

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

Regular Session

Tuesday

April 29, 2014

All Supervisors Present

Pledge of Allegiance to the Flag

Astrid Zuniga made a presentation regarding May 2013 as Autism Awareness Month and received a proclamation from the Chairman.

The Modesto Christian High School Girls Basketball Team 2014 CIF Division III State Champions were recognized and presented with Certificates from the Board.

An Employee Service Award for 35 years of service was presented to Josephine Navarro from CSA. Employee Service Awards for 25 years of service were presented to: Yolanda Bearden, Tricia DeBoer and Jacqueline Trujillo from CSA; and, Tamara Thomas from Child Support Services.

Carman Sabatino voiced concerns regarding a law enforcement raid on the Pop and Cork Liquor Store concerning the Athwal brothers.

Felix Monjes spoke regarding pot holes and issues with water drainage on Baldwin Road and Rogers Road in the Patterson area, and requested the Board review the condition of these roads.

Chiesa/Monteith unan. Adopted the consent calendar after removing from consent item ***B16** Approval to Adopt the Property Tax Administration Cost Recovery Plan – Auditor-Controller

***A1** Approved the minutes of 04/08/2014

***A2a** Accepted the resignation of Stuart Bennett, Ralph Curtis, David Danner, and Dorothy Nygard from the Stanislaus Economic Development and Workforce Alliance Board 2014-168

***A2b** Accepted the resignation of Kathy Hankins from the Empire Sanitary District Board of Directors 2014-169

***A3a** Commended Stanislaus County Farm Bureau upon their 100th Anniversary 2014-170

***A3b** Commended Brian T. McCaffrey, M.D. upon receiving the John Darroch Memorial Award from the Stanislaus Medical Society 2014-171

***A4a** Proclaimed May 2014 as Mental Health Month 2014-172

***A4b** Proclaimed May 2014 as Older Americans Month 2014-173

***A4c** Proclaimed May 2014 as Asthma Awareness Month 2014-174

***A4d** Proclaimed 05/01/2014 as Law Day 2014-175

***B1** Approved the Area Agency on Aging FY 2014-2015 Planning and Service Area (PSA) Plan Update; authorized the Chairman and the Director of Area Agency on Aging to sign the Transmittal Letters to the California Department of Aging; and, return original signed Transmittal Letters to the Area Agency on Aging – Aging & Veterans 2014-176

***B2** Approved the award of a Master Agreement contracting with the certified accounting firm of Brown Armstrong Accountancy Corporation for County-wide audit services for the FY ending 06/30/2014; and, authorized the Purchasing Agent to execute the Master Agreement projects and any amendments thereto – Auditor-Controller 2014-177

