

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

Regular Session

Tuesday

May 3, 2016

All Supervisors Present

Pledge of Allegiance to the Flag

Invocation was given by Cindy Marks from City Ministry Network.

Katherine Borges spoke regarding item *B3 on today's agenda concerning an MOU between the City of Modesto and Stanislaus County for the abatement of graffiti. She requested that the Board postpone this item to allow the Salida MAC to review the MOU.

Withrow/DeMartini unan. Removed from the Agenda, item *B3 Approval to Enter into and Sign a Memorandum of Understanding Between the City of Modesto and Stanislaus County for the Abatement of Graffiti in the Unincorporated Areas of the County that are within Close Proximity to the City's Boundaries – DER C-6-K-8 2016-228

O'Brien/Withrow unan. Adopted the consent calendar after removing from the agenda item *B3

*A1a Approved the special meeting minutes of 04/22/2016

*A1b Approved the regular meeting minutes of 04/26/2016

*A2 Authorized the Registrar of Voters to provide specified services to the Westport Fire Protection District to conduct a special mail ballot election on 08/30/2016 regarding a special tax DF-16-23 2016-213

*A3 Proclaimed 05/15/2016 to 05/21/2016 as Public Works Week in conjunction with the national designation – PW 2016-214

*B1 Approved an agreement for the provision of refugee services, targeted assistance and employment services with International Rescue Committee, Inc. as a result of a RFP process; and, authorized the CSA Director, or her designee, to sign the agreement, and any amendments up to \$75,000, with International Rescue Committee, Inc. to provide refugee services, targeted assistance and employment services – CSA 2016-215

*B2 Approved the Stanislaus County Local Agency Management Program; and, authorized the Director of DER, or her designee, to submit the Local Agency Management Program to the Central Valley Regional Water Quality Control Board for approval – DER 2016-216

*B4 Authorized the Mountain Valley Emergency Medical Services Agency (MVEMSA) to purchase ambulance-compatible AEDS for fire agencies from the Emergency Medical Services System Enhancement Fund – HSA 2016-217

*B5 Accepted the tenth update on the Temporary Water Assistance Program in Stanislaus County; and, continued the Countywide declaration of a local emergency due to a multi-year drought – OES 2016-218

*B6 Authorized the Sheriff to apply for and accept, if awarded, a grant application to the California State Parks, Off-Highway Motor Vehicle Recreation Division (OHV) grant program for increased law enforcement services at Frank Raines Regional Park and La Grange park in Stanislaus County; adopted the resolution to apply for the California State Parks Off-Highway Vehicle grant; authorized the Sheriff and Auditor-Controller to accept the funding from the California State Parks, Off-Highway Motor Vehicle Recreations Divisions and to establish appropriations and estimated revenue in the Sheriff Operations

budget of \$317,429, in the 2016-2017 Proposed Budget; and, authorized the Sheriff to sign and administer the California State Parks Off-Highway Motor Vehicle Recreation Division Grants and Cooperative Agreements Program for the project performance period if awarded – Sheriff 2016-219

- *B7** Authorized the Project Manager to process a Change Order with Hensel Phelps Construction Company for the not to exceed amount of \$33,000 within the approved Public Safety Center Expansion AB900 Phase II Project One (Maximum Security/Medical/Mental Health Housing) approved project budget for a shower door change required by the State of California; and, directed the Auditor-Controller to transfer funds from the approved Construction Contingency budget to the Construction Account in accordance with the recommendation and reflected in the budget journal – CEO 2016-220
- *C1** Approved Contract Change Order No. 17 in the amount of \$51,394.35 for additional pavement reconstruction and increase the construction contract with George Reed, Inc. for the Crows Landing Road at West Main Street Intersection Upgrade Project; and, directed the Auditor-Controller to make the necessary budget adjustments as reflected in the budget journal – PW 2016-221
- *D1** Rescinded Williamson Act Contract Nos. 1983-3872 and 2009-0003, located at 873 and 875 Geer Road, between State Route 132 and E. Hatch Road, adjacent to the Tuolumne River (APN's 018-003-017, 018-003-020, 009-029-016); pursuant to Government Code Section 51257, the Board finds based on the written evidence submitted by the applicant: (a) the new contract or contracts would enforceably restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than ten years, except as authorized under the County's implementation of AB1265; (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, the findings 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 contracts pursuant to Lot Line Adjustment Application PLN2015-0079, Swanson and Streeter; and, authorized the Director of Planning and Community Development to execute the new contracts – Planning 2016-222

