



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, MARCH 21, 2017**

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

RODRIGO ESPINOZA....DISTRICT 1  
LEE LOR....DISTRICT 2  
CHAIRMAN DARON McDANIEL....DISTRICT 3  
LLOYD PAREIRA....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](http://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

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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 - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:**

It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54956.9(d)(1): 1) White v. County of Merced, Eastern District Case Number 1:12-cv-00917-AWI-BAM (PC) 2) Nathan v. County of Merced, Merced Superior Court Case No. 16CV-02137

**THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT, AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEMS AND STAFF WAS GIVEN DIRECTION**

### **GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA ITEMS)**

**10:00 A. M. INVOCATION/PLEDGE OF ALLEGIANCE**

Supervisor Lloyd Pareira leads the invocation

**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**

**APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 26)**

**PUBLIC HEARINGS:**

### **COMMUNITY & ECONOMIC DEVELOPMENT - PUBLIC HEARING**

To consider a Resolution and authorize Merced County's election to become a Groundwater Sustainability Agency in portions of the Delta-Mendota Subbasin.

#### **RECOMMENDATION:**

1) Open Public Hearing and receive testimony; 2) Close the Public Hearing; 3) Approve the Resolution and authorize Merced County's election to become a Groundwater Sustainability Agency (GSA) in portions of the Delta-Mendota Subbasin; and 4) Authorize the submission of a Notice of Intent to form a GSA to the California Department of Water Resources within 30 days after Board

approval, and authorize the County Executive Officer to sign all documents necessary for that submission.

**REVIEW BOARD ORDER**

**COMMUNITY & ECONOMIC DEVELOPMENT - PUBLIC HEARING**

To consider General Plan Amendment No. GPA16-001 and Zone Change Application No. ZC16-004 and adopt a Mitigated Negative Declaration regarding project site located on the North side of Le Grand Road, approximately 650 feet West of McKee Street in the urban community of Le Grand.

**RECOMMENDATION:**

1) Open the Public Hearing and receive testimony; 2) Close the Public Hearing; 3) Adopt the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program based on the findings included in the project Initial Study / Mitigated Negative Declaration; and 4) Approve the General Plan Land Use Amendment GPA 16-001 and Zone Change 16-004 to change the land use designation from Low Density Residential to High Density Residential and zoning from R-1 (Single-Family Residential) to R-4 (Multi-Family Residential) on the North side of Le Grand Road, 650 feet West of McKee Street in Le Grand.

**REVIEW BOARD ORDER**

**COMMUNITY & ECONOMIC DEVELOPMENT - PUBLIC HEARING**

To consider Planada Community Plan Update (GPTA16-002/ZC16-001/CP16-001).

**RECOMMENDATION:**

1) Open the Public Hearing and receive testimony; 2) Close the Public Hearing; 3) Approve the prepared Water Supply Assessment for the Revised Planada Community Plan, adopt the environmental findings pursuant to the California Environmental Quality Act (CEQA), certify the Environmental Impact Report, adopt the Statement of Overriding Considerations and adopt the Mitigation Monitoring and Reporting Program; and, 4) Adopt the proposed Revised Planada Community Plan (CP16-001), including General Plan Land Use Amendment GPA16-002 and Zone Change 16-001.

**REVIEW BOARD ORDER**

**REPORTS/BOARD DIRECTION**

**CONSENT CALENDAR (Items # 1-26)**

**APPROVED AS RECOMMENDED EXCEPT ITEM 11 PULLED AYES: ALL  
(EXCEPT ITEM 22 - RECUSAL)**

Public Works

1. Set a Public Hearing for Tuesday, April 25, 2017 at 10:00 a.m. to consider terminating maintenance of 0.60 miles of Butts Road in the Gustine area.
2. Set a Public Hearing for Tuesday, April 25, 2017 at 10:00 a.m. to consider adoption of the proposed Resolution for the General Vacation of a portion of Robin Avenue in the Livingston area.

### Ag. Commissioner

3. Approve and authorize the Chairman to sign Amendment Contract No. 2013272 (Agreement No. C1470002) for providing Floating Aquatic Vegetation control on the Merced and San Joaquin Rivers; and adopt Resolution.

#### **ADOPTED RESOLUTION**

4. Approve and authorize the Chairman to sign Renewal Contract No. 2010106 (Agreement No. 16-0061-SF) with California Dept. of Food and Agriculture (CFDA) to provide for European Grapevine Moth pest detection trapping activities.

