



BOARD OF SUPERVISORS

Rodrigo Espinoza, *District 1*

Lee Lor, *District 2*

Daron McDaniel, *District 3*

Chairman Lloyd Pareira, *District 4*

Scott Silveira, *District 5*

Phone: (209) 385-7366 Fax: (209) 726-7977

SUMMARY ACTION MINUTES - FINAL

TUESDAY, JULY 30, 2019

Closed Session – 9:00 a.m.

Regular Meeting – 10:00 a.m.

Merced County Administration Building

2222 M Street

Board Room, Third Floor

Merced CA 95340

www.countyofmerced.com

The Board of Supervisors welcomes you to its meetings which are regularly held on a scheduled Tuesday and your interest is encouraged and appreciated.

PUBLIC COMMENT PERIOD: 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 (3) minutes per person).

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 administrative 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.

CLOSED SESSION: Is the portion of the meeting conducted in private without the attendance of the public or press to discuss certain confidential matters specifically permitted by the Brown Act. The public will be provided an opportunity to comment on any matter to be considered in closed session prior to the Board adjourning into the closed session.

ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA:

Please raise your hand or step to the podium at the time the item is announced by the Board Chairperson. In order that interested parties have an opportunity to speak, any person addressing the Board will be limited to a maximum of three (3) minutes.

BOARD AGENDA AND MINUTES: Board agendas, minutes, and copies of items to be considered by the Board of Supervisors are posted on the Internet at least 72 hours preceding a Tuesday meeting at the following website www.countyofmerced.com/boardagenda/

AUDIO/VIDEO BROADCAST: All Board meetings are normally broadcast live and replayed on local cable television. A list of cable channels and broadcast times are available at the following website: www.countyofmerced.com

REASONABLE ACCOMMODATIONS: 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. Please address your written request 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.

Spanish and Hmong interpreters are available.

Interpretes de espanol y hmong estan disponibles.

Peb muaj tug paab txhais lug Mev hab Hmoob.

SCHEDULED ITEMS

9:00 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: American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; Merced County Law Enforcement Sergeants, Unit 30; Merced County Deputy Sheriff Association (DSA), Unit 10; and Merced County Public Safety Services Unit (MCPSSU), Unit 14. 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): 1. Garcia v. County of Merced, et al., Merced Superior Court Case No. 17CV-02567.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION:

It is the intention of the Board to meet in Closed Session concerning Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4): One case.

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: 3.5 acre site within 7 acre footprint of property at Castle Commerce Center bordered by Stratofortress Drive, Academy Drive, C Street, B Street, and Airflight Drive

Agency Negotiator: Mark Hendrickson, Director, Community and Economic Development

Negotiation Parties: Way To Be Designs, LLC

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

THE BOARD RECESSED AT 9:02 A.M. WITH SUPERVISOR LOR AND SUPERVISOR MCDANIEL NOT PRESENT AND RECONVENED AT 10:00 A.M. WITH SUPERVISOR LOR AND SUPERVISOR MCDANIEL NOT PRESENT, AND THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION

GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A. M. INVOCATION led by Pastor Jeff Leis/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 12

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 21)

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-21)

APPROVED AS RECOMMENDED WITH ITEMS 1 AND 17 HEARD SEPARATELY AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

Public Works

1. Adopt Resolution designating the intersection of Palm Avenue at Valeria Avenue in the Dos Palos area as an all-way stop intersection; and direct the Public Works Director to post stop signs on Valeria Avenue approaches to its intersection with Palm Avenue.

ADOPTED RESOLUTION NO. 2019-57

REVIEW BOARD ORDER – SEE PAGE 12 AND 13

2. Adopt Resolution designating the intersection of Robin Avenue and Longview Avenue in the Livingston area as an all-way stop intersection; and direct the Public Works Director to post stop signs on the Robin Avenue approaches to its intersection with Longview Avenue in the Livingston area.

ADOPTED RESOLUTION NO. 2019-58

3. Adopt Resolution designating the intersection of Giannini Road and Fleming Road in the Atwater area as an all-way stop intersection; and direct the Public Works Director to post stop signs on the Giannini Road approaches to its intersection with Fleming Road in the Atwater area.

