

THE BOARD OF SUPERVISORS
OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Regular Session

Tuesday

August 21, 2012

All Supervisors Present

Pledge of Allegiance to the Flag

Recessed to closed session at 5:30 p.m. for Conference with Legal Counsel - Existing Litigation: Two Cases: James O'Connor, et al v. Vanessa Carrillo, et al., Stanislaus County Superior Court Case No. 675869; and, Dennis Wallace v. County of Stanislaus, et al, Stanislaus County Superior Court Case No. 663764. Government Code Section 54956.9(a).

Reconvened at 6:30 p.m. for Regular Session

The Volunteers for the Stanislaus County State Fair Exhibit were recognized by the Board of Supervisors.

The Volunteers and Steering Committee for the Library Sales Tax Campaign were recognized by the Board of Supervisors.

Rebecca Harrington thanked County employee Sally Goehring for encouraging her to serve on the South Modesto MAC. She also thanked Supervisor De Martini, CEO Nino, County Counsel, Raul Mendez, Management Consultant, Angela Freitas, Interim Planning Director, and the San Joaquin Air Pollution Control Board for their assistance in responding to nuisances due to a recycling business.

Ramon Bermudez spoke regarding the need for food and affordable housing for the low-income residents of this County.

Emerson Drake voiced concerns regarding Stanislaus County Ordinance C.S. 1005, the Salida Area Planning, Road Improvement, Economic Development and Farmland Protection Initiative.

Leroy McDonald voiced his appreciation to the Board for their service as community leaders.

Withdraw/Chiesa unan. Adopted the consent calendar

- *A1 Approved the minutes of 08/07/2012
- *A2 Reappointed David Cooper to the Children and Families Commission 2012-416
- *A3 Accepted the resignation of Nina Brar from the Stanislaus County Parks and Recreation Commission 2012-417
- *A4 Accepted the resignation of Kristine Van Houten and declared the seat of Keri Rodgers as vacant on the Stanislaus Child Development Local Planning Council 2012-418
- *B1 Approved a Master Agreement with AT&T for services and equipment provided to Stanislaus County, including the lease of fiber optic voice and data lines; and, authorized the County Purchasing Agent to execute the Master Agreement and any related pricing schedules associated with this agreement – SBT 2012-419
- *B2 Approved a Master Agreement with Clark Pest Control, Inc. for pest control services; and, authorized the Purchasing Agent to execute the Master Agreement, projects, and any subsequent amendments to the Master Agreement on behalf of the County during the term of the agreement – GSA 2012-420

- *B3 Approved the provisions contained in the tentative agreement reached between the County and the Stanislaus County Attorneys' Association, representing the Attorneys' Bargaining Unit; approved a 6.78% salary deduction effective 08/11/2012 and ending 06/28/2013; approved effective 06/29/2013 a 6% salary deduction that will not expire; authorized the Chairman and all parties to sign the agreement; and, authorized the CEO and the Auditor-Controller to implement all terms and conditions of the approved agreement in compliance with applicable State and Federal laws – CEO 2012-421
- *B4 Approved the use of up to \$60,000 of Community Development Funds for the Helen White Memorial Trail Project in West Modesto; approved the use of up to \$5,000 of Community Development Funds for Community Cleanup Activities in South Modesto; directed the Auditor-Controller to make the necessary budget adjustments as detailed in the Budget Journal Form to establish appropriations for approved project activity during FY 2012-2013; authorized the CEO to execute any agreements associated with use of these funds; and, de-obligated funds previously allocated to project as follows: \$99,800 from the Countywide Growth Management Strategy and \$50,000 from the Keyes Sidewalk Incentive Program – CEO 2012-422
- *B5 Declared the Cisco catalyst network switching equipment from HSA as surplus and authorized its public sale; and, directed the Auditor-Controller to deposit net receipts from the sale of these assets, in such HSA fund/orgs as appropriate to the fixed asset location in Oracle – GSA 2012-423
- *B6 Approved an agreement with Adobe Systems Incorporated as an affiliate to the Riverside County Master Agreement for the purchase of software licenses, upgrade licenses, and optional maintenance services; and, authorized the County Purchasing Agent to execute the agreement – SBT 2012-424
- *B7 Authorized the Chairman to sign a letter to the Administrative Office of the Courts encouraging continued funding for a new Courthouse and encouraging coordination of planning efforts between the Judicial Council, the Superior Courts and Stanislaus County for long-term provision of justice-related services – CEO 2012-425
- *D1 Finds the County received less than one-half of the foregone property tax revenue pursuant to Government Code Section 161.42(d)(1) for the 2012-2013 Fiscal Year; approved the implementation of AB 1265 (Formerly SB 863) to maintain Williamson Act Contracts including a reduction of property tax benefits by ten percent and a related reduction of the term of the contracts to nine years, to be effective for calendar year 2013; and, directed the Assessor, Auditor-Controller, Treasurer-Tax Collector, and Director of Planning and Community Development to take all necessary steps to implement AB 1265 for the 2013-2014 Fiscal Year including, but not limited to, making the appropriate modifications to all affected properties assessed values, modifying tax bills to reflect the assessment changes and supplemental fees associated with the reduced tax benefit, and recording any necessary notices – Planning 2012-426

