; authorize the Chairman to execute the Retainer Agreement; and authorize the Director of Public Works to execute Project Supplement Agreements and Amendments to the Retainer Agreement.

APPROVED AS RECOMMENDED AYES: ALL

17. Contract with Wildland, Inc. for Sale of Conservation Credits from the Gilsizer Slough South Giant Garter Snake Conservation Bank.

APPROVED AS RECOMMENDED AYES: ALL

18. Contract with Juanita M. Hernandez, Rafael Medina Ibarra, & Monica Magana Torres for Purchase of Real Property for acquisition of right-of-way for the Atwater-Merced Expressway Project; authorize the Chairman to sign the Agreement for Purchase of Real Property listing the terms and conditions of the acquisition; adopt resolution accepting a Grant Deed for right-of-way needed for construction of the project; and approve payment by the Merced County Association of Governments to Fidelity National Title Company for the agreed value of the property plus escrow and any other transaction fees.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

19. Contract with State Dept. of Transportation (CalTrans) for Landscape Maintenance within State Highway right-of-way on Route 33 in the County of Merced.

APPROVED AS RECOMMENDED AYES: ALL

20. Authorize the Director of Public Works to execute contract with Advanced Geo Environmental, Inc. for installation of additional soil remediation wells for the Gustine Corporation Yard Groundwater Remediation Project.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

21. Approve and authorize the acceptance of funding from the U.S. Department of Justice under the 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) program in the amount of \$36,895 to purchase computer hardware for Sheriff's patrol vehicles and communication equipment necessary to move the Mobile Computing phase of the New World Systems automation project forward; authorize the Sheriff or his designee to sign the associated grant award documents; and approve the associated Budget Transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

CHILD SUPPORT SERVICES

22. Approve and authorize the Chairman to sign the Plan of Cooperation with the Calif. Dept. of Child Support Services.

APPROVED AS RECOMMENDED AYES: ALL

ADMINISTRATIVE SERVICES

23. Declare items identified on Exhibit A as Surplus Property and authorize its disposal by approved internet public auction.

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

24. Consider the proposed Mitigated Negative Declaration for the Henderson Park Project in the community of Snelling and comments received during the public review process and find that there is no substantial evidence that the project will have a significant effect on the environment; adopt the Mitigated Negative Declaration for the Henderson Park Project in the Community of Snelling; and approve the October 2012 Mitigation Monitoring and Reporting Program.

APPROVED AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER

25. Contract with Solar Star California XIII, LLC, a Delaware Company for the Quinto Solar PV Project (CUP10-008); and authorize the Chairman to sign agreement and forward to the County Recorder.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

26. Commerce, Aviation and Economic Development re: Lease agreement with Valley Sports Academy for Softball/Baseball Fields (approximately 5.05 acres) located at Castle Commerce Center.

27. Merced County Mosquito Abatement District re: September 2012 Manager's Report.

ADOPTED RESOLUTIONS IN MEMORY OF BUD WOOTEN AND JOHN BURROLA, AND ADJOURNED THE MEETING UNTIL NOVEMBER 20, 2012, AT 10:00 A.M.