

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

Special and Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

April 21, 2015

Convened at 5:30 p.m. for Special Session

Prior to adjourning into Closed Session an opportunity was given to the public to address matters listed under Closed Session.

Recessed to closed session at 5:31 p.m. for Conference with Legal Counsel – Anticipated Litigation: One Case. Government Code Section 54956.9 (d)(4).

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

Invocation was given by Reverend Marvin Jacobo, Executive Director of City Ministry Network, Modesto.

Closed Session announcement: Chiesa/Monteith Authorized County Counsel to initiate a complaint for injunctive relief and to abate a public nuisance related to operation of Kiona's Farm'acy as a marijuana dispensary located at 7440 and 7450 River Road in the unincorporated area outside of Oakdale, California
2015-167

Susan Beasley, Executive Director of the Parent Resource Center, noted that April is Child Abuse Prevention Month. She thanked the Board for their funding and support of child abuse prevention efforts.

Joe Gorno, President of Sun Electric, spoke in support of Home Energy Renovation Opportunity (HERO) program and provided information regarding this program to the Board. He asked the Board to consider adopting this program in Stanislaus County.

Jamie Coston spoke regarding the drought and voiced concerns regarding groundwater pumping and the increased use of wells. He noted the need to protect our water resources.

Rebecca Harrington thanked the Board and the Public Works Director for the improvements being made in the Park Lawn area. She voiced concerns regarding Central Valley Recycling's Use Permit Application that will be considered by the Planning Commission on 5/7/2015.

Nanette Spyksma spoke regarding a damaged sound wall due to a vehicle accident in Salida and asked who is responsible for the repairs. Colt Esenwein, Deputy Director of PW, confirmed that the sound wall is on private property and not part of the assessment district. Angela Freitas, Director of Planning and Community Development and Jamie Aggers, Director of Environmental Resources, responded that they will follow-up on this issue.

Duane Spyksma thanked the Board for the additional funding for the Sheriff's Department, and noted that Salida residents are seeing an increased Sheriff's presence. He requested that the County reduce the current speed limit of 25 mph in downtown Salida.

Chiesa/Monteith unan. Adopted the consent calendar after removing from consent items *A5 Approval of a Special Mail Ballot Election to be Held on 08/25/2015 for the Burbank Paradise Fire Protection District Special Tax to be Conducted by the Clerk-Recorder and Registrar of Voters; *B6 Approval of the Stanislaus County Legislative Platform for 2015; and, *D1 Approval to Rescind a Portion of Williamson Act Contract No. 74-1736, Located at 5013 Jennings Road, between W. Grayson Road and Kaiser Road, in the Modesto Area; and Approval of a New Contract Pursuant to Lot Line Adjustment PLN2014-0129
 - James De Martini

- *A1 Approved the minutes of 03/31/2015
- *A2 Accepted the resignation of Chris Cataline from the Stanislaus County Mental Health Board
2015-150
- *A3 Approved a commendation for Amarjit Dhaliwal, M.D. as the recipient of the 2015 John Darroch Memorial Award from the Stanislaus Medical Society
2015-151
- *A4 Approved the appointment of Tedi Andrews and Pamela Gomes to the Stanislaus Child Development Local Planning Council
2015-152
- *B1 Approved an agreement with Turning Point Community Programs for the provision of an Institutional Full Service Partnership Program for mental health services; and, authorized the BHRS Director, or her designee, to sign the agreement, and any amendments adding services and payment for services up to \$75,000, with Turning Point Community Programs to provide an Institutional Full Service Partnership Program – BHRS
2015-153
- *B2 Authorized the Chairman to sign an amendment to the agreement with Modesto Irrigation District, which expires on 08/11/2034, to lease property surrounding Modesto Reservoir for recreational purposes – Parks and Recreation
2015-154
- *B3 Approved an agreement with ASPIRAnet, a California Non-Profit Corporation for the provision of Independent Living Program (ILP) and ILP Youth Center services to current and former eligible foster youth, as a result of a Request for Proposal process for such services; and, authorized the CSA Director, or her designee, to sign the agreement, and any amendments thereto, with ASPIRAnet for the provision of ILP and ILP Youth Center services to current and former eligible foster youth – CSA
2015-155
- *B4 Authorized the use of Public Facilities Fees to purchase Digital Media Evidence Storage in the DA’s Office; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the DA’s budget unit in the amount of \$200,603.99 through a transfer from Public Facility Fees – DA
M-64-J-11 2015-156
- *B5 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 2015-2016 Budget Year Comprehensive Multi-Agency Juvenile Justice Substantive Plan Modification and related contracts, amendments, or extension with the State of California – Probation
2015-157
- *C1 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, 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; 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; approved the Preliminary Plans for the PW Maintenance Shop (Morgan Road Heavy Equipment Shop) and Administration Building Reconstruction Project; and, authorized the PW Director to finalize the plans and specifications and advertise the project for construction – PW
2015-158

***C2** Approved the purchase agreement to acquire right-of-way for the McHenry Avenue Bridge Project, Parcel Owner: Hudelson Company, a co-partnership, APN: 074-001-001(portion); and, authorized the Chairman to execute the agreement – PW 2015-159

Monteith/De Martini unan. ***A5** Approved the Special Mail Ballot Election to be held on 08/25/2015 for the Burbank Paradise Fire Protection District Special Tax to be conducted by the Clerk-Recorder and Registrar of Voters DF-06-A-27 2015-160

Chiesa/O'Brien unan. ***B6** Approved the Stanislaus County Legislative Platform for 2015; and, **amended** the item to direct staff to provide the Legislative Platform to the Water Advisory Committee for review – CEO 2015-161