ADOPTED RESOLUTION NO. 2019-59

Health

4. Set a Public Hearing for August 27, 2019, to consider the Report of Demolition of the structures located at 429, 429 1/2, and 447 Highway 59, Merced, CA 95341 (APN 059-280-018) and to consider authorizing the Auditor-Controller and Tax Collector to assess the cost of demolition for a total amount of \$30,966.72, on the Assessment Roll as a Special Assessment and a lien on the property, pursuant to the Uniform Housing Code Section

1605.3, or Obligate the property owner to pay all costs of demolition, pursuant to the Uniform Housing Code Section 1605.2.

Behavioral Health and Recovery Services

5. Budget Transfer in the amount of \$475,000 to reimburse CIP budget for the demolition of the old Juvenile Hall that took place in FY 18/19 to prepare land for the proposed Navigation Center. (4/5 Vote Required)

PULLED – NO ACTION TAKEN

6. Approve and authorize the Chairman to sign Amendment Contract No. 2014079 with Aspiranet for the Mental Health Services Act, Prevention and Early Intervention, Transition to Independence Process (TIP) Program.
7. Approve and authorize the Chairman to sign Amendment Contract No. 2018153 with Golden Valley Health Centers to continue to provide services through the Cultural Brokers for Mental Health Services Program as part of the Mental Health Services Act Prevention and Early Intervention.
8. Approve and authorize the Chairman to sign Amendment Contract No. 2018154 with Golden Valley Health Centers to provide services through the Integrated Mental Health in Primary Care Settings Program as part of the Mental Health Services Act Prevention and Early Intervention.
9. Approve and authorize the Chairman to sign Amendment Contract No. 2018129 with National Alliance on Mental Illness for Mental Health Services Act Prevention and Early Intervention capacity building activities and support services.
10. Approve and authorize the Chairman to sign Amendment Contract No. 2014104 with Sierra Vista Child and Family Services for the iMatter Program.
11. Approve and authorize the Chairman to sign Amendment Contract No. 2016264 with Willow Glen Care Center for residential care for consumers.
12. Approve and authorize the Chairman to sign Amendment Contract No. 2013219 with LocumTenens.com, LLC for the placement of temporary licensed psychiatrists.

Child Support Services

13. Proclaim August 2019 as Child Support Awareness Month in Merced County.

Workforce Investment

14. Approve and authorize the Chairman to sign Amendment Contract No. 2018258 with Merced College for the Infrastructure Construction Boot Camp.
15. Approve and authorize the Chairman to sign Amendment Contract No. 2019197 with ProPath, Inc. to provide Multi-County One-Stop Operator services.

Human Resources

16. Approve and authorize the Chairman to sign Amendment Contract No. 2015089 with Professional Health Services, Inc. for comprehensive occupational health examinations.

Community and Economic Development

17. Set a Public Hearing for August 13, 2019 at 10:00 a.m. to consider adoption of the Revised Draft Zoning Ordinance which replaces Title 18 (Zoning). The purpose of the amendment is: 1) To implement the 2030 Merced County General Plan's goals and policies; 2) To make the zone code user-friendly by way of logical organization, clear language, and easy to understand tables and graphics; 3) To fix longstanding issues identified by staff; 4) To address policy issues recommended by the Board of Supervisors; and, 5) To bring the code into conformance with State and Federal Laws. The provisions of this text amendment would be effective in all unincorporated areas of the County of Merced.

REVIEW BOARD ORDER – SEE PAGE 13

Executive Office

18. Act on Claims for Damages submitted by Salvador De la Cruz, Kristie Marquez and Ema Martinez De Flore as recommended by Risk Management and County Counsel.

Board Recognition

19. Authorize Certificates of Recognition to various individuals for graduating from the Central Valley Opportunity Center HEP Program.
20. Authorize Certificate of Recognition to St. Matthew Baptist Church in celebration of 80th Anniversary.
21. Authorize Certificate of Recognition to the California Highway Patrol - Merced Area for the Walter Frago and Roger Gore Freeway Memorial Dedication.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

22. Contract with Gerardo Naranjo, dba Penguin La Natural, which allows for operation of a mobile food vending cart, at the County's Parks located at 19914 River Road in the Livingston area and Yosemite Lake in the Merced area. (4/5 Vote Required)

PULLED – NO ACTION TAKEN

23. Contract with C&S Engineers, Inc. to prepare a Federal Aviation Administration (FAA) land release package for Castle Airport, with an effective date retroactive to June 17, 2019.

