

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

Regular Session

Tuesday

September 22, 2015

Supervisor O'Brien absent

Pledge of Allegiance to the Flag

Invocation was given by Reverend Jeffrey Woods from The Barnabas Leadership Foundation in Turlock.

CSA employees Martin Barajas and Michelle Jarrett were recognized by the Board for their life saving efforts.

Debra Harper spoke regarding her one year suspension from County libraries. She voiced complaints about various County services including the Health Services Agency.

Carmen Sabatino spoke regarding the Korey Kauffman case and local attorney Frank Carson. He voiced complaints about the DA's office and the Judge's decision concerning the bail hearing for Georgia DeFilippo.

Katherine Borges thanked the Board for restoring funding to the Sheriff's Department at the last meeting. She noted that Salida is seeing an increased Sheriff's Department presence. She also thanked the DA for her assistance in developing the Graffiti Manual.

Chairman Withrow noted that Supervisor O'Brien was excused from today's meeting for Jury Duty.

Monteith/Chiesa (4-0)(O'Brien absent) Adopted the consent calendar after removing from consent item *A2 Approval to Adopt and Waive the Second Reading of Ordinance C.S. 1167 Amending Section 2.04.030 of County Code Regarding Board of Supervisors' Compensation

*A1 Approved the minutes of 09/15/2015

*A3a Proclaimed the week of 9/23/2015 through 9/29/2015 as Fall Prevention Awareness Week
2015-428

*A3b Proclaimed 9/28/2015 through 10/11/2015 as Diversity Awareness Weeks 2015-429

*A4 Appointed Jerold Rosenthal to the Mental Health Board 2015-430

*B1 Approved the MOU between the County, the City of Modesto, the City of Ceres and the Stanislaus Consolidated Fire Protection District, to implement the Regional Fire Investigations Unit; and, authorized the CEO, Sheriff, and DA, or their designees, to sign the MOU – CEO C-6-K-3 & C-2-C-11 & DF-20-A-14 2015-431

*B2 Declared forty-two County vehicles and miscellaneous equipment as surplus and authorized these assets to be auctioned; and, directed the Auditor-Controller to deposit all receipts from the sale of these assets, net of GSA-Fleet Services costs, into departmental accounts as appropriate to the fixed asset location of the asset – GSA 2015-432

*B3 Accepted the second update on the Temporary Water Assistance Program in Stanislaus County; and, approved continuing the Countywide declaration of a local emergency due to a multi-year drought – OES 2015-433

*B4 Approved Stanislaus County's participation in the Community Recidivism Reduction Grant program as described in California Penal Code Section 1233.10; authorized the CEO to sign and submit a letter to the Board of State and Community Corrections (BSCC) on

behalf of the Board of Supervisors for FY 2015-2016 funding, as well as any future year's funding in the event funds become available; authorized the Community Corrections Partnership (CCP) to continue to oversee the administration and oversight of the Community Recidivism Reduction Grant; authorized the Chief Probation Officer, as Chairman of CCP, to negotiate and sign any amendments with the funded service providers; and, authorized the Auditor-Controller to adjust appropriations and estimated revenue in the amount of \$50,000 as detailed in the budget journal for Budget Year 2015-2016 – Probation 2015-434