Monteith/Withdraw unan. **6:35 pm Continued to 09/11/2012, at 9:10 a.m.**, the public hearing to Consider the Planning Commission's Recommendation for Approval of Rezone Application No. 2011-02, Randy Thomas, a Request to Rezone 42± Acres in Five (5) Different Planned Development Zoning Districts Into One New Planned Development Zone to Allow New Commercial and Industrial Uses – Planning ORD-55-Q-1 2012-429

Chiesa/De Martini unan. **6:40 p.m.** Conducted the public hearing; finds Lot Line Adjustment Application No. 2012-12 and Williamson Act Cancellation Application No. 2012-01, Berryhill Vineyards categorically exempt from the CEQA and ordered the filing of the Notice of Exemption; finds, based on the discussion in this report and the whole of the record: (A) that the cancellation is for land on which a

notice of nonrenewal has been served pursuant to Section 51245 of the California Government Code, (B) that cancellation is not likely to result in the removal of adjacent lands from agricultural uses, (C) that cancellation is for an alternative use which is consistent with the applicable provision of the city or county general plan, (D) that cancellation will not result in discontinuous patterns of urban development, (E) that there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land, (F) that other public concerns substantially outweigh the objectives of the Williamson Act (Government Code Section 51200-51297.4); accepted the cancellation value of the subject property as \$90,000 as determined by the County Assessor; certified to the County Auditor the cancellation fee which must be paid as deferred taxes to be 12½% of the accepted cancellation value (\$11,250); approved the Tentative Cancellation of a portion of Williamson Act Contract No. 71-0062 subject to payment of the cancellation fee; unless the fee is paid within one year of the filing of the Certificate of Tentative Cancellation, the fee shall be re-computed as provided by State law; directed the Clerk of the Board to record a Certificate of Tentative Cancellation within 30 days of this action; directed the Clerk of the Board, within 30 days of the Board action, to publish the Notice of the Decision, pursuant to Government Code, and to deliver a copy of the published Notice of the Decision to the Director of Conservation; rescinded a portion of Williamson Act Contract No. 71-0062 and approve a new contract pursuant to Minor Lot Line Adjustment 2012-12 – Berryhill Vineyards; approved the Lot Line Adjustment Application No. 2012-12 – Berryhill Vineyards, subject to the completion of Williamson Act Contract Cancellation No. 2012-12; and, authorized the Planning and Community Development Director to execute a new contract pursuant to Minor Lot Line Adjustment 2012-12 and Williamson Act Contract Cancellation No. 2012-01 – Planning
2012-430

Chiesa/Withrow unan. **C1** Approved the Subdivision Improvement Agreement; authorized the Chairman to sign the Subdivision Improvement Agreement with the Bank of Stockton for the Del Rio Lago Subdivision; and, canceled the public hearing to adopt a resolution approving the reversion to acreage of the Del Rio Lago Subdivision Final Map; and, **amended** the item to add the finding that the zoning of the property is Planned Development (PD 293 per Stanislaus County Ordinance C.S. 907) and the property is subject to the development standards approved by the Board on 12/14/2004, which authorized the construction of 47 units of single family residences – PW
2012-428

Agenda Item C-1, Recommendation 2, **canceled the 6:45 p.m. public hearing** to Adopt a Resolution Approving the Reversion to Acreage of the Del Rio Lago Subdivision Final Map as Shown in Book 43 of Maps, at Page 85, Stanislaus County Records – PW
2012-431

Recessed at 7:55 p.m.

Reconvened at 8:08 p.m.