**AUTHORIZED CONTRACT NO. 2019226 AS RECOMMENDED AYES: 1, 4, 5
NOT PRESENT: 2 AND 3**

24. Adopt Resolution authorizing the County Executive Officer and the Auditor-Controller to sign and file the Local Transportation Funds Claim for the 2019/2020 Fiscal Year with the Merced County Association of Governments.

**ADOPTED RESOLUTION NO. 2019-60 AS RECOMMENDED AYES: 1, 4, 5
NOT PRESENT: 2 AND 3**

25. Contracts with City of Los Banos for the lease of ground located at the City's Pacheco Park that underlies the Merced County Library and Milliken Museum.

AUTHORIZED CONTRACT NOS. 2019227 (PARK/LIBRARY) AND 2019228 (PARK/MUSEUM) AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

26. Adopt Resolution authorizing the Director of Public Works or his designee to sign Regional Surface Transportation Program (RSTP) Exchange Fund Apportionments Claim for Fiscal Year 18/19 in the amount of \$896,720, and submit said claim to the Merced County Association of Governments (MCAG) for processing.

ADOPTED RESOLUTION NO. 2019-61 AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

27. Contract with Arthur Jason Plane, dba Piggiez Place, which allows for operation of a concession business, at Lake Yosemite, 5714 N. Lake Road in the Merced area near the UC Merced main campus and at Courthouse Park, W. 21st Street and N Street in Merced. (4/5 Vote Required)

PULLED – NO ACTION TAKEN

28. Authorize the Departments of Public Works (DPW) and Community and Economic Development (CED) to circulate a Request for Qualifications (RFQ) to qualified consultants to provide airport planning, design and construction services for County projects, and authorize the DPW and CED to review and rank the statements of qualifications and negotiate a retainer contract to be submitted to the Board for consideration upon review by County Counsel and Risk Management.

APPROVED AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

29. Contract with Quincy Engineering for engineering design services for the Atwater-Merced Expressway Segment 1B.

AUTHORIZED CONTRACT NO. 2019229 AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

30. 1) Adopt Resolution approving submittal of an application to the California Department of Parks and Recreation for a Statewide Park Development and Community Revitalization Program grant for Winton Community Park; 2) Authorize the Director of Public Works to sign all documents relating to the grant; and 3) Direct Public Works Director to return to the Board with the application results and to accept award.

ADOPTED RESOLUTION NO. 2019-62 AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

31. 1) Adopt Resolution approving submittal of an application to the California Department of Parks and Recreation for a Statewide Park Development and Community Revitalization Program grant for Houlihan Park in Planada; 2) Authorize Director of Public Works to sign all documents relating to the grant; and 3) Direct Public Works Director to return to the Board with the application results and to accept award.

ADOPTED RESOLUTION NO. 2019-63 AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

32. 1) Designate the proposed Homeless Navigation Center, to be located at the corner of E. 13th and B Streets in the City of Merced, as a Capital Improvement Project at Final Budget; 2) Authorize Public Works to use the Design-Build process for the design and construction of the Homeless Navigation Center; 3) Authorize Public Works to issue the RFQ required under the design-build process to prequalify proposers, and to review and rank the statements of

qualifications and select up to three (3) prequalified proposers; 4) Authorize Public Works to select a design professional with a current County retainer agreement to develop the Bridging Documents for the project; and 5) Direct Public Works to return to the Board with an informational item disclosing all actions taken prior to the issuance of a Request for Proposal that has been reviewed by County Counsel and Risk for the project.

APPROVED AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

HEALTH

33. Contract with Woodard & Curran, Inc. for hydrology and engineering services.

**AUTHORIZED CONTRACT NO. 2019230 AS RECOMMENDED AYES: 1, 4, 5
NOT PRESENT: 2 AND 3**

34. Contract with Patricia Pratt (Administrative Services Contract No. 12870) to design and execute murals on Farmers Market Stands for the Farmers Market Local Food Promotion Program Grant.

**AUTHORIZED CONTRACT NO. 2013231 AS RECOMMENDED AYES: 1, 4, 5
NOT PRESENT: 2 AND 3**

35. Approve acceptance of the FY 19/20 Tuberculosis Subvention grant award totaling \$83,591 from the State Tuberculosis Control Branch for TB control and prevention services in FY 19/20; and authorize the Chairman to sign the Acceptance of Award form and related documents.

