

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

Regular Session

Tuesday

November 4, 2008

Chairman Mayfield absent

Pledge of Allegiance to the Flag

A moment of silence was held in memory of former CAO Gardner "Hutch" Hutchins.

Employee Service Awards for thirty years of service were given to Doug Harms, Assessor, and Susan List from CSA. Employee Service Award for twenty-five years of service was given to Vito Mangipane from DER – Landfill.

A resolution proclaiming November 2008 as Adoption and Permanency Awareness Month was presented.

Grover/Monteith (4-0)(Mayfield absent) Adopted the consent calendar

- ***A1** Approved the minutes of 10/28/08
- ***A2** Adopted and waived the second reading of Ordinance C.S. 1046 relinquishing responsibility for enforcement of the Mobile Home Parks Act and the Special Occupancy Parks Act and repealing in its entirety Chapter 16.100 of the Stanislaus County Code relating to mobile home parks – DER ORD-55-I-2 2008-746
- ***A3** Appointed Paul Brehm to the Advisory Board on Substance Abuse Programs 2008-747
- ***A4** Commended Kenni Friedman upon being named the Citizen of the Year for 2008 by the American Legion, Post 74 2008-748
- ***A5** Appointed Supervisor Dick Monteith as the Director and Supervisor Jim DeMartini as the Alternate Director to the CSAC Board of Directors for 2009 2008-749
- ***B1** Approved and authorized the Chairman to sign the Weed Management Area contract with the California Department of Food and Agriculture for FY 2008/2009 and 2009/2010; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$16,758 as detailed in the Budget Journal form – Agricultural Commissioner 2008-750
- ***B2** Authorized the Director of BHRS to accept the Mental Health Services Act Prevention and Early Intervention Community Program Planning funds; authorized the BHRS Director, or her Designee, to sign the subsequent amendment to agreement #07-77350-000 with the California Department of Mental Health for provision of mental health services pursuant to the Mental Health Services Act Prevention and Early Intervention plan; and, directed the Auditor-Controller to increase appropriations and estimated revenue to the Mental Health Services Act budget in the amount of \$294,300 as detailed in the Budget Journal form – BHRS 2008-751
- ***B3** Authorized the Director of DER, or her Designee, to enter into an agreement with the CSU Fresno Foundation for continuation the Food Processing By-Product Research Project for an amount not to exceed \$80,000 for FY 2008-2009 and 2009-2010; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$47,197.76 as detailed in the Budget Journal, for FY 2008-09 – DER 2008-752
- ***B4** Approved specifications for the replacement of the steam boiler system at the Men's Jail Facility; approved award of contract for the replacement of the steam boiler system at the

