

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

Regular Session

Tuesday

March 7, 2017

All Supervisors Present

Pledge of Allegiance to the Flag

Invocation was given by Reverend Michael Douglass, President and CEO of Advancing Vibrant Communities.

Public Defender Tim Bazar, was recognized upon his retirement from Stanislaus County and was presented with a commendation and a gift.

Monteith/DeMartini unan. Adopted the consent calendar after removing from consent items ***D1** Approval to Rescind all of Williamson Act Contract Nos. 2014-0018 & 2002-4494, Located on the North and South Sides of Shoemake Avenue, East of Dakota Avenue, in the Modesto Area; and Approval of New Contracts Pursuant to Lot Line Adjustment Application No. PLN2015-0051, Timothy and Suzanne Byrd Revocable Trust; and, ***D2** Approval to Rescind a Portion of Williamson Act Contract No. 1971-0201 and all of No. 1971-0202, Located on the Northeast Side of Cox Road, between Frank Cox Road and Condit Avenue, East of the Community of Grayson; and Approval of New Contracts Pursuant to Lot Line Adjustment Application No. PLN2016-0094, Edward Maring.

***A1** Approved the minutes of 02/28/2017

***A2** Adopted and waived the second reading of ordinance C.S. 1186 to amend Section 11.08.020 of the Stanislaus County Code to extend the existing Parking Prohibition on Sisk Road, North of Pirrone Road, in the Salida Area
ORD-55-Y-4 2017-94

***A3** Appointed Sean Scully and Joshua Naranjo to the Economic Development Action Committee
2017-95

***B1** Approved an agreement with Lilliput Children's Services for the provision of post adoption family specialty camp services, as a result of a RFP process for such services; and, authorized the CSA Director, or her designee, to sign the agreement, and any amendments up to \$25,000 with Lilliput Children's Services to provide post adoption family specialty camp services – CSA
2017-96

***B2** Approved the agreement #16-10860 with the California Department of Public Health for HIV/AIDS Care Program services for the term of 11/30/2016 through 09/29/2018; approved the agreement #16-10810 with the California Department of Public Health for HIV/AIDS Surveillance Program services for the term of 07/01/2016 through 06/30/2019; and, authorized the HSA Managing Director or her designee to sign and execute the agreements and subsequent amendments – HSA
2017-97

***B3** Accepted the twenty-first update on the Temporary Water Assistance Program in Stanislaus County; approved the continuance of the Countywide declaration of a local emergency due to a multi-year water shortage; and, directed staff to continue working with those individuals who are currently receiving assistance to find a permanent water supply solution – OES
2017-98

- ***B4** Authorized the Auditor-Controller’s Office to issue checks totaling \$556,516.01 per the list of claims, attached to the agenda item, for excess proceeds submitted in accordance with Revenue and Taxation Code Section 4675; authorized the Auditor-Controller’s Office to apportion the balance of excess proceeds of \$99,374.11 to the appropriate taxing agencies; and, authorized the Treasurer-Tax Collector to hold distribution of \$321,492.49 for five parcels for further research and review per County Counsel – T/TC 2017-99
- ***B5** Declared as surplus the County-owned property, located at 2846 Finch Road in Modesto, commonly known as the former Stanislaus County Animal Shelter, comprised of Assessor’s Parcel Number 039-010-002, a 4.531 acre parcel; adopted a resolution declaring the County’s intent to sell “as-is” the County-owned property that is presently vacant at the former Animal Shelter site at 2846 Finch Road, Modesto, the resolution shall further state: (a) the minimum sales price shall be set at \$750,000; (b) sealed offers to purchase the property will be received and considered at the CEO’s Office, 1010 10th Street, Suite 6800, Modesto, California, on 04/05/2017 at 1:30 p.m.; and, directed the Clerk of the Board to make the appropriate publications in accordance with Stanislaus County Code 4.24.030 regarding the sale of surplus real property – CEO 2017-100
- ***C1a** Approved the right of way contract for the acquisition of the property for the Victory Road Bridge over Lone Tree Creek Replacement Project, Grantor: Roger M. Cleverly and Marion W. Cleverly, APN 002-010-056 (portion); authorized the Chairman to execute the Right of Way Contract for the acquisition of property; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2017-101
- ***C1b** Approved the right of way contract for the acquisition of property for the Victory Road Bridge over Lone Tree Creek Replacement Project, Grantor: David Edward Avalos and Lydia Avalos, APN 002-010-057 (portion); authorized the Chairman to execute the Right of Way contract for the acquisition of property; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2017-102
- ***C2** Authorized the Director of Public Works to apply for and accept, if awarded, the California Department of Resources Recycling and Recovery (CalRecycle) Tire-Derived Aggregate Grant; and, adopted a resolution authorizing the Director of Public Works to execute all required documents of the CalRecycle Tire-Derived Aggregate Grant and any amendments – PW 2017-103
- ***D3** Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding the property at 1313 Inyo Avenue, in the Modesto area, Dangerous Building Abatement Case No. 2016-0001, as set forth in Attachment 1, of the agenda item – Planning 2017-104