**AUTHORIZED CONTRACT NO. 2019232 AS RECOMMENDED AYES: 1, 4, 5
NOT PRESENT: 2 AND 3**

36. Contract with Intrepid Ascent (Administrative Services Contract No. 12771) to provide the additional technical support and services needed for The California Accountable Communities for Health Initiative.

**AUTHORIZED CONTRACT NO. 2019233 AS RECOMMENDED AYES: 1, 4, 5
NOT PRESENT: 2 AND 3**

BEHAVIORAL HEALTH AND RECOVERY SERVICES

37. 1) Approve and authorize Behavioral Health and Recovery Services to submit Mental Health Block Grant (MHBG) Application documents for 2019-2020 to the State Department of Health Care Services (DHCS) for approval, for the amount of \$1,396,576; 2) Authorize the Director of Behavioral Health and Recovery Services to sign all MHBG documents necessary for submittal; and 3) Return to the Board upon receipt of approval by DHCS of MHBG Application documents.

APPROVED AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

38. Contract with Kings View Corporation to provide support services for successful functioning of the Department's Electronic Health Record System Software.

**AUTHORIZED CONTRACT NO. 2019234 AS RECOMMENDED AYES: 1, 4, 5
NOT PRESENT: 2 AND 3**

39. Contract with Staff Care, Inc. for the placement of licensed psychiatrists on a limited basis.

**AUTHORIZED CONTRACT NO. 2019235 AS RECOMMENDED AYES: 1, 4, 5
NOT PRESENT: 2 AND 3**

40. Contract with Focus Strategies for the provision of Housing Program Consultant.

AUTHORIZED CONTRACT NO. 2019236 AS RECOMMENDED AYES: 1, 4, 5
NOT PRESENT: 2 AND 3

HUMAN SERVICES AGENCY

41. Contract with Aspiranet to provide SB 163 Wraparound services that facilitate the safe return of children/youth in high level out-of-home placements to their homes or less restrictive placements within their community.

AUTHORIZED CONTRACT NO. 2019237 AS RECOMMENDED AYES: 1, 4, 5
NOT PRESENT: 2 AND 3

42. 1) Approve County of Merced's sponsorship of the 2019 Veterans Day Parade to be held on November 11, 2019; 2) Authorize County Risk Management to secure Special Event Insurance naming the City of Merced as additional insured for this event; 3) Authorize the Chairman to sign the Street Closure Application; and 4) Approve the submission of the Street Closure Application.

APPROVED AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

43. Authorize the Department of Administrative Services, in conjunction with Human Services Agency to prepare and release a Request for Proposal (RFP) for Transitional Housing Program-Plus Services to select the most responsive provider for such services, and negotiate an agreement with this provider; and return to the Board with a negotiated Contract for approval.

APPROVED AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

COMMUNITY AND ECONOMIC DEVELOPMENT

44. Approve the Resolution which authorizes Merced County to adopt the Joint Powers Agreement creating the Central Delta-Mendota Groundwater Sustainability Agency and authorize the Chairman to sign agreement; and appoint a primary representative to the Central Delta-Mendota Groundwater Sustainability Agency Board of Directors and up to two alternate members.

AUTHORIZED CONTRACT NO. 2019238 AND ADOPTED RESOLUTION NO. 2019-64 AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

REVIEW BOARD ORDER – SEE PAGE 14

PROBATION

45. Interdepartmental Agreement with Merced County Behavioral Health and Recovery Services for Alcohol and Drug Counselor services at the Iris Garrett Juvenile Justice Correctional Complex.

AUTHORIZED CONTRACT NO. 2019240 AS RECOMMENDED AYES: 1, 4, 5
NOT PRESENT: 2 AND 3

46. Memorandum of Understanding with Workforce Investment for a Vocational Training Program.

AUTHORIZED CONTRACT NO. 2019241 AS RECOMMENDED AYES: 1, 4, 5
NOT PRESENT: 2 AND 3

FIRE

47. 1) Authorize the Merced County Fire Department to accept and execute the terms outlined in the Grant Agreement in the amount of \$105,000 from the California Office of Traffic Safety Grant Program; 2) Adopt the Resolution authorizing the Division Chief, Merced County Fire Department to sign and execute the agreement and any amendments thereto with the California Office of Traffic Safety; and 3) Authorize Administrative Services, in conjunction with Merced County Fire Department, to purchase the required extrication equipment.