- *B5** Approved a five-year Master Services Agreement with Comcast Enterprise Services for internet and Ethernet services; and, authorized the County Purchasing Agent to enter into and sign a five-year Master Services Agreement with Comcast Enterprise Services – SBT 2015-435
- *B6** Authorized the Chief Probation Officer to enter into an agreement with the National Council on Crime and Delinquency to provide Correctional Assessment and Intervention System (CAIS) for assessment and supervision strategies of adult offenders; authorized the Auditor-Controller to increase appropriations and estimated revenue by \$60,500 as detailed in the budget journal; and, authorized the Purchasing Agent to finalize and sign the agreements and any amendments not to exceed the contract amount – Probation 2015-436
- *B7** Authorized the Chief Probation Officer to submit and/or sign Stanislaus County's Phase 2 Application for Reducing Racial and Ethnic Disparities Grant with the Board of State and Community Corrections and related contracts, amendments, or extensions relative to the Grant; approved a resolution authorizing the Probation Department to submit the grant proposal for Phase 2 funding; and, directed the Auditor-Controller to increase estimated revenue and appropriations up to \$200,000 upon receipt of the grant award – Probation 2015-437
- *C1** Approved summarily vacating portions of Santa Rita Avenue, Hermosa Avenue, and South Santa Rita Avenue, together with the alley located between Santa Rita Avenue and South Santa Cruz Avenue lying within Blocks 2040, 2048 and 2049 of the Emerich Tract Subdivision, south of the City of Modesto; pursuant to Street and Highway Codes 8334 (a & b), 8335, and 8340, the Board: finds based on the information stated in the agenda item, that the portions of Santa Rita, Hermosa, and South Santa Cruz Avenues, lying 130 feet south of Tenaya Drive, and a 20 foot alley lying between Santa Rita and South Santa Cruz Avenues, south of Tenaya Drive, are no longer required for street and highway purposes; finds public utility easements will be retained for the benefit of in-place public utility facilities as requested by the participating utility companies; and, adopted a resolution vacating the portions of street and alley lying in Blocks 2040, 2048 and 2049 of the Emerich Tract Subdivision (Exhibit "C") as described in Exhibit "A" legal description of area to be abandoned and Exhibit "B", plat of area to be abandoned – PW 2015-438
- *C2** Finds that all subdivision improvements for Tentative Parcel Map 99-05 Bonita Ranch Unit 4 (formerly known as Sunray Estates), required by the Subdivision Improvement Agreement and executed by Bright Development, a California Corporation, have been installed to the satisfaction of Stanislaus County and Keyes Community Services District; accepted the subdivision improvements for Tentative Parcel Map 99-05 Bonita Ranch Unit 4; finds that the Subdivision Improvement Agreement was recorded on 11/14/2014 as Document No. 2014-0075648-00 and filed with the Stanislaus County Clerk Recorder's Office; authorized the release of Performance Bond No. 0612645 issued by International Fidelity Insurance Company in the amount of \$821,706 pursuant to section 66499.7(a) of the Subdivision Map Act; and, authorized the release of Labor and Materials Bond No. 0612645 issued by Developers Surety Indemnity Company in the amount of \$410,853

pursuant to section 66499.7(b) of the Subdivision Map Act, upon receipt of a Mechanic's
Lien Guarantee – PW 2015-439

- *C3** Approved Amendment No. 1 to the Professional Design Engineering Services Agreement with Mark Thomas & Company of Sacramento, CA in the amount of \$159,288 for the St. Francis Avenue over MID Main Canal Bridge Replacement Project, Federal Project Number BRLO-5938(193); authorized the Director of Public Works to execute Amendment No. 1 and sign necessary documents; and, adopted the Preliminary Plans for St. Francis Avenue over MID Main Canal Bridge Replacement Project – PW 2015-440
- *D1** Rescinded a portion of Williamson Act Contract Nos. 1971-0089 and 1980-3715, located at 301 Crabtree Road, north of Yosemite Boulevard, east of Tim Bell Road, east of the City of Waterford; 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 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 contracts pursuant to Minor Lot Line Adjustment PLN2015-0028, Warner Gulch LP/Stueve Brothers Farms of Oakdale LLC; and, authorized the Director of Planning and Community Development to execute new contracts – Planning 2015-441
- *D2** Rescinded Williamson Act Contract No. 1974-1642, located at 876 Charles Street, north of East Hatch Road, west of Geer Road, north of the City of Hughson; 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 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 contracts pursuant to Minor Lot Line Adjustment PLN2015-0049, Martella; and, authorized the Director of Planning and Community Development to execute a new contract – Planning 2015-442

- *D3** Rescinded Williamson Act Contract Nos. 1978-3410 and 1995-4294, located at 12131 Lyon Road and 12125 E. Whitmore Avenue, west of Hickman Road, south of the City of Waterford; 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 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 contracts pursuant to Minor Lot Line Adjustment PLN2015-0058, Harp/Main; and authorized the Director of Planning and Community Development to execute new contracts – Planning 2015-443

