

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA # \*D-1

Urgent

Routine

AGENDA DATE October 4, 2011

CEO Concurs with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Approval for the Department of Planning and Community Development to Accept Two Grants from the State Water Resources Control Board for Planning and Engineering Activities Related to the Airport District and Shackelford (Parklawn Neighborhood) Sewer Improvement Projects

STAFF RECOMMENDATIONS:

1. Accept a grant from the State Water Resources Control Board Cleanup and Abatement Account for the Airport District Sewer Improvement Project for \$447,729.
2. Accept a grant from the State Water Resources Control Board Cleanup and Abatement Account for the Shackelford Sewer Improvement Project for \$296,830.

(Continued on page 2)

FISCAL IMPACT:

The total amount of the grant awards is \$744,559 (Airport: \$447,729; Parklawn: \$296,830) to complete necessary planning, engineering and design activities for sewer mainline construction in the Airport and Parklawn neighborhoods. No additional funding is anticipated to be required. However, should additional funds be necessary to complete this phase of the projects, funds are available through the Redevelopment Agency or other Community Development Block Grant programs. There will be no cost to the County General Fund.

BOARD ACTION AS FOLLOWS:

No. 2011-569

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval for the Department of Planning and Community Development to Accept Two Grants from the State Water Resources Control Board for Planning and Engineering Activities Related to the Airport District and Shackelford (Parklawn Neighborhood) Sewer Improvement Projects

Page 2

**STAFF RECOMMENDATIONS:** (Continued)

2. Authorize the Director of Planning and Community Development, or his designee, to take all necessary actions to implement the grant programs as described including but not limited to acting as project sponsor and signing all necessary and appropriate contracts, subcontracts, and purchase agreements up to the budgeted amount for each project.
3. Direct the Auditor-Controller to establish appropriations and estimated revenues in the Planning and Community Development Special Grants budgets as detailed in the attached financial transaction form.

**DISCUSSION:**

On April 19, 2011, the Stanislaus County Redevelopment Agency authorized the Agency's Executive Director to finalize an agreement with the Stanislaus County Public Works Department for the administration, design, engineering, environmental, and construction of the Airport Neighborhood Sewer, Empire Storm Drain, and Parklawn Neighborhood Sewer projects and any future public improvement projects identified in the Agency's Implementation Plan on a "pay-as-you-go" basis as net tax increment funding becomes available. The Agency also directed staff to submit a FFAST grant application to the State Water Resources Control Board for the Parklawn neighborhood, and other potentially eligible areas, for a Cleanup and Abatement grant for planning purposes.

The Cleanup and Abatement Account (CAA) was created by Water Code Sections 13440-13443 to provide public agencies with grants for the cleanup or abatement of a condition of pollution when there are no viable responsible parties available to undertake the work. The CAA is supported by court judgments and administrative civil liabilities assessed by the State Water Resources Control Board (State Water Board) and the Regional Water Quality Control Boards (Regional Boards). Only public agencies with authority to cleanup or abate a waste are eligible to receive funding.

In May 2011, as various threats to Redevelopment Agencies became apparent through the State budget process, the Stanislaus County Department of Planning and Community Development took the lead and submitted the FFAST applications on behalf of the County, rather than the Redevelopment Agency.

The applications were for funding for design, planning, and engineering of mainline sewer installation for both the Airport and Parklawn residential neighborhoods to address health and safety concerns associated with failing septic systems within the target areas. This initial funding will cover costs associated with design engineering, environmental review and planning activities for the construction of the projects as described below: The projects are expected to be completed no later than December 31, 2013.

Approval for the Department of Planning and Community Development to Accept Two Grants from the State Water Resources Control Board for Planning and Engineering Activities Related to the Airport District and Shackelford (Parklawn Neighborhood) Sewer Improvement Projects

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Airport Neighborhood Sewer Project - This project includes installation of a sewer system, with approximately 23,000 linear feet of sewer main, a pump station (if necessary), and street overlays. There has been no advisory vote for the Airport area yet, and this would be required before the City of Modesto would agree to extend sewer service to the neighborhood. LAFCO approval of an out-of-boundary agreement is also still required.

Parklawn Neighborhood Sewer Project - This project includes installation of a sewer system with street overlays. The neighborhood consists of the southern portion of the Shackelford Sub-Area located south of Hatch Road, in the Modesto area, and is comprised of two areas: the Olympic Tract area and the Hatch/Olivero area.