Olsen/DeMartini (4-0) (Withrow abstained) *D1 Rescinded all of Williamson Act Contract Nos. 2014-0018 and 2002-4494, located on the north and south sides of Shoemake Avenue, east of Dakota Avenue, west of the City of Modesto (APN's: 081-003-026, 005-036-052 and 081-003-020); finds that 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, 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, 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 Government Code 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 No. PLN2015-0051, Timothy and Suzanne Byrd Revocable Trust; and, authorized the Director of Planning and Community Development to execute new contracts – Planning 2017-105

Olsen/DeMartini (4-0) (Withrow abstained) *D2 Rescinded a portion of Williamson Act Contract No. 1971-0201 and all of 1971-0202, located on the northeast side of Cox Road, between Frank Cox Road and Condit Avenue, east of the community of Grayson (APN's: 016-026-013 and 016-026-032); finds that 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, 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, 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 Government Code 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 No. PLN2016-0094, Edward Maring; and, authorized the Director of Planning and Community Development to execute new contracts – Planning 2017-106

Withrow/Olsen unan. **B6** Accepted the CEO's Mid-Year Financial Report for FY 2016-2017; authorized the CEO and the Auditor-Controller to make the necessary adjustments as recommended in the Mid-Year Financial Report; authorized the use of \$93,465 in Appropriations for Contingencies as recommended in the Mid-Year Financial Report; amended the Salary and Position Allocation Resolution to reflect the recommendations included as part of the Mid-Year Financial Report, as outlined in the Staffing Impacts section and detailed in Attachment B, of the agenda item, to be effective the start of the first full pay period beginning on or after 03/18/2017, unless otherwise noted; and, approved contracts and/or agreements listed on Attachment C, of the agenda item, in cumulative amounts of \$100,000 or greater since 07/01/2014, and authorized the GSA Director/Purchasing Agent or Department Head to sign – CEO
2017-107

Corr 1 Referred to the Clerk-Recorder and Registrar of Voters, a letter requesting the change of their school district election from odd to even years for the Turlock Unified School District.

Corr 2 Referred to the Fish and Wildlife Committee, a notice of public hearings from the California Fish and Game Commission regarding regulatory action related to the use of dogs for the pursuit/take of mammals.

Corr 3 Referred to the Fish and Wildlife Committee, a notice from the California Fish and Game Commission regarding proposed emergency action regarding the Tricolored Blackbird.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Makayla Sanchez; Mary Sanchez; and, Allen Hart.

CEO Risen announced that there will be a dedication for the Sheriff's Detention Center today at 2:00 p.m. at 250 E. Hackett Road, Modesto, CA.

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 10:22 a.m. for Conference with Legal Counsel - Existing Litigation: One Case: Dennis Wallace v. County of Stanislaus, Stanislaus County Superior Court Case No. 663764. Government Code Section 54956.9 (d)(1).

Closed Session Announcement: Chiesa/Withrow unan. In the case of Dennis Wallace vs. County of Stanislaus, et al, Stanislaus County Superior Court Case No. 663764, the Board of Supervisors approved a settlement demand in the amount of \$253,000, to resolve a pending civil action and all pending workers' compensation damages claims (with the exception of a workers' compensation death claim) with the estate of Dennis Wallace, and authorized legal counsel to take all necessary steps to finalize the settlement.
2017-108

Adjourned at 10:45 a.m.

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

BY: PAM VILLARREAL, 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.)