De Martini/Chiesa (2-2)(O'Brien and Monteith opposed)(Withrow abstained) **B8** The **motion failed** to approve Staff Recommendation No. 1(a) to terminate the Cost Reimbursement, Deposit and Forfeiture Agreement between West Park Holdings, LLC and Stanislaus County, dated 06/19/2012, based upon the failure to deposit the Escrow Funds on or before the 07/10/2012; terminate the relationship with the Master Developer – West Park Holdings, LLC; and, direct staff to return with strategic alternatives for proceeding with the development of the County-owned former Crows Landing Air Facility

B8 Supervisor Monteith made a **motion that failed for lack of a second** to extend the deadline to 08/23/2012 by 3:00 p.m. for West Park Holdings, LLC to deposit the Escrow Funds in the amount of \$2.75 million in full as detailed in the Cost Reimbursement, Deposit and Forfeiture Agreement dated

06/19/2012; to extend the deadline for the completion of the EIR to 04/30/2013; and, automatically terminate the agreement with West Park Holdings, LLC if the Escrow Funds are not received by the County Treasurer by the 08/23/12 deadline

B8 Chairman O'Brien **withdrew his motion** to approve Staff Recommendations Nos. 1a and 2 to terminate the Cost Reimbursement, Deposit and Forfeiture Agreement between West Park Holdings, LLC and Stanislaus County, dated 06/19/2012, based upon the failure to deposit the Escrow Funds on or before the 07/10/2012; terminate the relationship with the Master Developer – West Park Holdings, LLC and direct staff to return with strategic alternatives for proceeding with the development of the County-owned former Crows Landing Air Facility; direct the County Treasurer to promptly return to West Park Holdings, LLC all of the Escrow Funds on deposit with the County Treasury, less any bank fees and/or costs incurred by the County in returning the Escrow Funds, and any funds owed to the County by West Park Holdings, LLC for staff, consultant and legal fees as of 08/22/2012; and, add Staff Recommendation No. 3 to direct staff to issue an RFP as soon as possible for the development of the Crows Landing Naval Air Base with the same requirements that was placed on West Park Holdings, LLC including: fixing the infrastructure in Crows Landing, airport requirements, spec buildings that have to be built, no residential, \$2.75 million to be deposited with the County, have staff determine what the appropriate EIR period is, and have the same penalty for failure to complete the EIR within that time period as a forfeiture of any remaining funds and work product

Chiesa/O'Brien (4-0)(Withdraw abstained) **B8 Continued to the 08/28/2012** Board meeting, the agenda item to Consider and Provide Direction Whether to Terminate the Cost Reimbursement, Deposit and Forfeiture Agreement and the Developer Relationship with West Park Holdings, LLC or Waive the Breach of the Cost Reimbursement, Deposit and Forfeiture Agreement Between West Park Holdings, LLC and Stanislaus County Allowing the Continuance of a Development Time Extension Through January 31, 2013 2012-427

Corr 1 Referred to the Department of Aging and Veteran Services, the Milken Institute the report *Best Cities for Successful Aging*.

Corr 2 Referred to the Department of Planning and Community Development, a letter from the U.S. Department of Housing and Urban Development regarding the approval of Stanislaus County's Fiscal Year 2011 Emergency Solutions Grant Substantial Amendment.

Corr 3 Referred to the Agricultural Commissioner and Sealer of Weights and Measures, Office of Emergency Services, and Stanislaus Economic and Workforce Alliance, two letters from the California Emergency Management Agency regarding the U.S. Department of Agriculture and the U.S. Small Business Administration's disaster designation for the primary counties of Kings and Merced, and Stanislaus County as a contiguous county, due to agricultural losses caused by hail, rain, and cold temperatures that occurred April 11, 2012 through April 13, 2012.

Corr 4 Referred to the Department of Parks and Recreation, a letter from the San Joaquin Valley Air Pollution Control District regarding grant opportunities for the Cordless Zero-Emission Commercial Lawn and Garden Equipment Demonstration Program.

Corr 5 Acknowledged receipt of the Stanislaus County Civil Grand Jury Final Report for 2011-2012. M-39-M-7

Corr 6 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the

following claims: Alfredo Vega Garcia; Juan Sanchez; Tony Machado Rocha; Cynthia Parker; Larry McCormick Jr.; Carmen Tellez; Larry Dias; Ruby Rodrigues and Thomas Rodrigues; and, the Housing Authority of the County of Stanislaus.

Supervisor De Martini announced that the extensive renovation of Laird Park was completed using no County funds. He gave a special thank you to Jon Maring for leading this project.

Supervisor Chiesa requested that the individuals that participated on the Laird Park renovation be recognized by the Board.

The CEO noted that Congressman Dennis Cardoza resigned and she thanked him for this service to our County.

Adjourned at 9:30 p.m.

ATTESTED: CHRISTINE FERRARO TALLMAN, Clerk
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: Elizabeth King, Assistant Clerk
of the Board of Supervisors

(The above is a summary of the minutes of the Board of Supervisors. Complete minutes are available from the Clerk of the Board's Office.)