### Health

5. Approve acceptance of additional carryover funds to Contract No. 2015014 from the Centers for Disease Control and Prevention increasing the grant to \$1,542,515 in year three for the Partnerships to Improve Community Health Grant; authorize the Chairman to sign all applicable copies of the contract; and approve related budget transfer. (4/5 Vote Required)

### Behavioral Health & Recovery Services

6. Approve and authorize the Chairman to sign Amendment Contract No. 2014201 (Amendment No. A06 to State Agreement No. 14-90071) with Dept. of Health Care Services for substance use disorder (SUD) services and to sign all related contract documents; and adopt Resolution.

#### **ADOPTED RESOLUTION**

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

### Human Services Agency

8. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 2007091 with Merced County Counsel for departmental legal services.
9. 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.
10. Approve and authorize the Chairman to sign Renewal Contract No. 2009186 with Alliance for Community Transformations, Inc. to provide domestic violence shelter services.
11. Approve and authorize the Chairman to sign Interdepartment Renewal Contract No. 2013100 with Merced County Dept. of Workforce Investment for the Los Banos Plato Lab Services for Welfare to Work (WtW) and Cal Learn clients.

#### **PULLED – NO ACTION TAKEN**

12. Proclaim the month of March, 2017 as "National Social Work Month".
13. Approve and authorize the Chairman to sign Amendment Contract No. 2013054 with Taher, Inc. to increase the contract amount to \$192,600 for a Congregate Meals Production Program for seniors.

### Community & Economic Development

14. Set a Public Hearing for April 4, 2017 at 10:00 a.m. to recommend amendment of the agricultural preserve with reference to two parcels, resulting from two Property Line Adjustments, located at: 1) the East side of N. Campodonico Road, 2,000 feet Northeast of N. Alves Road in the Ballico area, and 2) the South side of Second Avenue, 665 feet west

of N. Van Clief Road in the Stevinson area, as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et. seq. of the California Government Code.

15. Proclaim support and recognition of California Aerospace and Aviation Days, March 27-29, 2017; and direct Community & Economic Development staff to distribute the proclamation as appropriate.
16. Approve and authorize the Chairman to sign Amendment Contract No. 2016051 with Antonio J. Borba for the consultant, Environmental Planning Partners, Inc., to add tasks 4 and 5 to the Environmental Impact Report for the AJ Borba Holsteins Dairy Expansion project (CUP15-019) located on the Northwest corner of Turner Road and Mitchell Road in Hilmar.
17. Approve and authorize the Chairman to sign Amendment Contract No. 2016050 with Environmental Planning Partners, Inc. to add tasks 4 and 5 to Environmental Impact Report for the AJ Borba Holsteins Dairy Expansion Project (CUP15-019) located on the Northwest corner of Turner Road and Mitchell Road in Hilmar.

#### Workforce Investment

18. Approve and authorize the Chairman to sign Amendment Contract No. 2016012 with Fresno Regional Workforce Investment Board for the Veteran's Employment Related Assistance Program Grant to provide multi-craft pre-apprenticeship training, case management, and work experience.

#### Fire

19. Approve Budget Transfer in the amount of \$20,000 to purchase a replacement forklift for use in the Fire Department warehouse.
20. Continue the proclamation of the existence of a local emergency due to drought.

#### Executive Office

21. Act on Claim for Damages submitted by Jane Doe as recommended by Risk Management and County Counsel.
22. Approve travel requests received from Human Services Agency and Public Works as recommended by Executive Office.

**APPROVED AS RECOMMENDED      AYES: 1, 3, 4, 5    RECUSAL: 2**  
**REVIEW BOARD ORDER**

23. Approve and authorize the Chairman to sign the amendment to the Master Lease Agreement between Pinnacle Public Finance and the County of Merced, removing the solar portion of the energy and resource saving project.

#### Board of Supervisors

24. Approve Minutes for January 10, 2017, January 24, 2017, and February 7, 2017.

#### Board Recognition

25. Authorize Certificates of Recognition and Plaque to Merced County Farm Bureau for 100 years of service to Merced County and to Benina Montes and Jimmy Burroughs for dedicated service to Merced County Farm Bureau.

