

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

Special and Regular Session
Chairman Mayfield absent
Pledge of Allegiance to the Flag

Tuesday

November 18, 2008

Special Session convened at 5:30 p.m.

Recessed to Closed Session at 5:30 p.m. for conference with Legal Counsel - Anticipated Litigation - One Case. Government Code §54956.9(c).

Reconvened at 6:30 p.m. for Regular Session

Kate Trompetter from the Center for Human Services thanked the Board for their support of the National Drunk and Drugged Driving (3D) Prevention Month in December 2008. She invited the Board to attend the 14th Annual Candlelight Vigil on 12/4/08.

Monteith/Grover (4-0) (Mayfield absent) Adopted the consent calendar after removing from consent items *A5 Approval of the 2009 Meeting Calendar for the Stanislaus County Board of Supervisors; *B2 Approval and Adoption of Proposed Amendments to the Mental Health Board Bylaws; and, *B3 Approval to Award the Construction Contract for the Emergency Power and Fire Suppression System Improvements at the Sheriff's Operations Center to the Lowest Responsible Bidder, Greg Opinski Construction, Inc.

- *A1 Approved the minutes of 11/04/08
- *A2 Appointed Kenneth Hanigan to the Commission on Aging 2008-768
- *A3 Accepted the resignation of Stan Duck and George Shaffer; and, appointed Guillermo Marrero and Bryan Domyan to the Western Hills Water District Board of Directors 2008-769
- *A4 Adopted the Amendment to the Conflict of Interest Code for the Salida Union School District 2008-770
- *A6 Proclaimed December 2008 as National Drunk and Drugged Driving (3D) Prevention Month 2008-771
- *B1 Approved and authorized the Chairman to sign an additional High Risk Pest Inspection contract for FY 2008/2009 with the California Department of Food and Agriculture; and, directed the Auditor-Controller to decrease appropriations and estimated revenue in the amount of \$4,765 as detailed in the Budget Journal Form – Agricultural Commissioner 2008-772
- *B4 Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at CE No. 08-0434 at 801 Spencer Avenue, Modesto, California – DER 2008-773
- *B5 Awarded the contract for preparation of a revised Solid Waste Facility Permit application and completion of an Initial Study to Shaw Environmental, Inc., for the Fink Road Landfill in an amount of \$130,379; authorized the Director of DER, or her Designee, to sign the contract with Shaw Environmental, Inc., for preparation of a revised Solid Waste Facility Permit application and completion of an Initial Study, in the amount of \$130,379; and, authorized the Director of DER, or her Designee, to sign amendments to the contract for an overall total not to exceed \$149,936, which includes contingency funding of up to \$19,557 which is equal to a maximum of 15% of the total contract amount – DER 2008-774