O'Brien/Chiesa unan. **9:05 a.m.** Finds that the notice of the public hearing was given pursuant to Streets and Highway Code Section 10951 and 19052 on 04/19/2016 and 04/26/2016; conducted the public hearing to receive comments regarding: the formation of the Fruit Yard Lighting District; the proposed method of calculating the amount of the annual assessment; and, the levy of the annual assessment to pay for the street light service; authorized the Clerk of the Board to oversee the tabulation of the sealed ballot, determine whether a majority protest against the assessment exists, and immediately submit the results to the Board; the Clerk announced that one ballot was received with a weighted vote of 122.15 in support of the formation of the Fruit Yard Lighting District, the assessment formula for calculating the annual assessment, the levy of an annual benefit assessment, and that a majority protest was not filed regarding the proposed assessment formula; the Board finds that the formation and assessments are necessary to

meet operating and maintenance expenses, and meet financial reserve needs required to maintain the proposed service levels within the proposed district area; formed the Fruit Yard Lighting District and confirmed the boundary of the district as those being described as Exhibits “A” and “B” of the agenda item; directed the Department of Public Works to file the formation with the California State Board of Equalization; confirmed and approved the method of calculating the amount of the annual assessment that will be used to pay for street lighting service; ordered the levy of the FY 2016-2017 annual assessment at \$2.87 per Equivalent Benefit Unit (EBU), the parcels subject to the annual assessment are shown on Exhibit “C”, which is a part of the agenda item; authorized the Auditor-Controller to add the annual assessment to the 2016-2017 Tax Roll; and, finds that the California Constitution Article XIII D, “Proposition 218,” requirements for public hearing and assessment ballot procedure have been satisfied upon closure of the public hearing regarding this matter on 05/03/2016, and made the Engineer’s Report a part of the record of this proceeding – PW DL-46-1 2016-223

Chiesa/Withrow unan. **9:10 a.m.** Conducted a public hearing to consider the Planning Commission’s recommendation for approval of Rezone and Parcel Map Application No. PLN2015-0027, Valley BMW-KIA, a request to rezone a 9+/- acre parcel from A-2-10 (General Agriculture) to Planned Development (P-D) and to subdivide the property in to five parcels for the development of two auto dealerships and the future development of similar auto related uses on property located at 4761 McHenry Avenue (State Route 108), between Kiernan Avenue and Bangs Avenue, north of the City of Modesto; adopted the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, included 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; 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 the proposed Planned Development zoning is consistent with the Planned Industrial and Planned Development General Plan designation; finds that: (a) the proposed map is consistent with the applicable general and specific plans; (b) the design or improvement of the proposed subdivision is consistent with applicable general and specific plans; (c) the site is physically suitable for the type of development; (d) the site is physically suitable for the proposed density of development; (e) the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure to fish or wildlife or their habitat; (f) the design of the subdivision or type of improvements are not likely to cause serious public health problems; (g) the design of the subdivision or type of improvements will not 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 alternate easements, for access or for use, will be provided and that these will be substantially equivalent to ones previously acquired by the public; 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; approved Rezone and Parcel Map Application No. PLN2015-0027, Valley BMW-KIA subject to the modifications made to the Development Standards, as recommended by the Planning Commission; and, introduced, waived the reading and adopted Ordinance C.S. 1175 for the approved Rezone and Parcel Map Application No. PLN2015-0027, Valley BMW-KIA – Planning ORD-55-W-6 2016-224 & 2016-225

