

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

Regular Session

Tuesday

October 6, 2009

All Supervisors Present

Pledge of Allegiance to the Flag

The Board presented the October 2009 as Arts and Humanities Month resolution to Grace Lieberman of the Stanislaus Arts Council.

Monteith/Grover unan. Adopted the consent calendar

- *A1 Approved the minutes of 09/29/2009
- *A2 Accepted the resignation of Betty Carlson and appointed Ed Maring to the Del Puerto Health Care District Board of Directors 2009-665
- *A3 Accepted the resignation of Sebastian Jones from the Monterey Park Tract Community Services District Board of Directors 2009-666
- *B1 Authorized the District Attorney's Office to enter into an agreement with the Office of Emergency Services, Federal Excess Property 1033 Program to become certified to evaluate and receive excess Federal property – DA 2009-667
- *B2 Approved matters related to Sheriff's Public Safety Center Emergency Power and Fire Suppression System Improvements Project; approved a one-time 30-Day Non-Compensable Time Extension to Greg Opinski Construction Co.; and, approved an amendment to the contract with Miller Pezzoni to perform an arc flash study of the high voltage electrical panels – CEO 2009-668
- *B3 Set a public hearing for 10/27/2009 at 9:20 a.m., to consider adjustments to Stanislaus County Franchise Maximum Rates for Franchise Area No. 3; and, authorized the CEO to sign Amendment No. 1 for Stanislaus County Refuse Removal in Franchise Area No. 3 with Turlock Scavenger Company – DER 2009-669
- *B4 Approved funding in the amount of \$2,000, for the preparation of a grant application by the Turlock Groundwater Basin Association to develop a basin wide groundwater monitoring program; authorized the Director of DER, or her designee, to fund additional requests of up to \$300, or 15% of total project amount; and, approved a resolution in support of the Turlock Groundwater Basin Association's grant application to the California Local Groundwater Assistance Grant Program – DER 2009-670
- *B5 Authorized the Director of Parks and Recreation to accept funding in the amount of \$374,000 from the California State Parks Off-Highway Vehicle (OHV) Recreation Division Grant Program for ground operations at La Grange and Frank Raines Off-Highway Vehicle Areas for FY 2009-2010; authorized the Director of Parks and Recreation to sign and administer the California State Parks Off-Highway Vehicle (OHV) Recreation Division Grant Program for the Project Performance period from 07/01/09-06/30/2010; directed the Auditor-Controller to set up appropriations and transfer the fund balances as detailed in the Budget Journal and to change the Parks and Recreation Off-Highway Vehicle special revenue budget unit from interest bearing to non-interest bearing; authorized the Director to accept funding from public and private organizations and individuals desiring to contribute to the Ground Operations at La Grange and Frank Raines Off-Highway Vehicle Areas and campgrounds; and, authorized the Department of Parks and Recreation to place any revenue received from the Off-Highway parks in the Off-Highway Vehicle fund to