- *B3 Approved the third amendment to the agreement with ABM Engineering Services Company, a California Corporation for the provision of facility maintenance, engineering and light security services through 06/30/2014; and, authorized the BHRS Director, or her designee, to sign the third amendment to the agreement with ABM Engineering Services Company, a California Corporation for the provision of facility maintenance, engineering and light security services through 06/30/2014 – BHRS 2014-178
- *B4 Approved of amendments to agreements with California Psychiatric transitions, Inc., and Country Villa Merced Behavioral Health Center for adults with serious mental illness in need of an institution for mental disease through the end of FY 2013-2014; and, authorized the BHRS Director, or her designee, to sign the amendments with two providers of care for adults with serious mental illness – BHRS 2014-179
- *B5 Approved the Mental Health Cooperative agreement with the State Department of Rehabilitation for FYs 2014-2015, 2015-2016 and 2016-2017 for the provision of vocational rehabilitation services for persons with severe and persistent mental disabilities; authorized the BHRS Director, or her designee, to sign the agreement number 29164 with the State Department of Rehabilitation for FYs 2014-2015, 2015-2016 and 2016-2017, including the certification form CCC-307; and, adopted a resolution to enter into the Mental Health Agreement with the State Department of Rehabilitation to provide vocational rehabilitation services for persons with severe and persistent mental disabilities – BHRS 2014-180
- *B6 Approved a revenue agreement with the State of California for Statewide Voter Registration Database Project Section 303(a) of the Help America Vote Act of 2002; authorized the Clerk Recorder – Registrar of Voters to execute a three year of revenue agreement with the State of California, Secretary of State, in the amount of \$52,764.61; approved the Clerk Recorder – Registrar of Voters to expend funds and seek reimbursement from the State of California, Secretary of State; directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$52,764.61 per the Budget Journal form; and, approved the Clerk Recorder – Registrar of Voters to negotiate, sign the grant award agreement, including any extensions, or amendments, not to exceed \$150,000 – Clerk Recorder-Registrar of Voters 2014-181
- *B7 Accepted a \$344,573 Grant from the Department of Health Care Services (DHCS) for Medi-Cal Outreach and Enrollment Funding; authorized the CSA Director, or her Assistant Director designee, to sign the Medi-Cal Outreach and Enrollment Strategies Agreement with the Department of Health Care Services (DHCS) not to exceed the total contract amount of \$344,573 for the period of 03/12/2014 through 12/31/2016; and, authorized CSA to work with GSA to develop and issue a RFP to contact the grant funds to community based organizations – CSA 2014-182
- *B8 Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding nuisances at 5324 9th Street, Keyes, California - CE No. 13-0049 – DER 2014-183
- *B9 Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding nuisances at 5301 9th Street, Keyes, California - CE No. 13-0069 – DER 2014-184
- *B10 Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding nuisances at 1605 Vernon Avenue, Modesto, California - CE - No. 13-0032 – DER 2014-185
- *B11 Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding nuisances at 401 Imperial Avenue, Modesto, California - CE No. 13-0161 – DER 2014-186
- *B12 Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding nuisances at 25 S. Abbie Street, Empire, California - CE No. 12-0217 – DER 2014-187

- ***B13** Adopted the Resolution as required by the Board of State and Community Corrections (BSCC) authorizing the Chief Probation Officer to submit and/or sign Stanislaus County's Application for Approval of the County's 2014/15 Comprehensive Multi-Agency Juvenile Justice Substantive Plan Modification and related contracts, amendments, or extension with the State of California – Probation 2014-188
- ***B14** Accepted the Stanislaus County Treasury Pool's March 2014 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 has been 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 2014-189
- ***B15** Approved the distribution of excess proceeds of \$663,785.31, from the 02/27/2013 sale of tax defaulted properties; authorized the Auditor's Office to issue checks totaling \$628,533.40 per the list of claims for excess proceeds submitted in accordance with Revenue and Taxation Code Section 4675; authorized the Auditor's Office to apportion the balance of excess proceeds of \$35,251.91 to the appropriate taxing agencies; and, hold the distribution of \$247,262.61 for two parcels for further research and review per County Counsel – T/TC 2014-190
- ***B17** Authorized the BHRS Director to appoint Phillip Quadra to the position of Psychiatric Nurse II in BHRS at a salary of \$38.49 per hour which is Step Five of the salary band less the current 5% salary deduction – BHRS 2014-191
- ***B18** Authorized the Chief Probation Officer to execute a purchase/trade-in transaction with Adamson Police Products for the purchase of 85 Sig Sauer P320 firearms and trade-in 82 Department owned Sig Sauer P229 firearms and three Sig Sauer P239 firearms – Probation 2014-192
- ***B19** Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding nuisances at 821 Atlantic Drive, Modesto, California - CE No. 12-0137 – DER 2014-193
- ***B20** Adopted the retirement contribution rates based on the 06/30/2013 actuarial valuation for FY 2014/2015 as recommended by the Board of Retirement; and, directed the Auditor-Controller to change the employer and Tire 6 employee retirement contribution rates for the FY 2014/2015 in accordance with the actuarial valuation of 06/30/2013 on the payroll check dated 08/06/2014 – StanCERA 2014-194
- ***C1** Approved the purchase agreement to acquire right-of-way for the Crows Landing Road at West Main Intersection Upgrade Project, Parcel Owner: Lesley Gasparini, APN: 058-004-006 (portion); and, authorized the Chairman of the Board to execute the agreement – PW 2014-195
- ***C2** Awarded a contract for Engineering Services to MVE Engineering, Inc., Modesto, California in the amount of \$414,105 for the HSIP/HR3 Cycle 5 Projects; and, authorized the Director of Public Works to execute a contract with MVE Engineering, Inc. in the amount of \$414,105 and to sign necessary documents, including any amendments to the agreement not to exceed 10% – PW 2014-196
- ***C3** Approved the purchase agreement to acquire right-of-way for the Crows Landing Road at West Main Intersection Upgrade Project, Parcel Owner: Sallah Hauter, APN: 022-039-005 (portion); and, authorized the Chairman of the Board to execute the agreement – PW 2014-197
- ***D1** Rescinded a portion of Williamson Act Contract No. 1971-71 and all of Williamson Act Contract No. 1994-4258, located on Hawkins Road, south of Hidden Hill Court and east of Hidden Hills Road, in the Hickman area; approved and established the following findings: (a) the new contract or contracts would enforceably restrict the adjusted boundaries of the

parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years except as authorized under the County's implementation of AB 1265; (b) there is no net decrease in the amount of the acreage restricted; in cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts; (c) at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; (d) after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222; (e) the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts; (f) the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; (g) the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan; approved new contract pursuant to minor Lot Line Adjustment, PLN2014-0001, Hawkins Trust; and, authorized the Director of Planning and Community Development to execute a new contract – Planning 2014-198

***D2** Set a public hearing for 05/20/2014, at 6:40 p.m. to consider approval of Williamson Act Cancellation Application PLN2013-0055 and Lot Line Adjustment Application PLN2013-0056, and a new Williamson Act Contract, Stuve Mitchell/Hudelson Family 1998 Trust; and, authorized the Clerk of the Board to publish notice of hearing as required by law – Planning 2014-199

***D3** Rescinded a portion of Williamson Act Contract No. 2004-4565 and all of Williamson Act Contract No. 1999-4413, located at 1648 Clinton Road, south of E. Hatch Road, west of Baldwin Road, in the Hughson area; approved and established the following findings: (a) the new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years except as authorized under the County's implementation of AB 1265; (b) there is no net decrease in the amount of the acreage restricted; in cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts; (c) at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; (d) after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222; (e) the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts; (f) the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; (g) the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan; approved new contract pursuant to minor lot line adjustment PLN2013-0017, Duarte Properties, Inc./CA Winelands, LLC; and, authorized the Director of Planning and Community Development to execute a new contract – Planning 2014-200

***D4** Rescinded a portion of Williamson Act Contracts No. 1973-1535 and 1972-735, located at 11949 Crows Landing Road, Between Simmons and Harding Roads, in the Crows Landing area; approved and established the following findings: (a) the new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years except as authorized under the County's implementation of AB 1265; (b)

there is no net decrease in the amount of the acreage restricted; in cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts; (c) at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; (d) after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222; (e) the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts; (f) the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; (g) the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan; approved new contract pursuant to minor lot line adjustment PLN2013-0102, J&L Partners I, L.P. and J&L Partners II, L.P.; and, authorized the Director of Planning and Community Development to execute a new contract
– Planning 2014-201

Chiesa/Withrow unan. ***B16** Adopted the Property Tax Administration Cost Recovery Plan; approved the report determining the Property Tax Administration Costs for FY 2012-2013 are \$7,036,069 and establishing the proportion of said costs attributable to incorporated cities and other jurisdiction in FY 2013-14; and, authorized the collection of said costs pursuant to the provisions of the Revenue and Taxation Code Sections 95.3 and 97.75, and Stanislaus County Ordinance Code Section 4.44.010 – Auditor-Controller 2014-202

Withrow/Chiesa unan. **9:05 am** Conducted a public hearing; and, introduced and waived the first reading of Ordinance C.S. 1147 to establish new fees and amend or eliminate existing fees for DER
ORD-55-S-7 2014-203