AUTHORIZED CONTRACT NO. 2019242 AND ADOPTED RESOLUTION NO. 2019-65 AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

SHERIFF

48. Contract with Carey Edwards for lease of office/warehouse space located at 221 Business Parkway, Atwater.

AUTHORIZED CONTRACT NO. 2019243 AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

DISTRICT ATTORNEY

49. Terminate Agreement for Special Services with Symple Equazon for the Community Intervention Component of the VIPER Program, effective August 30, 2019.

PULLED – NO ACTION TAKEN

50. Terminate Agreement for Special Services with Merced Soccer Academy for the Community Intervention Component of the VIPER Program, effective August 30, 2019.

PULLED – NO ACTION TAKEN

WORKFORCE INVESTMENT

51. Interdepartmental Agreement with Merced County Human Services Agency for their share of cost toward securing the ExecutivePulse Customer Relationship Management (CRM).

AUTHORIZED CONTRACT NO. 2019244 AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

52. Interdepartmental Agreement with Merced County Community and Economic Development (CED) for their share of cost toward securing the ExecutivePulse Customer Relationship Management (CRM).

AUTHORIZED CONTRACT NO. 2019245 AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

53. Contract with Employers' Training Resource to provide temporary employment opportunities/training to individuals that are affected by the opioid crisis.

AUTHORIZED CONTRACT NO. 2019246 AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

LIBRARY

54. Contract with OverDrive, Inc. (Administrative Services Contract No. 12852) for downloadable E-books and E-audiobooks.

AUTHORIZED CONTRACT NO. 2019247 AS RECOMMENDED AYES: 1, 4, 5
NOT PRESENT: 2 AND 3

55. Authorize the County Librarian to close the Gustine Library on Saturday, September 7, 2019 during the Our Lady of Miracles Festa being held September 6 - 8, 2019.

APPROVED AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

TREASURER

56. 1) Approve the selling of properties subject to the Tax Collector's power to sell at a Public Internet Auction November 8-11, 2019; and 2) Approve the authorization for the Tax Collector to reduce the minimum bid price if no bids are received or approve the re-offer of unsold parcels at the same day and or next scheduled auction within 90 days with parties of interest notification.

APPROVED AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

ELECTIONS

57. 1) Adopt Resolution to call for an election on October 1, 2019 to fill the Merced County Employees' Retirement Association Board seats set to expire December 31, 2019 for #2 General, #7 Safety and #8 Alternate Safety members for the new term commencing January 1, 2020; and 2) Authorize the Elections Division of the Registrar of Voters to procure and furnish those election services requested by MCERA as more fully set forth in their Resolution, and to submit a cost bill to MCERA for reimbursement of the election services provided to them.

ADOPTED RESOLUTION NO. 2019-66 AS RECOMMENDED AYES: 1, 4, 5
NOT PRESENT: 2 AND 3

EXECUTIVE OFFICE

58. Contract with Fairbank, Maslin, Maulin, Metz & Associates, Inc. for Public Opinion Research Services.

AUTHORIZED CONTRACT NO. 2019239 AS RECOMMENDED AYES: 1, 4, 5
NOT PRESENT: 2 AND 3

59. Provide guidance on one of the following options related to the Draft Cultivation of Industrial Hemp Ordinance: a) Move forward with the current draft ordinance to the Planning Commission as drafted; b) Modify the current draft ordinance and move forward to the Planning Commission; or, c) Modify the current draft ordinance and bring back for Board review.

NO ACTION TAKEN

REVIEW BOARD ORDER – SEE PAGES 14 AND 15

60. Contract with Merced County Superior Court for services and reimbursement for court operations.

AUTHORIZED CONTRACT NO. 2019248 AS RECOMMENDED AYES: 1, 4, 5
NOT PRESENT: 2 AND 3

BOARD APPOINTMENTS

61. Consider Al Kelley for appointment to the Snelling Cemetery District until July 1, 2022 and Andy Fagundes and Danny Mendoza for reappointment to the Snelling Cemetery District until July 1, 2023.

APPROVED AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

62. Appoint Mary Guidone to serve as a member of the Library Advisory Commission, representing District Two, filling an unexpired term until August 31, 2019.