26. Authorize Certificates of Recognition to various individuals for completing the LIUNA Pre-Apprenticeship Training.

## **REGULAR CALENDAR**

### **BOARD ACTION**

#### **PUBLIC WORKS**

27. 1) Approve the firm of and award the Special Services Agreement (Master Planning, Criteria Documents and Conceptual Cost Estimate) to CGL Companies, LLC of Sacramento, CA for a new 256 bed maximum security facility at the John Latorraca Correctional Center (JLCC) and a Sheriff Administration Services Facility at an undetermined site; 2) Authorize the Chairman to execute said agreement after review by County Counsel; and 3) Approve related budget transfer. (4/5 Vote Required)

**AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL**

#### **HEALTH**

28. Contract with the City of Livingston to establish a Farmers Market and Local Food Promotion Program within the city limits.

**AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL**

29. Contract with Robert Dimand, MD, for California Children's Services Physician Services.

**AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL**

#### **COMMUNITY & ECONOMIC DEVELOPMENT**

30. Approve payment to Turlock Irrigation District for the total amount of \$19,457.97 for Merced County's portion of the Turlock Groundwater Basin Association Groundwater Sustainability Plan Roadmap Project.

**APPROVED AS RECOMMENDED AYES: ALL**

#### **AUDITOR**

31. Accept the audited Merced County Comprehensive Annual Financial Report and Single Audit for the fiscal year ended June 30, 2016.

**APPROVED AS RECOMMENDED AYES: ALL**

#### **LIBRARY**

32. Authorize the Los Banos Library to extend the hours of operation on Tuesday, May 16, 2017 to 7:00 p.m. for a program by author Julia Bricklin.

**APPROVED AS RECOMMENDED AYES: ALL**

#### **ELECTIONS**

33. Adopt resolution to accept the results for the election held on February 14, 2017 for the Merced County Employees' Retirement Association Board and declare the elected candidates to fill the member seats, as specified, for a new term commencing January 1, 2017.

**ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL**

34. Contract with SouthTech Systems, Inc. for the Passport Application Software License Agreement.  
**PULLED – NO ACTION TAKEN**

35. Authorize the Registrar of Voters' Office to establish a change fund of \$150 for passport services.  
**APPROVED AS RECOMMENDED AYES: ALL**

#### FIRE

36. Memorandum of Understanding with Hilmar Volunteers related to rescue tools to be purchased for Engine 95; authorize the acceptance of a donation of \$17,500 from Hilmar Volunteers towards the purchase of the rescue tools; and approve Budget Transfer in the amount of \$35,000 to establish appropriations for Fixed Asset #81300 to purchase rescue tools for Engine 95. (4/5 Vote Required)  
**AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL**  
**REVIEW BOARD ORDER**

37. 1) Authorize ceasing acceptance of new Merced County Emergency Water Distribution Program applications, effective immediately; 2) Authorize staff to provide lease extensions to those currently in the program for a period not to exceed a total of 24 months in the program; 3) Authorize staff to provide a second six-month lease extension to be effective April 1, 2017 for those participants currently with an expired initial six-month lease extension.  
**APPROVED AS RECOMMENDED AYES: ALL**  
**REVIEW BOARD ORDER**

#### SHERIFF

38. Authorize Administrative Services - Purchasing, in conjunction with the Sheriff's Office, to initiate the Request for Proposal (RFP) process for an Independent Contract County Veterinarian to provide medical services at the Merced County Animal Shelter; and return to the Board with any recommended action.  
**APPROVED AS RECOMMENDED AYES: ALL**
39. Contract with the 35th District Agriculture Association for law enforcement services at the Merced County Fair from June 7, 2017 to June 11, 2017.  
**AUTHORIZED CONTRACT AS RECOMMENDED AYES: 1, 3, 4, 5 RECUSAL: 2**  
**REVIEW BOARD ORDER**

40. License Agreement and the Maintenance and Support Agreement with Tyler Technologies, Inc. for the softcode civil processing software using the exception to competitive bidding process.  
**AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL**

#### EXECUTIVE OFFICE

41. 1) Recognize April 23-29, 2017, as National Volunteer Week; 2) Direct staff to coordinate applications, nominations and screening committee; 3) Confirm April 3, 2017 as the deadline to receive applications/nominations; 4) Set April 25, 2017 as the date for awarding the Volunteer Recognition certificates.  
**APPROVED AS RECOMMENDED AYES: ALL**
42. 1) Approve the 2017 Legislative Agenda with any revisions as recommended by the Board of Supervisors; 2) Authorize the Board Chair and County Executive Officer to periodically

provide letters of support or opposition as needed on any benefit or detriment to the County of Merced; 3) Direct staff to forward the 2017 Legislative Agenda to Merced County's legislative representatives and advocates.

**APPROVED AS RECOMMENDED      AYES: ALL**

43. Provide staff direction regarding the local regulation of medicinal and adult recreational cannabis within Merced County.