O'Brien/Chiesa (4-0)(De Martini abstained) ***D1** Rescinded a portion of Williamson Act Contract No. 74-1736, located at 5013 Jennings Road, between W. Grayson Road and Kaiser Road, in the Modesto area; pursuant to Government Code Section 51257, determined that the following seven findings can be made based on the written evidence submitted by the applicant: (a) the new contract 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 a new contract pursuant to Minor Lot Line Adjustment PLN2014-0129, James De Martini; and, authorized the Director of Planning and Community Development to execute a new contract – Planning 2015-162

Monteith/Withrow (O'Brien abstained) **6:35 pm** Conducted a public hearing to consider the Planning Commission's recommendation for approval of General Plan Amendment and Rezone Application No. PLN2014-0080, Salida Market, a request to amend the General Plan designation of Medium Density Residential to Planned Development and rezone from C-2 (General Commercial) to P-D (Planned Development), on a .33± acre parcel; the project will allow the replacement of a 4,406 square foot commercial building with an 8,761 square foot building to accommodate a retail market; the proposed rezone to Planned Development will enable the project's design to establish unique parking and lot coverage requirements by locating a portion of the required on-site parking onto the adjacent street; the project site is located at 4600 Broadway Avenue at the south corner of the Broadway Avenue and Curtis Street intersection, in the Downtown Salida area; adopted the Negative Declaration pursuant to California Code of Regulations 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 Negative Declaration reflects Stanislaus County's independent judgment and analysis; 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; 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, and, (d) the proposed Planned Development zoning is consistent with the proposed Planned Development General Plan designation; approved General Plan Amendment and Rezone Application No. PLN2014-0080, Salida Market, subject to the Development Standards as recommended by the Planning Commission; and, introduced, waived the reading and adopted Ordinance C.S. 1162 for the approved Rezone Application No. PLN2014-0080, Salida Market – Planning ORD-55-U-1 2015-163 & 2015-164

Monteith/O'Brien unan. **6:40 pm** Conducted a public hearing to consider the Planning Commission's recommendation for approval of General Plan Amendment and Rezone Application No. PLN2014-0077 - BPL Properties, a request to amend the General Plan designation of Agriculture and zoning designation of A-2-40 (General Agriculture) of 1.5 acres to Planned Development (P-D), to modify the current legal non-conforming use to allow uses consistent with C-2 (General Commercial) zoning district and construction of an additional 6,500 square foot building, located at 5801 Mc Henry Avenue, at the northwest corner of Highway 108 (McHenry Avenue) and St. Francis Avenue, south of Ladd Road, north of the City of Modesto; adopted the 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 Negative Declaration reflects Stanislaus County's independent judgment and analysis; ordered the filing of a Notice of Determination with the Stanislaus County Clerk Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; 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, (d) the proposed Planned Development zoning is consistent with the Planned Development General Plan designation, (e) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements, and (f) the proposed alternative agricultural buffer provides equal or greater protection to surrounding agricultural uses; **amended** the list of Approved Uses (Exhibit E) to allow outdoor vehicle sales to be subject to a Staff Approval Application instead of the Use Permit Approval process; approved General Plan Amendment and Rezone Application No. PLN2014-0077, BPL Properties, subject to revised Exhibit E – Approved Uses as amended by the Board, and the amended development standards as recommended by the Planning Commission; and introduced, waived the reading and adopted Ordinance C.S. 1163 for the approved Rezone Application No. PLN2014-0077, BPL Properties – Planning ORD-55-U-2 2015-165 & 2015-166

Corr 1 Referred to the HSA and the CEO, a letter from Emanuel Medical Center regarding the closure of the Emanuel Family Practice offices on or about 05/08/2015, at 1010 West Las Palmas Avenue in Patterson, CA and at 2240 West Monte Vista Avenue in Turlock, CA due to the departure of the physician and the inability to find a replacement for this physician.

Corr 2 Referred to the DER, a copy of the 2014 Annual Report on Toxic Emissions from Valley Facilities from the San Joaquin Valley Air Pollution Control District.

Corr 3 Referred to the Fish and Wildlife Committee, a request for comments regarding a Petition Findings for information regarding five endangered species in California and Nevada.

Corr 4 Referred to the DER, six letters regarding transfers of water from various water agencies within California.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Sergio Martinez; Nick F. Bellino; Deborah L. Campbell; Michelle Clayton; Robert Grunloh; and, Wayne Suber.

Supervisor De Martini reported that Emanuel Medical Center closed their medical clinic in Patterson. He noted that the West Side is in need of health care providers. He reported that he went to Sacramento last week to support AB 1242 (Gray), which would require the Water Resources Board to mitigate the loss of water out of the dam and consider the impacts on the groundwater. This bill was passed out of the Water, Parks and Wildlife Committee, and will be considered by the Appropriations Committee on Monday. He noted that Assemblymember Gray was removed from the Water, Parks and Wildlife Committee.

Supervisor Chiesa reported that the Mayors will be meeting as the City Selection Committee at Turlock City Hall on 5/13/15 at 6:00 p.m. regarding Mayor Beekman's position on LAFCO as a City Representative. He noted that he will be disappointed if Mayor Beekman is removed from LAFCO.

CEO Risen acknowledged Assemblymember Gray's efforts and thanked him for his support of Stanislaus County. He noted that AB 1242 (Gray) is consistent with the Legislative Platform adopted by the Board today. The Assembly Water, Parks and Wildlife Committee will be considering AB 647 (Eggman), which would declare the recharge of groundwater a beneficial use, and noted that the County will be tracking this bill as well.

Chairman Withrow also acknowledged Assemblymember Gray and expressed the County's appreciation for his efforts in finding bipartisan solutions.

Adjourned at 7:47 p.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.)