APPROVED AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

63. Appoint Laronna White to serve as a member of the Delhi Municipal Advisory Council until January 1, 2023.

APPROVED AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: 1, 4, 5 NOT PRESENT: 2 AND 3

64. Administrative Services re: the purchase of a gene expert instrument for the Fire Department pursuant to Ordinance No. 1678, Chapter 5.12.040 and which fall under category 1: 1. Gene expert instrument from Cephid.
65. Administrative Services re: helicopter repairs for the Sheriff's Office pursuant to Ordinance No. 1678, Chapter 5.12.040 and which fall under category 1: 1. Helicopter repairs by Big Valley Aviation.
66. Mosquito Abatement District re: General Manager's Report for June 18 through July 16, 2019.
67. Fish and Game Commission re: Notice of Proposed Regulatory Action relative to amending sections 27.60, 28.60, 163, 163.1, 163.5, 164 and 705; adding Section 28.62; adding Article 6, sections 55.00, 55.01 and 55.02, Title 14, California Code of Regulations, relating to the California Pacific Herring Fishery Management Plan implementing regulations which was published in the California Regulatory Notice Register on July 19, 2019.

THE BOARD ADJOURNED THE MEETING AT 11:43 A.M. UNTIL TUESDAY, AUGUST 13, 2019, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JULY 30, 2019

10:00 A.M. SCHEDULED ITEM **2019-07-30 PUBLIC OPPORTUNITY**

Sharon Wardale-Trejo, Child Support Services Director comments on proclaiming August as Child Support Awareness Month and gives an overview on Child Support Services to the Board.

Bob Plass, Los Banos resident and Chairman of the Library Advisory Commission states that residents want more hours at the Library and further states they need the Board's support to make this happen.

Rick Windling, Merced residents requests that staff please put the dollar amount of each item listed on the Board agendas.

John Alexander Balestrery reads letter dated October 15, 2013 regarding his loyalty bonuses during his 30 years of service at Merced County.

Fernando Aguilerra, Merced resident and President of Merced Soccer Academy comments on item 50 on the agenda and states he was not made aware of this item from the District Attorney's office.

Ashley Warner, with Leadership Council for Justice comments on Item 17. She requests that the Board does not vote on Item 17 today and states that they would like to give input on the item before setting the Public Hearing.

Paul Garcia, Delhi resident states he agrees with the last speaker on Item 17 and also speaks about the streets in Delhi being deteriorated.

Angel Barragan introduces himself as a District 2 candidate for Merced County Supervisor and provides his background.

Angela Lopez, speaks on behalf of her son regarding the VIPER Program and states it has been a positive impact in her son's life.

Carlos Agata states that the VIPER Program has been helping him on a daily basis.

Present: Pareira, Espinoza, Silveira

Absent: Lor, McDaniel

CONSENT ITEM NO. 1 **2019-07-30 PUBLIC WORKS**

The Clerk announces item to adopt Resolution designating the intersection of Palm Avenue at Valeria Avenue in the Dos Palos area as an all-way stop intersection; and direct the Public Works Director to post stop signs on Valeria Avenue approaches to its intersection with Palm Avenue is before the Board for consideration.

Supervisor Silveira requests Public Works Director to make comments regarding the intersection of Palm and Valeira Avenue.

Dana Hertfelder, Director of Public Works gives an overview of the intersection and states that they should have the stop signs installed before school starts.

Upon a motion of Supervisor Silveira, seconded by Supervisor Espinoza, the Board adopts Resolution No.2019-57 designating the intersection of Palm Avenue at Valeria Avenue in the Dos Palos area as an all-way stop intersection and directs the Public Works Director to post stop signs on Valeira Avenue approaches to its intersection with Palm Avenue.

Ayes: Pareira, Espinoza, Silveira

Absent: Lor, McDaniel

CONSENT ITEM NO. 17

2019-07-30 COMMUNITY AND ECONOMIC DEVELOPMENT

The Clerk announces item to set a Public Hearing for August 13, 2019 at 10:00 a.m. to consider adoption of the Revised Draft Zoning Ordinance which replaces Title 18 (Zoning) is before the Board for consideration.

Supervisor Espinoza requests that this item be continued.

County Executive Officer James Brown states it can be pulled.

Supervisor Silveira states that he understands everyone's frustration with this item but citizens need to pay attention to our agendas, we have held numerous public meetings regarding the Revised Zoning Ordinance. He further states that he is fine pulling the item since there are only 3 Board Members present today.

Mark Hendrickson, Community and Economic Development Director comments that they have had many community workshops on the updating the Ordinance.

Mr. Brown speaks about the process of setting Public Hearings.

Supervisor Espinoza states he changed his mind and that he agrees with Supervisor Silveira and that citizens are not always engaged and need to look at the agendas.

