

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

May 2, 2017

Invocation was given by Captain Dwaine Breazeale with The Salvation Army.

Sheriff Adam Christianson thanked the STARS volunteers, who provide countless hours and save the County thousands of dollars every year. He introduced Bill Terra, a volunteer, and Lt. Mark Nuno who provides the STARS with support and guidance.

Withdraw/Monteith unan. **9:05 a.m.** Conducted the scheduled public hearing at 9:05 a.m. on 05/02/2017 to receive public comment in connection with the proposed ordinance; the Board acknowledged receipt of the letter dated 05/01/2017 from California Public Records Research, Inc., and finds it does not add anything of substance to its letter dated 04/12/2017, and does not explain or provide evidence for the fees it recommends; the Board approved the proposed ordinance, Attachment A of the agenda item, which sets the Clerk-Recorder department fees for production of an official record at \$6.75 for the first page and \$3.00 for each additional page; finds the current fees of \$3.00 for the first page and \$2.00 for each additional page set in 2001 are too low and do not adequately recover the current direct and indirect costs of providing copies of Official Records pursuant to Government Code section 27366; accepted the Fee Study from MGT Consulting, Attachment B of the agenda item, which calculated the full potential cost of providing copies of Official Records; accepted the recommendations and Copy Fee Analysis from the Auditor-Controller, Attachment D of the agenda item; adopted the findings, Attachment F of the agenda item, and specifically finds that the proposed fee of \$6.75 for the first page and \$3.00 for each subsequent page is sufficiently necessary to capture the direct and reasonably-related indirect costs of providing copies of Official Records under Government Code section 27366, based on the substantial evidence presented; and, determined that the proposed fee only captures those “indirect costs” that are reasonably attributed to (i.e., reasonably related to) the service of providing copies of Official Records, and rejects costs not reasonably attributed to the service – Clerk-Recorder ORD-55-Z-3 2017-226

Jim Bishop voiced concerns regarding the closure of the Carpenter Road Landfill that is owned by the City of Modesto. He is concerned that taking down an elevated road will result in flooding.

DeMartini/Withdraw unan. Adopted the consent calendar

- *A1 Approved the minutes of 04/25/2017
- *A2 Appointed Lina L. Alldredge, Lisa Braden, Todd W. Heinrich, David Jones, and Lori Wolf to the Wood Colony Municipal Advisory Council 2017-211
- *A3 Adopted the Amended Conflict of Interest Code for Stanislaus Union School District 2017-212
- *A4 Proclaimed, in conjunction with National Public Works Week, the week of 05/21/2017 through 05/27/2017 as Stanislaus County Public Works Week 2017-213
- *A5a Proclaimed May 2017 as Older Americans Month in Stanislaus County 2017-214
- *A5b Proclaimed May 2017 as Foster Care Awareness Month in Stanislaus County 2017-215
- *A5c Proclaimed May 2017 as Mental Health Awareness Month in Stanislaus County 2017-216

- *A6 Authorized the Chairman to sign and submit a Property Owner Ballot in support of the proposed change in methodology for calculating the Annual Assessment for County Service Area 8 – Honey Bee Estates for Property Owned by Stanislaus County in the Empire area 2017-217
- *B1 Accepted the third and final update on flooding in various locations in Stanislaus County; approved to terminate the Countywide local emergency due to flooding in various locations in Stanislaus County; and, directed staff to continue to monitor local reservoirs, rivers, streams, and creeks – OES 2017-218
- *B2 Approved the 2017 agreement between the 38th District Agricultural Association – Stanislaus County Fair Board and Stanislaus County for the Sheriff to provide security at the Fair; and, authorized the CEO to sign the agreement on behalf of the County – Sheriff 2017-219
- *B3 Accepted the twenty-third update on the Temporary Water Assistance Program in Stanislaus County; approved the continuance of the Countywide proclamation 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 by 06/30/2017 – OES 2017-220
- *B4 Accepted the CEO’s Third Quarter Financial Report for FY 2016-2017; authorized the CEO and the Auditor-Controller to make the necessary adjustments as recommended in the Third Quarter Financial Report; authorized the use of \$3,269,150 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, attached to 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; and, set a public hearing for the consideration and adoption of the BY 2017-2018 Proposed Budget on 06/13/2017, at 9:05 a.m.; directed the Clerk to advertise the public hearing; and, authorized the Clerk to make appropriate changes to the public notice if fee increases are proposed as part of the budget process – CEO 2017-221
- *B5 Authorized the Project Manager to process a Change Order with Champion Industrial Contractors Inc., for \$35,292 to remove and replace four existing heating hot water pumps and associated equipment serving the boiler at the Community Services Facility, within the approved Project Budget; approved a limited purpose non-compensatory time extension with Champion Industrial Contractors Inc., to 07/31/2017 allow for the upgrade to the boiler system; and, directed the Auditor-Controller to transfer funds from the approved Construction Contingency Budget to the Construction Account in accordance with the recommendation and the Budget Journal, which is attached to the agenda item – CEO 2017-222
- *C1 Authorized the Director of Public Works to execute a contract change order with E-PUR, LLC for the extra work summarized as: additional drilling quantities at a cost of \$30,852; and, directed the Auditor-Controller to make necessary budget adjustments per the financial transaction sheet, attached to the agenda item – PW 2017-223