- *B6 Declared the vehicles listed in the report as surplus and authorized these vehicles to be auctioned; directed the Auditor-Controller to deposit all receipts from the sale of these vehicles into the GSA-Fleet Services Division account 5021-0018515-46000; and, directed the Auditor-Controller to increase appropriations to GSA- Fleet Services Division account 5021-0018515-84750 by the proceeds amount to facilitate the replacement of older Motor Pool vehicles – GSA 2008-775
- *B7 Accepted the report of annual inspection/evaluation of local jail/detention facilities pursuant to §101045 of the State of California Health and Safety Code – HAS 2008-776
- *B8 Approved HSA submission of an application for funding allocation of \$874,238 under the Centers for Disease Control and Prevention and Hospital Preparedness Program 2008-09 Program Guidance, and the State General Fund (GF) Pandemic Influenza, Public Health Emergency Preparedness Comprehensive Agreement Application 2008-09; funds will be used for ongoing efforts to enable the local Public Health System to prepare for and respond to bioterrorism, infectious disease outbreaks (including Pandemic Influenza), and other public health threats and emergencies; authorized HSA’s Managing Director, or her Designee, to sign the agreement and accept the funds when awarded; and, authorized the Chairman to sign the non-Supplantation Certificate Form – HAS 2008-777
- *B9 Approved the purchase of Microsoft Office products at substantial discounts through a negotiated Master Enterprise Agreement with Compucom Corporation; and, authorized the Purchasing Agent to negotiate and enter into the five year Master Enterprise Agreement with Compucom Corporation for the purchase of the software licenses and updates – CEO 2008-778
- *B10 Set a public hearing on 12/16/08, at 6:45 p.m. to consider approval of the Stanislaus County District Attorney and Stanislaus County Sheriff’s Department FY 2008-2009 expenditure plans for the State Supplemental Law Enforcement Services Fund (SLESF) – Sheriff 2008-779
- *B11 Approved entering into a MOU with the City of Patterson; and, authorized the CEO to sign a MOU with the City of Patterson for the design, development and construction of an intermodal bus transfer facility in Patterson – PW 2008-780
- *B12 Authorized an amendment to the Fink Road Farm Lease Agreement with LBFI I-5 Lease Limited Partnership to purchase additional water supply from the Del Puerto Water District for FY 2008/2009; and, authorized the Director of DER to negotiate, and execute Amendment No. 3 to the Fink Road Farm Lease Agreement with LBFI I-5 Lease, L.P. – DER 2008-781
- *C1 Introduced and waived the first reading of Ordinance C.S. 1047 adding Chapter 14.14 to the County Code relating to storm water management and discharge control – PW
ORD-55-I-3 2008-782
- *C2 Approved the Master Agreement for professional services with Aspen Survey Company of Modesto, California for consulting engineering and surveying services; and, authorized the Director of Public Works to execute the Master Agreement – PW 2008-783
- *C3 Adopted a resolution initiating proceedings for the formation of the Beard Industrial Lighting District; and, directed the Public Works Department to prepare and file the required Engineer's Report – PW DL-42-I 2008-784
- *C4 Approved the Cooperative Agreement, No. 10-312 with the State of California, Department of Transportation (Caltrans) for the State Route (SR) 99/Kiernan Road Interchange Project; and, authorized the Chairman to execute a contract with the State of California, Department of Transportation (Caltrans) – PW 2008-785

***C5** Approved the Cooperative Agreement, No. 10-327 with the State of California, Department of Transportation (Caltrans) for the State Route (SR) 99/Hammett Road Interchange Project; and, authorized the Chairman to execute a contract with the State of California, Department of Transportation (Caltrans) – PW 2008-786

***D1** Rescinded all or a portion of Williamson Act Contract #1976-2403 (Kiernan Avenue, Modesto) and Contract #2005-4572 (Kiernan Avenue, Modesto) and approved a new contract pursuant to Minor Lot Line Adjustment 2008-25, Rodarakis, and authorized the Planning Director to execute a new contract; finds 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; finds 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; finds at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; finds after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in §51222; finds 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; finds the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; and, finds 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 – Planning 2008-787

***D2** Rescinded all or a portion of Williamson Act Contract #80-3728 (Wellsford Road, Modesto) and approved a new contract pursuant to Minor Lot Line Adjustment 2008-24, Blakemore and Steele, and authorized the Planning Director to execute a new contract; finds 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; finds 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; finds at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; finds after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in §51222; finds 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; finds the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; and, finds 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 – Planning 2008-788

Grover/Monteith (3-1)(Mayfield absent)(O'Brien opposed) ***A5** Approved the 2009 Meeting Calendar for the Stanislaus County Board of Supervisors 2008-789

O'Brien/Grover (4-0)(Mayfield absent) ***B2** Approved and adopted the proposed amendments to the Mental Health Board bylaws – BHRS BD-31-C-32 2008-790

