

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

Regular Session

Tuesday

August 28, 2012

All Supervisors Present

Pledge of Allegiance to the Flag

Gary Caseri, Stanislaus County Agricultural Commissioner and Sealer of Weights and Measures, presented the 2012 Annual Stanislaus County Crop Report.

Emerson Drake spoke regarding the importance of water and voiced concerns regarding MID's plan to sell water to San Francisco.

Withdraw/Chiesa unan. Adopted the consent calendar

***A1** Approved the minutes of 08/21/2012

***B1** Authorized the Director of the Department of Aging and Veteran Services to sign contracts and any subsequent amendments to contracts AP-1213-30, HI-1213-30, TV-1213-30, and MS-1213-14 with the California Department of Aging for the Older Americans Act (OAA) Programs, the Health Insurance Counseling and Advocacy Program (HICAP), the Title V Senior Community Service Employment Program (SCSEP), and the Multipurpose Senior Services Program (MSSP) – Aging & Veterans 2012-432

***B2** Adopted the 1% tax rate authorized by Sections 93(b) and 135 of the Revenue and Taxation Code; adopted tax rates that are "...needed to make annual payments for the interest and principal on general obligation bonds or other indebtedness approved by the voters" to be levied pursuant to Revenue and Taxation Code 93(a) and 93(c); adopted the Countywide Unitary Tax rate authorized by Section 100 of the Revenue and taxation Code; and, adopted the .8714% tax rate for the territory formerly served by the lower San Joaquin Levee District – Auditor-Controller 2012-433

***B3** Authorized the Project Manager to take all of the necessary actions required to salvage and demolish the commercial modular trailer located at the Juvenile Commitment Center Construction Site – CEO 2012-434

***B4** Authorized HSA to accept funds from the California Department of Public Health for Funding Allocation of \$712,394 under the 2012-13 Centers for Disease Control Public Health Emergency Preparedness Funding, State General Fund Pandemic Influenza, and U. S. Department of Health and Human Services Assistant Secretary for Prevention and Response Hospital Preparedness Program Funding Agreement; authorized HSA Managing Director, or her designee, to sign the agreement, and any amendments, and accept the funds when awarded; and, authorized the Chairman to sign the Non-Supplantation Certification Form – Exhibit E to the Agreement – HSA 2012-435

***B5** Approved the California Department of Public Health contract for the California Personal Responsibility Education Program for Teen Pregnancy Prevention from 07/01/2012 through 09/30/2016 and any amendments; and, authorized the HSA Managing Director, or her designee, to sign and execute the contact agreement – HSA 2012-436

- ***B6** Adopted County position supporting Legislation SB 1014/House Resolution (HR) 3890, the Emergency Judicial Relief Act, to increase the number of federal judgeships in the U.S. District Court, Eastern District of California; this legislation will address, through enhanced federal prosecution, the proliferation of illegal marijuana grow sites throughout the Central Valley and to reduce the public safety risks that accompany these sites – CEO
2012-437
- ***B7** Approved the agreement with the Stanislaus County Law Library to provide auto, general liability and property insurance coverage; authorized the CEO to sign the MOU between Stanislaus County and the Stanislaus County Law Library; and, authorized the Auditor-Controller to collect a monthly charge from the Law Library through the Cost Allocation Plan – Risk Management
2012-438
- ***B8** Set a public hearing on 09/25/2012, at 9:05 a.m., to consider approval of the Stanislaus County District Attorney and Stanislaus County Sheriff’s Department FY 2012-2013 expenditure plans for the State Supplemental Law Enforcement Services Fund (SLESF) – Sheriff
2012-439
- ***B9** Accepted the Stanislaus County Treasury Pool’s July 2012 Monthly Investment Report, as prepared by the Stanislaus County Treasurer-Tax Collector’s Office, and reviewed for conformity with the Stanislaus County Treasury Pool Investment Policy by the Treasurer-Tax Collector, and distributed to the Stanislaus County Treasury Pool Oversight Committee; and, authorized the Chairman to sign on behalf of the Board that the report has been reviewed and accepted – T/TC
2012-440
- ***B10** Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding CE No. 11-0113 at 1705/1707 Seattle Street, Modesto, California – DER
2012-441
- ***D1** Authorized the release of the FY 2011-2012 Draft Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) and Emergency Solutions Grant (ESG) Programs, and Draft Substantial Amendments (SA) to FY 2008-2009 and 2010-2011 Annual Action Plans for the Neighborhood Stabilization Programs; and, set a public hearing on 09/18/2012, at 6:35 p.m., to consider adoption of the FY 2011-2012 Draft CAPER for the CDBG and ESG Programs, and Draft SA to FY 2008-2009 and 2010-2011 Annual Action Plans for the Neighborhood Stabilization Programs – Planning
2012-442
- ***D2** Authorized the Director of Planning and Community Development to execute a contract amendment with ICF International for a cost not to exceed \$71,972 for the addition of a new task as described in the agenda item (including attachments) and to sign any necessary documents relating to the contract amendment; and, authorized the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet – Planning
2012-443

Withdraw/Chiesa unan **9:05 am** Conducted the public hearing; finds that General Plan Amendment Application No. 2009-04, Revised Housing Element Update is exempt from the California Environmental Quality Act (CEQA) and ordered the filing of the Notice of Exemption; finds that: (a) the General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses, (b) the County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service, and (c) the project is consistent with the overall Goals and Policies of the Stanislaus County General Plan; and, approved General Plan Amendment No. 2009-04 - Revised Housing Element Update – Planning
2012-446

Recessed at 10:55 a.m.