- o *Olympic Tract* - This area is generally bounded by Hatch Road on the north, Parklawn Avenue on the south, Morgan Road on the east, and Pacific Union railway on the west. Preliminary engineering design for this area has been completed with the input of the City of Modesto which will be the service provider. The project includes construction of approximately 14,000 linear feet of sewer main and a pump station. In November 2010, the voters of the City of Modesto approved an advisory ballot measure regarding extending sewer to this area. Local Agency Formation Commission (LAFCO) approval of an out-of-boundary agreement is still required.
- o *Hatch/Olivero* - This area is generally bounded by Hatch Road on the north, Olivero Road on the south, the Pacific Union railway on the west, and Crows Landing Road on the east. No preliminary engineering or advisory vote has been conducted for this area.

There has been, and continues to be, local support for these projects. The Airport Neighborhood Collaborative and South Modesto Municipal Advisory Council have both been instrumental in helping to keep the neighborhoods informed on the status of these priority projects. Staff will continue to provide outreach to these community groups as the need arises. Coordination with the City of Modesto will also be required as the sewer project design and construction process moves forward.

#### **POLICY ISSUES:**

Acceptance of these grants supports the Board's priorities of A Healthy Community and A Well Planned Infrastructure System by supporting continued collaboration to further implementation of the residential neighborhood infrastructure priorities and programs adopted by the Board of Supervisors and the Stanislaus County Redevelopment Agency.

Approval for the Department of Planning and Community Development to Accept Two Grants from the State Water Resources Control Board for Planning and Engineering Activities Related to the Airport District and Shackelford (Parklawn Neighborhood) Sewer Improvement Projects

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**STAFFING IMPACT:**

There is no staffing impact associated with this request as existing staff from the Departments of Planning and Community Development and Public Works will perform the work.

**CONTACT PERSON:**

Kirk Ford, Planning and Community Development Director. Telephone: (209)525-6330

**ATTACHMENTS:**

1. Approval Letters from the State Water Resources Control Board





EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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**State Water Resources Control Board**

**SEP 12 2011**

Stanislaus County  
ATTN: Kirk Ford, Project Manager  
1010 10<sup>th</sup> Street  
Modesto, CA 95354

Dear Mr. Ford:

**FUNDING APPROVAL FOR STANISLAUS COUNTY FOR THE SHACKELFORD  
SEWER IMPROVEMENT PROJECT; CLEANUP AND ABATEMENT ACCOUNT (CAA);  
PROJECT NO. 335**

Your request for Cleanup and Abatement Account (CAA) funds to address health and safety concerns associated with failing septic systems has been approved in the amount of \$296,830. The term of the project is from August 16, 2011 to December 31, 2012. The Program Cost Allocation (PCA) code 27809 has been established for this project.

You were provided with an agreement template for this project via email. When the draft agreement has been completed, please forward an electronic copy to Jeffrey Albrecht at [jalbrecht@waterboards.ca.gov](mailto:jalbrecht@waterboards.ca.gov).

Once finalized, the State Water Board's Resolution approving this project can be obtained at [http://www.waterboards.ca.gov/board/decisions/adopted\\_orders/resolutions/res11.shtml](http://www.waterboards.ca.gov/board/decisions/adopted_orders/resolutions/res11.shtml).

If you have any questions, please contact Lola Barba at (916) 341-5638 or Toru Okamoto at (916) 341-5649.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth L. Haven".

Elizabeth L. Haven, Deputy Director  
Division of Financial Assistance  
State Water Resources Control Board

cc: Aaron Famon, Stanislaus County  
Jeffrey Albrecht, DFA  
Pete Mizera, DFA  
David Azevedo, DAS – Accounting  
Debra Latour, DAS – Accounting