- *D1 Set a public hearing for 05/16/2017, at 6:35 p.m., to consider the Planning Commission's recommendation for approval of Specific Plan Amendment Application No. PLN2015-0123 – Diablo Grande 2016, a request to modify the Diablo Grande Specific Plan text and Phase 1 Preliminary Development Plan to reflect current site conditions, refine development standards, increase development density, and utilize the 15 percent unit shift between villages, to increase the number of permitted residential units from 2,017 to 2,354 in the 2,250± acre Diablo Grande Community, located 10 miles southwest of the City of Patterson; and, authorized the Clerk of the Board to publish notice of public hearing as required by State law – Planning 2017-224
- *D2 Rescinded a portion of Williamson Act Contract No. 2003-4507, located at 6167 Leedom Road, between Leedom Road and the Tuolumne River, north of the City of Hughson (APN's: 018-064-001, 018-064-002 & 018-064-003); 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 a new contract pursuant to Lot Line Adjustment Application No. PLN2016-0137, Noeller; and, authorized the Director of Planning and Community Development to execute a new contract – Planning 2017-225

Olsen/Withrow unan. C2 Declared an emergency in accordance with Public Contract Code Section 22050 to contract for emergency repairs on Rodden Road at Lesnini Creek Culvert; authorized the Director of Public Works, or designee, to negotiate and execute an agreement with Mazingo Construction, of Oakdale, CA, to replace a failed box culvert under Rodden Road near Oakdale, CA in compliance with Public Contract Code Section 20134(a); authorized the Director of Public Works to take any additional action directly related to or required by this emergency, pursuant to Public Contract Code Section 22050(b); finds that this emergency will not permit delay resulting from a competitive solicitation for bids, and this action is necessary to respond to the emergency, pursuant to Public Contract Code Section 22050(a)(2); finds that the emergency repair project is exempt from CEQA Statutory Exemption under CEQA Guidelines section 15269(d), and to directed Public Works to file a Notice of Exemption with the Clerk-Recorder; and, required the Department of Public Works to report to the Board on the status of the emergency project every 14 days hereafter until the repairs are completed, as required by Public Contract Code Section 22050(c)(1) – PW 2017-227

Corr 1 Referred to the Auditor-Controller, a letter from the Oakdale Fire Protection District requesting Dry-Period funding for FY 2017-2018 per Government Code Section 23010.

Corr 2 Referred to OES and the Agricultural Commissioner and Sealer of Weights and Measures, letters from the Governor's Office of Emergency Services regarding the U.S. Small Business Administration and the U.S. Department of Agriculture disaster declarations for primary and contiguous counties, including Stanislaus County, due to agricultural losses caused by excessive rainfall and high winds that occurred 03/03/2016 through 06/01/2016.

Corr 3 Acknowledged receipt of, a copy of the Stanislaus Community Foundation's 2016 Annual Report.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Annette Yvonne Maestas; Araceli Mackan; Sherrie Thomas; Manuel Rocha; and, MidCentury Insurance ASO Carmen Esquivez.

CEO Risen announced that there will be a Board of Supervisors' Workshop on 05/02/2017, at 10:30 a.m., (following the Board Meeting) at the Knights Ferry Community Club located at 17601 Sonora Road, Knights Ferry, CA.

Adjourned at 9:44 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.)