**REVIEW BOARD ORDER**

#### **BOARD APPOINTMENTS**

44. Appoint Margarita A. Cabalbag, to the Merced County Workforce Development Board as its Wagner-Peyser Act representative to fill an unexpired term until June 30, 2019.

**APPROVED AS RECOMMENDED      AYES: ALL**

45. Change the membership designation of Stergios "Steve" Roussos from "Education and Training" to that of a "Business Representative" on the Merced County Workforce Development Board to serve until June 30, 2020.

**APPROVED AS RECOMMENDED      AYES: ALL**

46. Reappoint Lee Lor to serve as a member of the Santa Cruz-Monterey-Merced Managed Medical Care Committee as the Board of Supervisors representative, until April 7, 2021.

**APPROVED AS RECOMMENDED      AYES: ALL**

47. Appoint District Four Supervisor Lloyd Pareira as the Alternate Board of Supervisors Representative to the Merced County Behavioral Health Board to serve until December 31, 2017; and revise the 2017 Board Committee Assignments and Appointments.

**APPROVED AS RECOMMENDED      AYES: ALL**

48. Reappoint Patti Kishi, Sheilah Brooks, and Danielle Waite to serve as members of the Merced County Local Child Care and Development Planning Council, until June 30, 2018.

**APPROVED AS RECOMMENDED      AYES: ALL**

49. Appoint Kevin Abernathy to serve as a member of the San Joaquin Valley Air Pollution Control District Citizens Advisory Committee as the Environmental Primary Member, until January 31, 2020.

**APPROVED AS RECOMMENDED      AYES: ALL**

50. Appoint Bruce Powers to serve on the May Day Fair Board, filling an unexpired term until July 1, 2019.

**APPROVED AS RECOMMENDED      AYES: ALL**

#### **BOARD INFORMATION & POSSIBLE ACTION**

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

51. Public Works re: Contract No. 2016094 awarded to Avison Construction, Madera, CA in the amount of \$725,444 for the Lake Road Shoulder Widening Project.

52. Public Works re: Contract No. 2016259 awarded to American Alarm, Antioch, CA in the amount of \$840,000 for the Iris Garrett Juvenile Justice Correctional Complex Controls/Security Upgrades Project.

53. Community & Economic Development re: Foreign-Trade Zone Operating Agreement with Brake Parts Inc. LLC has been signed by the Board Chairman.

**CONTRACT AWARDED**



54. Fish & Game Commission re: Notice of Proposed Emergency Action-Incidental take of tricolored Blackbird (*Agelaius tricolor*) during candidacy period.
55. Fish & Game Commission re: Use of dogs for pursuit/take of mammals, section 265, title 14, California Code of Regulations; published in California Notice Register, November 18, 2016, Notice File No. Z2016-1108-06, Register 2016, No. 47-Z.
56. Cal OES re: U.S. Department of Agriculture Farm Service Agency Emergency Loan Program. On February 14, 2017, President Donald J. Trump declared a major disaster declaration (FEMA-4301-DR) due to Severe Winter Storms, Flooding, and Mudslides that occurred January 3-12, 2017. As a result, the U.S. Department of Agriculture Farm Service Agency Emergency Loan Program has been made available for the primary counties of Alameda, Amador, Butte, Calaveras, Contra Costa, El Dorado, Humboldt, Inyo, Lake, Lassen, Marin, Mendocino, Merced, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Luis Obispo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Trinity, Tuolumne, Yolo, and Yuba and the contiguous counties of Alpine, Colusa, Del Norte, Fresno, Glenn, Kern, Kings, Madera, Mariposa, Modoc, San Bernardino, San Joaquin, San Mateo, Santa Barbara, Stanislaus, Tehama, and Tulare for both physical and crop production losses.
57. Cal OES re: U.S. Small Business Administration Private Nonprofit Organizations Physical Disaster Declaration. Pursuant to President Trump's major disaster declaration of February 14, 2017, for Public Assistance Only (FEMA-4301-DR-CA), the U.S. Small Business Administration has declared the primary counties of Alameda, Amador, Butte, Calaveras, Contra Costa, El Dorado, Humboldt, Inyo, Lake, Lassen, Marin, Mendocino, Merced, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Luis Obispo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Trinity, Tuolumne, Yolo and Yuba a disaster area.

**THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF BUSTER BRIGHAM  
AND JOE CARTER AND ADJOURNED THE MEETING UNTIL TUESDAY, APRIL 4, 2017,  
AT 10:00 A.M.**