**ATTACHMENT 1**

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

**APPROVED FUNDING INFORMATION**

**STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF FINANCIAL ASSISTANCE**

**AGENCY:** Division of Financial Assistance/Stanislaus County

**PROJECT TITLE:** Shackelford Sewer Infrastructure Project

**PROJECT NUMBER:** CAA 335

**NEW PROJECT** X **AMENDMENT #**                     

**AMOUNT REQUESTED:** \$296,830

**TERM OF ORIGINAL PROJECT:** 08/16/2011 - 12/31/2012  
(Month/day/year - Month/day/year)

**AMENDED TERM END DATE:** N/A  
(Month/day/year)

**CONTACT PERSON:** Jeffrey Albrecht **PHONE NUMBER:** (916) 341-5717

**AMOUNT APPROVED:** \$296,830

**TOTAL FUNDS APPROVED TO DATE:** \$296,830

**FUNDING INFORMATION:**

**PCA Number:** 27809

**Index/Object Code Number:** 0550.569.01

**INVOICES APPROVED BY:** Toru Okamoto

**AUTHORIZED SIGNATURE:** *E. L. Haven* **Date:** 9/7/11  
Deputy Director, Division of Financial Assistance

**REQUEST FOR PAYMENT**

**STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF FINANCIAL ASSISTANCE  
CLEANUP AND ABATEMENT ACCOUNT (CAA)**

**AGENCY:** Division of Financial Assistance/Stanislaus County

**PROJECT TITLE:** Shackelford Sewer Infrastructure Project

**TOTAL AMOUNT APPROVED FOR PROJECT:** \$296,830

**CAA PROJECT NUMBER:** 335

**AGREEMENT NUMBER:** \_\_\_\_\_

**INVOICE NUMBER:** \_\_\_\_\_

**PAYEE NAME:** \_\_\_\_\_

**PAYEE ADDRESS:** \_\_\_\_\_

\_\_\_\_\_

**INVOICE TOTAL:** \$ \_\_\_\_\_

**STATE BOARD REPRESENTATIVE:** Jeffrey Albrecht \_\_\_\_\_  
Print Name Clearly Date

**STATE BOARD SIGNATURE:** \_\_\_\_\_

**PHONE NUMBER:** (916) 341-5717

**SERVICES OR GOODS PROVIDED UNDER THIS INVOICE:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**FUNDING INFORMATION:**

**PCA Number:** 27809

**Index/Object Code Number:** 0550-569-01

**PAYMENT APPROVED BY:** \_\_\_\_\_  
Manager Date:





**PAYEE DATA RECORD**

STD. 204 (Rev. 6-2003) (REVERSE)

1	<p><b><u>Requirement to Complete Payee Data Record, STD. 204</u></b></p> <p>A completed Payee Data Record, STD. 204, is required for payments to all non-governmental entities and will be kept on file at each State agency. Since each State agency with which you do business must have a separate STD. 204 on file, it is possible for a payee to receive this form from various State agencies.</p> <p>Payees who do not wish to complete the STD. 204 may elect to not do business with the State. If the payee does not complete the STD. 204 and the required payee data is not otherwise provided, payment may be reduced for federal backup withholding and nonresident State income tax withholding. Amounts reported on Information Returns (1099) are in accordance with the Internal Revenue Code and the California Revenue and Taxation Code.</p>								
2	<p>Enter the payee's legal business name. Sole proprietorships must also include the owner's full name. An individual must list his/her full name. The mailing address should be the address at which the payee chooses to receive correspondence. Do not enter payment address or lock box information here.</p>								
3	<p>Check the box that corresponds to the payee business type. Check only one box. Corporations must check the box that identifies the type of corporation. The State of California requires that all parties entering into business transactions that may lead to payment(s) from the State provide their Taxpayer Identification Number (TIN). The TIN is required by the California Revenue and Taxation Code Section 18646 to facilitate tax compliance enforcement activities and the preparation of Form 1099 and other information returns as required by the Internal Revenue Code Section 6109(a).</p> <p>The TIN for individuals and sole proprietorships is the Social Security Number (SSN). Only partnerships, estates, trusts, and corporations will enter their Federal Employer Identification Number (FEIN).</p>								
4	<p><b><u>Are you a California resident or nonresident?</u></b></p> <p>A corporation will be defined as a "resident" if it has a permanent place of business in California or is qualified through the Secretary of State to do business in California.</p> <p>A partnership is considered a resident partnership if it has a permanent place of business in California. An estate is a resident if the decedent was a California resident at time of death. A trust is a resident if at least one trustee is a California resident.</p> <p>For individuals and sole proprietors, the term "resident" includes every individual who is in California for other than a temporary or transitory purpose and any individual domiciled in California who is absent for a temporary or transitory purpose. Generally, an individual who comes to California for a purpose that will extend over a long or indefinite period will be considered a resident. However, an individual who comes to perform a particular contract of short duration will be considered a nonresident.</p> <p>Payments to all nonresidents may be subject to withholding. Nonresident payees performing services in California or receiving rent, lease, or royalty payments from property (real or personal) located in California will have 7% of their total payments withheld for State income taxes. However, no withholding is required if total payments to the payee are \$1,500 or less for the calendar year.</p> <p>For information on Nonresident Withholding, contact the Franchise Tax Board at the numbers listed below:</p> <table border="0"> <tr> <td>Withholding Services and Compliance Section:</td> <td>1-888-792-4900</td> <td>E-mail address:</td> <td>wscs.gen@ftb.ca.gov</td> </tr> <tr> <td>For hearing impaired with TDD, call:</td> <td>1-800-822-6268</td> <td>Website:</td> <td>www.ftb.ca.gov</td> </tr> </table>	Withholding Services and Compliance Section:	1-888-792-4900	E-mail address:	wscs.gen@ftb.ca.gov	For hearing impaired with TDD, call:	1-800-822-6268	Website:	www.ftb.ca.gov
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For hearing impaired with TDD, call:	1-800-822-6268	Website:	www.ftb.ca.gov						
5	<p>Provide the name, title, signature, and telephone number of the individual completing this form. Provide the date the form was completed.</p>								
6	<p>This section must be completed by the State agency requesting the STD. 204.</p>								
	<p><b><u>Privacy Statement</u></b></p> <p>Section 7(b) of the Privacy Act of 1974 (Public Law 93-579) requires that any federal, State, or local governmental agency, which requests an individual to disclose their social security account number, shall inform that individual whether that disclosure is mandatory or voluntary, by which statutory or other authority such number is solicited, and what uses will be made of it.</p> <p>It is mandatory to furnish the information requested. Federal law requires that payment for which the requested information is not provided is subject to federal backup withholding and State law imposes noncompliance penalties of up to \$20,000.</p> <p>You have the right to access records containing your personal information, such as your SSN. To exercise that right, please contact the business services unit or the accounts payable unit of the State agency(ies) with which you transact that business.</p> <p>All questions should be referred to the requesting State agency listed on the bottom front of this form.</p>								