Reconvened at 11:07 a.m.

Chiesa/Withrow (3-2)(Monteith and De Martini opposed) **9:10 am** Conducted a public hearing to consider Planning Commission's recommendation for denial of General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Vesting Tentative Subdivision Map 2012-01, Del Rio Villas; based on testimony and the record, the Board approved Staff Recommendation Nos. 1-7 as follows: (1) adopted the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis; (2) ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; (3) finds that: (A) the General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses, (B) the County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service, (C) the amendment is consistent with the General Plan goals and policies; (4) finds that the proposed P-D zoning is consistent with the Planned Development General Plan designation; (5) finds that none of the findings requiring denial of this Tentative Map can be made: (A) that the proposed map is not consistent with applicable general and specific plans, (B) that the design or improvements of the proposed subdivision are not consistent with applicable general and specific plans, (C) that the site is not physically suitable for the type of development, (D) that the site is not physically suitable for the proposed density of development, (E) that the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, (F) that the design of the subdivision or type of improvements is likely to cause serious public health problems, (G) that the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; in this connection the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public; this subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision, (H) the project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density, and (I) there is no feasible method to satisfactorily mitigate or avoid the adverse impact identified, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density; (6) finds that the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; (7) approved General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas, subject to the Development Standards/Development Schedule; and, introduced and waived the reading and adopted Ordinance C.S.1121 for the approved Rezone Application – Planning ORD-55-P-8 2012-447
2012-448

De Martini/Monteith unan. **B11** Accepted the report of the DA's Office regarding Real Estate Fraud Prosecution Trust Fund pursuant to California Government Code Section 27388, sub-sections (d)(1) and (d)(2); and, approved the continuation of this program and current funding levels in FY 2012-2013 – DA 2012-444

O'Brien/Chiesa (3-1)(Monteith opposed)(Withrow abstained) **B12** The Board considered options for proceeding with the development of the Crows Landing Air Facility project; approved Staff Recommendations Nos. 1(b) and 2; terminated 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 07/10/2012; terminated the relationship with the Master Developer - West Park Holdings, LLC and direct staff to develop a new Request for Proposal (RFP) process consistent with the core project elements as identified through the West Park Holdings, LLC Master Developer experience; directed 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 unused funds owed to the County by West Park Holdings, LLC for staff, consultant and legal fees as of 08/29/2012; and, **amended** the item to require that the terms located on Pages 4 through 8 of the 8/28/2012 Staff Report to the Board must be considered and incorporated into a new RFP process seeking a Master Developer for the County owned Crows Landing Air Facility property; in addition, the sewer requirement must be based on the original RFP; the rail component is optional; require an Escrow Fund in the amount of \$2.0 million with a Forfeiture Agreement in place; allow that lawsuits can delay the overall timeframe; and, anyone who meets these requirement is eligible to submit a proposal in response to the RFP – CEO 2012-445

Corr 1 Acknowledged receipt of the State Board of Equalization's 2010-2011 Annual Report.

Corr 2 Referred to the CEO and the Department of Public Works, a letter from the Regional Council of Rural Counties regarding a Memorandum of Agreement with the U.S. Forest Service and Bureau of Land Management regarding management of federal public lands.

Corr 3 Referred to the Department of Public Works and DER, a letter from the United States Department of the Interior regarding the participation in the preparation of the Environmental Impact Statement for the Remanded Biological Opinions on the Coordinated Long-Term Operation of the Central Valley Project and State Water Project.

Corr 4 Referred to DER, a letter from the Department of Transportation regarding a meeting on the soil stockpiles and groundwater monitoring located south of Kansas Avenue on both sides of State Route 99 in the City of Modesto.

Corr 5 Referred to the Auditor-Controller, Assessor, and Tax-Collector, a Claim for Refund of Property Tax from Flight Options regarding fractionally owned aircraft assessments.

Corr 6 Referred to the Department of Public Works, a letter from Bender Rosenthal, Inc. regarding the State Route 165 Project Study Report.

Corr 7 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Alejandro Garcia III; Kathryn Catlin Stewart; Brenda Jones; and, Pat Silva.

Supervisor De Martini reported that the West Side Health Care Task Force held its annual summit a few days ago. This year there are 7 teams participating in the Biggest Loser (weight loss) Contest. He noted that it was a good summit with a lot of participation.

The CEO reported that the Governor announced a pension reform agreement that is focused on new employees and the capping of pension salaries. She noted that there will probably be some opportunities next year concerning the additional Parks funds found in regards to the Off-Highway Vehicle Fund. She noted that Congress is recessed until 09/10/2012.

Adjourned at 2:00 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.)