Monteith/O'Brien (3-0)(Mayfield absent)(Grover abstained) ***B3** Awarded the construction contract for the emergency power and fire suppression system improvements at the Sheriff's Operations Center to the lowest responsible bidder, Greg Opinski Construction, Inc. of Merced, CA, for the lump sum of \$1,044,000; authorized the Project Manager to issue a notice to proceed contingent upon receipt of proper insurance and bonds; and, authorized the Project Manager to negotiate and sign contracts and work authorizations necessary to manage the construction phase including construction management, professional services, and other project related expenses as necessary to manage the project as long as the costs are within the project budget as approved by the Board of Supervisors – CEO
2008-791

insurance and bonds; and, authorized the Project Manager to negotiate and sign contracts and work authorizations necessary to manage the construction phase including construction management, professional services, and other project related expenses as necessary to manage the project as long as the costs are within the project budget as approved by the Board of Supervisors – CEO

Monteith/Grover (4-0)(Mayfield absent) **B13** Accepted the Advisory Board on Substance Abuse Programs Annual Report for FY 2007/2008 – BHRS

O'Brien/ Monteith (4-0)(Mayfield absent) **D3** Closed the 15-day public comment period for the Draft Neighborhood Stabilization Program Amendment; approved the amended FY 2007-2012 Consolidated Plan; approved the amended FY 2008-2009 Annual Action Plan; directed staff to forward the Neighborhood Stabilization Program (NSP) to Housing and Urban Development (HUD); directed the CEO to sign the Application for Federal Assistance SF-424 and the NSP Substantial Amendment; and, directed the Auditor-Controller to increase estimated revenues and appropriations by \$9,744,482
– Planning
2008-793

Corr 1 Referred to Public Works, a letter from the State of California Department of Transportation regarding the release of the Notice of Preparation for the Draft Environmental Impact Report for the North County Corridor-Stanislaus County Connector Project.

Corr 2 Referred to the CEO, Planning and Community Development, and Public Works, a letter from Orange County Supervisors regarding the change in State policy related to financial assurance for habitat mitigation projects that will impact counties and cities.

Corr 3 Referred to Planning and Community Development, a notice from the California Fish and Game Commission regarding proposed emergency regulatory action relating to incidental take of longfin smelt.

Corr 4 Referred to SBT and GSA, a letter from the U.S. Department of Justice Federal Bureau of Prisons, USP Atwater, regarding their Federal Prison Industries (UNICOR) program that operates an electronic recycling factory.

Corr 5 Referred to Planning and Community Development, a letter from the State of California Department of Finance regarding Stanislaus County's share of the shift of property tax revenue funds from Redevelopment Agencies to K-12 schools.

Corr 6 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Dennis Tillery; Drindh F. Kipp; Gilliam Joy Stephens; Robin T. Harrison and Susan Newman; Shawn Haddad; Joseph R. Ferro; Ashlee Storts, a Minor; Danielle Baker, a Minor; and Misty Baker, a Minor; and, Terry P. Bailey, Jr.

Vice-Chairman DeMartini reported that while serving on the San Joaquin Valley Rail Committee he was made aware of an attempt by the San Joaquin, Fresno, and Kern County Council of Governments to divert \$190 million from Proposition 1A – the high speed rail bond for short-haul rail freight trains. He noted that there is nothing in Prop 1A for funding freight train service and it is only for high speed train service

and passenger rail that connects to the high speed rail. He commented that any attempt to divert money to subsidize short-haul rail freight trains should be opposed. The CEO noted that Stanislaus County is not involved in this attempt to divert Proposition 1A funds.

The CEO reported that there is an \$11.2 billion revenue shortfall in the FY 2008/09 State Budget, and that it is projected that there will be a \$13 billion revenue shortfall for FY 2009/10. He noted that the Governor has called a Special Session of the State Legislature and that there are a number of proposals on the table including a 1.5% increase in sales tax, a 9.9% oil severance tax, and several other revenue generating proposals. He noted that one proposal would provide for the acceleration of numerous infrastructure projects as a way to get resources into the economy to create jobs and stimulate the economy. He noted that it is unlikely that the Legislature will take any action until the new legislators are seated next month.

Adjourned at 7:32 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.)