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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**State Water Resources Control Board**

**SEP 12 2011**

Stanislaus County  
ATTN: Kirk Ford, Project Manager  
1010 10<sup>th</sup> Street  
Modesto, CA 95354

Dear Mr. Ford:

**FUNDING APPROVAL FOR THE AIRPORT DISTRICT SEWER IMPROVEMENT PROJECT  
CLEANUP AND ABATEMENT ACCOUNT (CAA); PROJECT NO. 334**

Your request for Cleanup and Abatement Account funds to address health and safety concerns associated with failing septic systems has been approved in the amount of \$447,729. The term of the project is from August 16, 2011 to December 31, 2013. The Program Cost Allocation (PCA) code 27808 has been established for this project.

You were provided with an agreement template for this project via email. When the draft agreement has been completed, please forward an electronic copy to Jeffrey Albrecht at [jalbrecht@waterboards.ca.gov](mailto:jalbrecht@waterboards.ca.gov).

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If you have any questions, please contact Lola Barba at (916) 341-5638 or Toru Okamoto at (916) 341-5649.

Sincerely,

A handwritten signature in cursive script that reads "EL Haven".

Elizabeth L. Haven, Deputy Director  
Division of Financial Assistance  
State Water Resources Control Board

cc: Aaron Famon, Stanislaus County  
Jeffrey Albrecht, DFA  
Pete Mizera, DFA  
David Azevedo, DAS – Accounting  
Debra Latour, DAS – Accounting

**APPROVED FUNDING INFORMATION**

**STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF FINANCIAL ASSISTANCE**

**AGENCY:** Division of Financial Assistance/Stanislaus County

**PROJECT TITLE:** Airport Sewer Infrastructure Project

**PROJECT NUMBER:** CAA 334

**NEW PROJECT** X **AMENDMENT #** \_\_\_\_\_

**AMOUNT REQUESTED:** \$447,729

**TERM OF ORIGINAL PROJECT:** 08/16/2011 - 12/31/2013  
(Month/day/year - Month/day/year)

**AMENDED TERM END DATE:** N/A  
(Month/day/year)

**CONTACT PERSON:** Jeffrey Albrecht **PHONE NUMBER:** (916) 341-5717

**AMOUNT APPROVED:** \$447,729

**TOTAL FUNDS APPROVED TO DATE:** \$447,729

**FUNDING INFORMATION:**

**PCA Number:** 27808

**Index/Object Code Number:** 0550.569.01

**INVOICES APPROVED BY:** Toru Okamoto

**AUTHORIZED SIGNATURE:** *Ed Haven* **Date:** 9/7/11  
Deputy Director, Division of Financial Assistance

### REQUEST FOR PAYMENT

**STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF FINANCIAL ASSISTANCE  
CLEANUP AND ABATEMENT ACCOUNT (CAA)**

**AGENCY:** Division of Financial Assistance/Stanislaus County

**PROJECT TITLE:** Airport Sewer Infrastructure Project

**TOTAL AMOUNT APPROVED FOR PROJECT:** \$447,729

**CAA PROJECT NUMBER:** 334

**AGREEMENT NUMBER:** \_\_\_\_\_

**INVOICE NUMBER:** \_\_\_\_\_

**PAYEE NAME:** \_\_\_\_\_

**PAYEE ADDRESS:** \_\_\_\_\_

**INVOICE TOTAL:** \$ \_\_\_\_\_

**STATE BOARD REPRESENTATIVE:** Jeffrey Albrecht \_\_\_\_\_  
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**STATE BOARD SIGNATURE:** \_\_\_\_\_

**PHONE NUMBER:** (916) 341-5717

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For hearing impaired with TDD, call:	1-800-822-6268	Website:	www.ftb.ca.gov						
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