O'Brien/Monteith unan. **B21** Approved the various actions needed to move the AB 900 Phase II Public Safety Center Expansion Project forward toward construction within the approved Project Budget, the approved Project Schedule, consistent with the Agreements with the State of California; approved the conditional award of a design-build construction contract, conditioned upon final State Approval for the AB 900 Phase II Public Safety Jail Expansion for Project Two (Day Reporting Center) to Simile Construction Service Inc. of Modesto, California for \$3,649,000, pursuant to the County's basis of award including holding additive proposal alternate pricing for the project; authorized the Project Manager to advance three finalist Design-Build teams to the final selection process for Project One (Maximum-Security Housing Units/Mental Health Units) and Project Three (Intake, Release Transportation); and authorized the Project Manager to award a stipend of \$50,000 to each of the two Design-Build teams not awarded the final design-build construction contract: McCarthy of Roseville, California; Hensel Phelps of San Jose, California; and, Balfour Beatty of Emeryville, California; authorized the Project Manager to issue a Request for Proposals for general inspection services for Project One and Project Three; and return to the Board of Supervisors to recommend a contract award; along with finalizing and executing Amendment No. 3 to the current inspection services Agreement with Stewart & Stewart, Inc. for Project Two (Day Reporting Center); authorized the Project Manager to issue a RFP for Specialty Inspection Services for Projects One and Three; and return to the Board of Supervisors to recommend a contract award; authorizes the Project Manager to negotiate and sign contracts, work authorizations, and purchase orders for professional services needed in the design-build construction phase of the project, as long as they are within the project budget approved by the Board of Supervisors; and, authorized the Project Manager to negotiate and sign change orders up to \$25,000, consistent with the County's Change Order Policy, and as long as they are within the previously approved project budget – CEO 2014-204

Corr 1 Referred to Planning and Community Development, a letter from the U.S. Department of Housing and Urban Development regarding Stanislaus County's FY 2014 funding allocation for Community Development Block Grants and Emergency Solution Grants.

Corr 2 Referred to the Area Agency on Aging/Veterans Services, a letter from the State of California Department of Veterans Affairs regarding funding received for veterans through the Stanislaus County Veterans Services Agency from 07/01/2012 through 06/30/2013.

Corr 3 Referred to the Alliance WorkNet and the Stanislaus Economic Development and Workforce Alliance, a letter from Marc Ecko Enterprises regarding the possible plant closing at MEE Direct LLC's "Company" store at 3401 Dale Road, Modesto, CA; negotiations are in process with a potential purchaser of the business; if the sale does not occur then terminations are expected to be permanent beginning no earlier than 04/18/2014.

Corr 4 Referred to Public Works, a notice from the California Department of Transportation regarding the availability for San Joaquin Corridor Program Draft Environmental Impact Report.

Corr 5 Designated Supervisor O'Brien as the Board member to serve on the Election Observer Panel for the Gubernatorial Primary Election on Tuesday, 06/03/2014.

Corr 6 Referred to Public Works and DER, a notice from the Bureau of Reclamation regarding an upcoming meeting on 05/13/2014 on the preparation of an Environmental Impact Statement/Environmental Impact Report for the North Valley Regional Recycled Water Program.

Corr 7 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Jesse James Gorman; Rob Collins; Monthy Chea; Clifton Williams Jr.; Stephanie Vennema; Monique Digges; and, Felix R. Monjes.

Supervisor Chiesa reported that the San Joaquin JPA, which runs the Amtrak service in the Central Valley, will hold a public meeting on 05/28/2014, at 6:00 p.m. at the StanCOG office located at 1111 I Street, Modesto, and they are seeking public comments. He noted that trains currently start at both ends of the system at Bakersfield and Oakland/Sacramento. Supervisor Chiesa would like to see a train start in the middle of the system (Merced area) to create a business train. He also congratulated Sheriff Christianson upon being installed as the President of the California State Sheriff's Association.

Adjourned to closed session at 11:05 a.m. for Conference with Legal Counsel - Existing Litigation: Two cases: Stanislaus Audubon Society v. County of Stanislaus, et al, Stanislaus County Superior Court Case No. 683325; County of Stanislaus v. City of Modesto, Stanislaus County Superior Court Case No. 667397. Government Code Section 54956.9 (d)(1).

Supervisor Withrow recused himself from participation in the closed session matter regarding Stanislaus Audubon Society v. County of Stanislaus, et al, Stanislaus County Superior Court Case No. 683325.

Supervisor Chiesa left at 11:40 a.m.

Adjourned at 11:55 a.m.

ATTESTED: CHRISTINE FERRARO TALLMAN, Clerk
of the Board of Supervisors

of the County of Stanislaus
State of California

BY: ELIZABETH A. 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.)