Chiesa/Monteith (3-1)(DeMartini opposed)(O'Brien absent) ***A2** Adopted and waived the second reading of Ordinance C.S. 1167 amending Section 2.04.030 of County Code Regarding Board of Supervisors' Compensation – CEO ORD-55-U-6 2015-444

Monteith/Chiesa (4-0)(O'Brien absent) **9:05 a.m.** Closed the public review period for the FY 2014-2015 Consolidated Annual Performance Evaluation Report (CAPER) and conducted a public hearing; adopted the FY 2014-2015 CAPER for the Community Development Block Grant (CDBG) and Emergency Solutions Grant (ESG); and, authorized staff to submit to the Department of Housing and Urban Development (HUD) – Planning 2015-448

Monteith/DeMartini (4-0)(O'Brien absent) **B8** Accepted the update report on the four-part strategy to create a Veterans One-Stop Facility within Stanislaus County; approved the MOU between the County of Stanislaus, City of Modesto and Veterans Foundation of Stanislaus County to create a Veterans Center Facility, and authorized the CEO to execute the MOU; authorized the Project Manager to issue a RFP to private property owners to seek proposals for a leased facility for a 10-year period; and, authorized the Project Manager to retain services to support this effort including real estate support as well as the printing, advertising and other costs associated with the RFP process using existing budgeted funds in the County Facilities Budget – CEO C-6-K-4 & BD-85-2 2015-445

Chiesa/DeMartini (4-0)(O'Brien absent) **B9** Approved the Annual Stanislaus County Board of Supervisors Effective Partnership Recognition for: DCSS - Pathways to Self Sufficiency Program, in partnership with the Alliance Worknet and the Center for Human Services, and CSA - Pathways to Well-Being (Katie A.) in partnership with BHRS; and, authorized the Chairman to sign a letter expressing the appreciation of the Board of Supervisors to all programs submitted for consideration this year – CEO 2015-446

Supervisor O'Brien arrived at 10:43 a.m.

DeMartini/O'Brien unan. **B10** Approved the Stanislaus County Emergency Operations Plan and associated emergency support functions – OES 2015-447

Debra Harper noted that everyone is a priceless human being including the Library Branch Managers.

Corr 1 Referred to the Department of Planning and Community Development, a letter from the U.S. Department of Housing and Urban Development regarding the approval of five-year Consolidated Plan and Annual Action Plan for Stanislaus County.

Corr 2 Referred to the Fish and Wildlife Committee, a letter from the U.S. Fish and Wildlife Service regarding petitions to list species in California and Nevada to the Endangered Species Act and a petition to delist the Stephens' kangaroo rat.

Corr 3 Referred to the Department of Environmental Resources and Department of Public Works, a letter from the State Water Resources Control Boards regarding an application from the City of Turlock to appropriate San Joaquin River water.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Douglas-William: Hysell; Daniel Carattini Sr.; Carol Shapiro; Georgia Wilcomb; and, John Mitchell.

Supervisor O'Brien reported that he was absent for the first part of the Board meeting today due to Jury Duty. This provided him an opportunity to observe the challenges we have in speedy Court services. He noted that the California Court System needs to be looked at from top to bottom.

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 10:58 a.m. for Conference with Legal Counsel - Existing Litigation: One Case: 926 North Ardmore, LLC v. County of Los Angeles, California Supreme Court Case No. S222329. Government Code Section 54956.9 (d)(1). Conference with Legal Counsel – Anticipated Litigation: One Case. Government Code Section 54956.9 (d)(4).

Closed Session Announcement: Chiesa/O'Brien (4-1)(DeMartini opposed) Authorized the County of Stanislaus to join other counties in filing an amicus brief with the California Supreme Court in case 926 N. Ardmore v. County of Los Angeles, Case No. S222329, in support of the Respondent County of Los Angeles 2015-449

Adjourned at 11:57 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.)