Withrow/O’Brien unan. **B8** Approved the recommended list of pre-qualified design-build teams and key sub-consultants and key sub-contractors as a result of the Request for Statement of Qualifications process approved by the Board on 10/20/2015 for the Community Services Facility Heating, Ventilation and Air Conditioning Project; approved the Design and Bridging/Performance Criteria Documents for the Community Services Facility Heating, Ventilation and Air Conditioning Project as prepared by the Capital Engineering Design Team and as recommended by the Project Team; authorized the Project Manager to issue a RFP for the design-build construction of the Heating, Ventilation and Air

Conditioning Project at the Community Services Facility; to set a proposal due date of 06/08/2016 at 2:00 p.m. and authorized the Project Manager to modify the proposal due date if necessary; authorized the early payoff/defeasance of the 2007(A) Certificates of Participation (COP) in order to use the Community Services Facility Pod C as a pledged asset for the financing for this project, using funds on reserve with the Trustee and accelerating the FY 2016-2017 payment; authorized the Project Manager, working the financing team to complete the financing plan including issuing a RFP for bank financing of this project; and, authorized the Project Manager to return to the Board to recommend an award of the design-build construction contract and related financing – CEO 2016-226

DeMartini/O'Brien unan. **B9** Accepted the CEO's Third Quarter Financial Report for FY 2015-2016; authorized the CEO and the Auditor-Controller to make the necessary adjustments as recommended in the Third Quarter Financial Report; authorized the use of \$3,433,079 in Appropriations for Contingencies as recommended in the Third Quarter Financial Report; authorized the Auditor-Controller to make necessary fiscal year-end accounting entries to accurately report expenses and revenue in the appropriate fiscal year, and adjust appropriations as necessary, as approved by the CEO; approved contracts and/or agreements listed on Attachment B, in the agenda item, in cumulative amounts of \$100,000 or greater since 07/01/2013, and authorized the GSA Director/Purchasing Agent or Department Head to sign; set a public hearing for the consideration and adoption of the Budget Year 2016-2017 Proposed Budget on 06/14/2016, at 9:05 a.m.; directed the Clerk of the Board to advertise the public hearing; and, authorized the Clerk of the Board to make appropriate changes to the public notice if fee increases are proposed as part of the budget process – CEO 2016-227

Corr 1 Referred to the Auditor-Controller, a letter from the Oakdale Fire Protection District requesting Dry-Period funding for FY 2016-2017 per Government Code Section 23010.

Corr 2 Referred to the Area Agency on Aging and Veterans Services, a letter from the California Department of Veterans Affairs regarding funding received for veterans through the Stanislaus County Veterans Services Agency from 07/01/2014 through 06/30/2015.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Angelica Savala; Jeremy Edward Lapachet (Amended); Alliance United Insurance as subrogee of Jose Deleon Jr.; and, Josh Bryll.

Supervisor Withrow reported that he, along with CEO Risen, Community Development and Empowerment Manager Ruben Imperial, and Marvin Jacobo from City Ministry Network traveled to Los Angeles yesterday to present a private donation in the amount of \$10,000 to Father Boyle, founder of Homeboy Industries, a youth program for former gang members.

Supervisor Chiesa reported that Governor Brown signed a bill to provide an additional \$16.3 million for the June Presidential Primary Election.

Chief Operations Officer/Assistant Executive Officer Patricia Hill Thomas reported that the Governor's May Revised budget is scheduled to be released 05/13/2016. She noted that the Regional Director for the Bureau of Reclamation will be at the Del Puerto Water District Office on 05/06/2016 at 10:00 a.m. for a public signing for the record of decision for the North Valley Regional Recycled Water Program.

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

Adjourned to closed session at 10:36 a.m. for Conference with Legal Counsel - Existing Litigation: One case: California Public Records Research, Inc. v. County of Stanislaus, Stanislaus County Superior Court Case No. 2006090. Government Code Section 54956.9 (d)(1). Conference with Legal Counsel - Significant Exposure to Litigation: One Case. Government Code Section 54956.9 (d)(2).

Adjourned at 11:29 a.m.

ATTESTED: ELIZABETH A. KING, Clerk
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: Kelly Rodriguez, Deputy 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.)