- Men's Jail Facility to Champion Industrial Contractors, Inc.; authorized the GSA Director/Purchasing Agent to execute the contract with Champion Industrial Contractors, Inc. for \$250,000 and to sign any necessary documents; authorized the GSA Director/Purchasing Agent to execute change orders in accordance with Public Contract Code; and, authorized the GSA Director/Purchasing Agent to accept the completed improvements and perform all necessary closeout activity – GSA 2008-753
- *B5** Authorized the expenditure of Public Facility Fees for the purchase of collection materials such as additional books, DVD's, audiovisual and other materials for the Stanislaus County Library; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the Library budget unit in the amount of \$300,000 through a transfer from Public Facility Fees – Library M-64-H-16 2008-754
- *B6** Authorized the expenditure of Public Facility Fees to purchase equipment and services necessary to upgrade the data infrastructure to improve internet access, printer management, data storage capacity and to install self-check units to enhance customer service at the Stanislaus County Library; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the Library budget unit in the amount of \$85,917 through a transfer from Public Facility Fees – Library M-64-H-17 2008-755
- *B7** Approved request from Boy Scout Troop No. 43 to have exclusive use of the Kiwanis Camp from Friday, 11/07/2008, beginning at 2:00 p.m. to Sunday, 11/09/2008, ending at 2:00 p.m. for overnight camping activities; directed Boy Scout Troop No. 43 to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for the exclusive use of the Kiwanis Camp – Parks and Recreation 2008-756
- *B8** Authorized the Sheriff-Coroner to accept a grant from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) Technology Program; authorized the Sheriff- Coroner and CEO to sign and accept the funding; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount up to \$350,738, according to the budget journal – Sheriff 2008-757
- *B9** Pursuant to §3694 of the Revenue and Taxation Code, approved the sale of the tax-defaulted properties for the minimum bid of properties; and, pursuant to §3698.5(c) of the Revenue and Taxation Code, authorized the Treasurer/Tax Collector to re-offer those parcels which do not obtain the minimum bid at a price which is deemed appropriate by the Treasurer/Tax Collector 2008-758
- *C1** Approved Amendment No. 4 to Agreement No. 2004-1 with RBF Consulting to add additional engineering service for the improvements at the Geer Road at Whitmore Avenue Intersection; authorized the Director of Public Works to execute the amendment; and, directed the Auditor-Controller to make the necessary budget adjustments, per the financial transaction sheet – PW 2008-759
- *C2** Pursuant to Street and Highway Codes 8331, 8334 and 8335, the Board finds that the portion of Montpelier Road located southeast of Sixth Street is not required for street and highway purposes; finds the in-place public utility facilities will be protected by an easement retained for their benefits; and, adopted a resolution vacating a portion of Montpelier Road located southeast of Sixth Street – PW 2008-760
- *C3** Adopted plans and specifications for Federal Project No. STPL-5938(120), Carpenter Road at Beverly Drive/Carpenter Road at Robertson Road Traffic Signals; set the bid opening date and time for 01/07/09 at 2:00 p.m.; directed the Clerk of the Board to publish notice inviting bids for the project as required by law and set 01/07/09, prior to 2:00 p.m., as the deadline for submission of bids; directed the Auditor/Controller to make the necessary budget adjustments per the financial transaction sheet; and, directed the Public Works Department staff to mail the notice inviting bids to trade journals as required by law – PW

- *D1** Initiated a 15-day public comment period for the proposed amendment to the FY 2007-2012 Community Development Block Grant Consolidated Plan and the FY 2008-2009 Annual Action Plan to incorporate the HUD Neighborhood Stabilization Program funding of \$9,744,482, and directed staff to bring this item back to the Board of Supervisors on 11/18/08 to hold a public meeting and for final review and approval of the amended Consolidated Plan FY 2007-2012 and Annual Action Plan FY 2007-2008 – Planning

2008-762

Recessed to sit as the Stanislaus County Redevelopment Agency at 9:27 am

O'Brien/Grover (4-0)(Mayfield absent) **9:15 am** Adopted the consent calendar

***III-A** Approved the minutes of 06/24/08

***IV-A** Acknowledged receipt of a letter dated 07/31/08 from Nancy C. Miller of Miller, Owen and Trost

***V-A** Received an update on AB 1389 reporting requirements

***VII-A** Authorized the expenditure of \$85,000 of Housing Set Aside funds for the rehabilitation of the following two (2) single family residential lots in the Airport Neighborhood Redevelopment sub area (1102 Tenaya Drive and 1106 Tenaya Drive); and, authorized the Interim Executive Director to sign and negotiate on behalf of the Agency

2008-766

Monteith/O'Brien (4-0)(Mayfield absent) **VII-B** Awarded contract to George Reed, Inc., of Modesto, California, for the construction of the Keyes Improvement Project - Phase 2, in the amount of \$13,671,124.45; authorized the Executive Director for the Redevelopment Agency to execute a contract with George Reed, Inc., in the amount of \$13,671,124.45; authorized the Executive Director for the Redevelopment Agency to execute change orders in accordance with Public Contract Code, §20142; upon project completion, authorized the Executive Director for the Redevelopment Agency to accept the completed improvements and perform all necessary closeout activities; and, directed the Auditor-Controller to increase appropriations by \$16,198,866.51 (\$15,483,866.51 construction costs + \$715,000 project budget contingency) and estimated revenues by \$791,578.34 (KCSO responsibility) per the financial transaction sheet