The Chairman asks if there is anyone from the public wishing to speak on this item. The following speak:

Ashley Warner, with Leadership Council for Justice requests that the Board allow the public more time for comments due to the technical nature of this. She further requests that the County set some additional community meetings.

Paul Garcia, Delhi resident states he agrees with the previous speaker on needing more time for this item.

The Chairman closes the Public Comment period.

Upon a motion of Supervisor Espinoza, seconded by Supervisor Silveira, the Board sets Public Hearing for August 13, 2019 at 10:00 a.m. to consider adoption of the Revised Draft Zoning Ordinance which replaces Title 18 (Zoning).

Ayes: Pareira, Espinoza, Silveira

Absent: Lor, McDaniel

ACTION ITEM NO. 44

2019-07-30 COMMUNITY AND ECONOMIC DEVELOPMENT

The Clerk announces item to approve the Resolution which authorizes Merced County to adopt the Joint Powers Agreement creating the Central Delta-Mendota Groundwater Sustainability Agency and authorize the Chairman to sign agreement; and appoint a primary representative to the Central Delta-Mendota Groundwater Sustainability Agency Board of Directors and up to two alternate members is before the Board for consideration.

Upon a motion of Supervisor Silveira, seconded by Supervisor Espinoza, the Board approves Resolution No. 2019-64 authorizing Merced County to adopt the Joint Powers Agreement (Contract No. 2019238) creating the Central Delta-Mendota Groundwater Sustainability Agency and appoints Supervisor Silveira as the primary representative to the Central Delta-Mendota Groundwater Sustainability Agency Board of Directors and Supervisor Pareira as first alternate and Lacey Kiriakou as the second alternate to the Central Delta-Mendota Groundwater Sustainability Agency Board of Directors.

Ayes: Pareira, Espinoza, Silveira

Absent: Lor, McDaniel

ACTION ITEM NO. 59

2019-07-30 EXECUTIVE OFFICE

The Clerk announces item to provide guidance on one of the following options related to the Draft Cultivation of Industrial Hemp Ordinance: a) Move forward with the current draft ordinance to the Planning Commission as drafted; b) Modify the current draft ordinance and move forward to the Planning Commission; or, c) Modify the current draft ordinance and bring back for Board review is before the Board for consideration.

County Executive Officer James Brown gives a powerpoint presentation covering Summary and Stakeholder Comments.

Mark Hendrickson, Community and Economic Development Director continues powerpoint presentation covering Ordinance Components.

David Robinson, County Agricultural Commissioner continues powerpoint presentation covering Registration and Licensing Flow Chart.

Mr. Hendrickson concludes the powerpoint presentation covering the Timeline and Board Guidance/Next Step.

Mr. Brown states they are seeking direction today and the Draft Ordinance would need to go to the Planning Commission and then could go into effect by the end of September 2019.

The Chairman opens up Public Comment on the item. The following speak:

Dwight Larks, resident states that he has a few gripes on the Ordinance. One is in regards to greenhouses and the other being property rights.

Breanne Ramos, Director of the Merced County Farm Bureau states they want to ensure their farmers have every opportunity and further states that the Farm Bureau does support the draft Ordinance presented today.

The Chairman closes the Public Comment period.

Supervisor Espinoza questions if they can add indoor growing to the ordinance before going back to the Planning Commission.

Supervisor Silveira states that in October farmers will be making decisions on what to grow for the upcoming season. He further states he is in support of moving forward with the current draft ordinance to the Planning Commission.

Chairman Pareira questions if someone was to register to grow hemp and then down the road it turns into something with high THC or something other than hemp, what will happen?

Mr. Robinson responds that the Ordinance is currently silent on that and additional testing occurs within 30 days.

Sheriff Vern Warnke states that they will be working hand in hand with the Ag. Commissioner and are currently issuing warrants, citations and working with code enforcement. He further states they have a process in place.

Mr. Brown clarifies that it sounds like the Board is geared toward moving forward with the draft to the Planning Commission and ask them for their thoughts on indoor growing.

Supervisor Silveira states that we should go with what we have now and then we can revise it in the Spring if needed.

Supervisor Espinoza states he agrees.

Chairman Pareira comments that if it's zoned A2 farm land and if that needs to wait till Spring time that is fine.

Present: Pareira, Espinoza, Silveira

Absent: Lor, McDaniel