2008-767

Reconvened to sit as the Stanislaus County Board of Supervisors at 9:31 am

Grover/O'Brien (4-0)(Mayfield absent) **B10** Approved the revised Refuse Rate Adjustment Methodology for determining franchise refuse rates in the unincorporated areas of Stanislaus County; approved the amended franchise Regulations to incorporate the revised Refuse Rate Adjustment Methodology and two new performance measures for franchise refuse collection in the unincorporated areas of Stanislaus County, and to make other minor technical changes; adopted the new base rates, as **amended** and dated 11/04/08, from which the maximum franchise rates for solid waste collection services in the unincorporated areas of Stanislaus County will be set beginning 07/01/09; and, directed staff to develop an ordinance change which would incorporate an enforcement process for failure to meet performance measures or conditions specified in the Ordinance or Regulations – DER

2008-763

O'Brien/Grover (4-0)(Mayfield absent) **B11** Approved agreement between the County of Stanislaus and Acclamation Insurance Management Services, Inc. (AIMS) for the Workers' Compensation Claims Management Program from 01/01/2009 through 06/30/2012; authorized the Chairman to sign the agreement; and, authorized the CEO, or his Designee, to sign future amendment/extensions to the

O'Brien/Grover (4-0)(Mayfield absent) **B12** Accepted the Chief Executive Officer's First Quarter Financial Report for FY 2008-2009; authorized the use of \$274,453 in Appropriations for Contingencies as recommended in the First Quarter Financial Report by 4/5 vote of the Board of Supervisors; authorized the Chief Executive Officer and the Auditor-Controller to make the necessary adjustments as recommended in the First Quarter Financial Report; amended the Salary and Position Allocation Resolution as outlined on Attachment "A" effective the start of the 11/08/08 pay period; approved the reduction-in-force of one filled position in the District Attorney budget effective 12/05/08; and, approved contracts and/or agreements listed on Attachment "B" in cumulative amounts of \$100,000 or greater since 07/01/03 – CEO 2008-765

Corr 1 Referred to the CEO, a notice from the California Air Resources Board regarding a public hearing to consider the reduction of greenhouse gas emissions from heavy-duty vehicles.

Corr 2 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Vanessa V. Garcia; Debra L. Harper; Nationwide Insurance/George Michael McClure; Sue McClelland; and, Janet Moore.

Vice-Chairman DeMartini reminded everyone that today is election day and he encouraged everyone to vote.

The CEO reported that he and Supervisor Grover met with Senator Feinstein last Tuesday to talk about a number of issues relating to healthcare. He also reported that they expect the Governor to call a Special Session due to the anticipated State Budget shortfall. He will keep the Board updated regarding State Budget issues.

The Vice-Chairman announced that there will be two Public Scoping Meetings for the North County Corridor Project: on Thursday, 11/13/08, 6:30 – 8:00 p.m. at the Salida Regional Library, located at 4835 Sisk Road, Salida, CA; and, on Thursday, 11/20/08, 6:30 – 8:00 p.m. at the Oakdale Community Center, located at 110 South Second Avenue, Oakdale, CA.

Adjourned to closed session at 11:01 a.m. for conference with Legal Counsel - Anticipated Litigation - One Case. Government Code §54956.9(c). Conference with Real Property Negotiator: Property: Fink Road Landfill Farm Lease, 4000 Fink Road, Crows Landing, California. Agency Negotiator: Richard Robinson. Owner Negotiator: Lent Burden Farming, Inc. Under Negotiation: Both Terms of Payment and Price. Government Code §54956.8.

Adjourned at 12:27 p.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.)