- ensure match requirements for any grant funding of Off-Highway vehicle areas can be met
 – Parks and Recreation 2009-671
- *B6a** Approved the request from the Boy Scouts of America, Greater Yosemite Council, Latter Day Saints Units to have exclusive use of Woodward Reservoir, Areas S and T on 10/16/2009 beginning at 6:30 a.m. to 10/17/2009, no later than 10:00 p.m., for their Annual Scout Camporee; and, directed the Boy Scouts of America, Greater Yosemite Council, Latter Day Saints Units to adhere to the requirements set forth by the Department of Parks and Recreation – Parks and Recreation 2009-672
- *B6b** Approved the request from Oakdale High School to have exclusive use of Woodward Reservoir areas designated for cross country trails on Wednesday, 10/14/2009, beginning at 12:00 p.m. and ending no later than 7:00 p.m. for their Valley Oak League Cross Country Cluster Meet No. 2; directed the Oakdale High School and its staff to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for exclusive use, reservation and school vehicle fees for the Valley Oak League Cross Country Cluster Meet No. 2 – Parks and Recreation 2009-673
- *B6c** Approved the request by National Retriever Club, Inc. for exclusive use of the north side of Woodward Reservoir from the dam to the go-kart track bordering Eastman and 28 Mile Roads for the National Open Field Trial; approved the waiver of day use, dog and exclusive fees in the exclusive use area only for set up and the event from 11/06 through 11/19/2011; approved the sale of National Retriever Club merchandise during the event and the temporary placement of event sponsor advertisements; approved the use of the dog training grounds by participants in the dog training area and all day use and dog fees will apply; approved the use of live ammo, shotguns and popper guns during the event; and, approved the sale of food from County permitted food vendors during the event – Parks and Recreation 2009-674
- *B7** Authorized the Sheriff to amend the agreement with the Stanislaus County Superior Court for the Sheriff to provide Court Security Services for the Court; authorized the CEO and Sheriff to sign the amendment and any and all additional documents to implement this agreement; and, amended the Salary and Position Allocation Resolution to reflect the recommended changes as outlined in the Staffing Impacts section, to be effective the start of the first pay period after Board approval – Sheriff 2009-675
- *B8** Authorized the CEO to issue a RFP for design and specifications for the Strategic Business Technology Data Center improvements; authorized staff to review the proposals and recommend a selection to the Board for the expert planning, design and engineering team that will best meet the needs of the project; authorized the Project Manager to negotiate and sign agreements for other professional services that may be required, such as code review, estimating and construction management for this first phase of the effort; and, directed the Auditor-Controller to establish a project budget of \$162,602 in appropriations and estimated revenue as detailed in the budget journal form for this phase of the effort – CEO 2009-676
- *B9** Authorized the CEO to sign an agreement to annex with the City of Ceres for the Animal Shelter located on Cornucopia Way in the Ceres area – CEO 2009-677
- *C1** Approved the purchase agreement to acquire road right-of-way easement for the Hatch Road Channelization Project, Parcel Owner Harold O. Miller & Sons, a California Limited Partnership (APN: 018-062-002); authorized the Chairman of the Board to execute the agreement; directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet; and, directed the Auditor-Controller to issue a warrant in the total amount of \$36,500, payable to Chicago Title Company, for the purchase amount of \$35,000 and \$1,500 for estimated escrow fees and title insurance – PW 2009-678

- ***D1** Authorized the Planning and Community Development Director to sign the Memorandum of Agreement with the Paradise South Weed and Seed Steering Committee to provide neighborhood cleanup and related neighborhood restoration program activities in the targeted Weed and Seed area during FY 2009-2010 – Planning 2009-679
- ***D2** Accepted the report and allowed Stanislaus County Planning Commission’s decision of approval for Vesting Tentative Subdivision Map Application No. 2009-01, Elm Street, a request to divide an 18,663 square foot (.42-acre) property into two parcels of 7,340± and 11,323± square feet in the R-2 (Medium Density Residential) zoning district, located at 5345 Elm Street, in the Salida Area, to stand without further hearing – Planning 2009-680
- ***D3** Adopted the decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 508 Imperial Avenue, Modesto, CA 95354; and, authorized the Treasurer/Tax Collector to recover these costs by special assessment and a lien upon the property and transfer all recovered funds to Dangerous Building Abatement Fund No. 1746 (Org. #0043290) – Planning 2009-681

O’Brien/Grover unan. **B10** Reviewed and accepted the Comprehensive Economic Development Strategy (CEDS) Document as submitted by the Stanislaus Economic Development Action Committee (EDAC) as part of the Federal Economic Development Agency (EDA) requirement for applying for Federal EDA Grant Funding – CEO 2009-682

O’Brien/Chiesa unan. **9:10 am** Conducted the public hearing to receive public comment; and, adopted a resolution approving the extension of maturity date of variable rate demand revenue bonds, Series 2006, issued by the California Enterprise Development Authority for the benefit of the Borrower, Community Hospice, Inc., a nonprofit public benefit corporation – CEO 2009-683

O’Brien/Grover (3-2)(Chiesa and Monteith opposed) **9:15 am** Conducted the public hearing; based upon the staff report, comments by staff and testimony received at the public hearing, the Board denied the appeal of Stanislaus County Planning Commission’s decision of denial, thereby denying Use Permit Application No. 2008-26, Eastlake Baseball Complex, a request to convert an existing golf driving range into a three (3) field baseball complex in the A-2-40 (General Agriculture) zoning district located on Parker Road in the east Modesto area – Planning 2009-684

Corr 1 Referred to the CSA, DA and CEO, a letter from the California Department of Social Services regarding funding for fraud investigations and program integrity efforts related to the In-Home Supportive Services Program pursuant to the California State Budget Act of 2009.

Corr 2 Referred to the Agricultural Commissioner and Sealer of Weights and Measures, Stanislaus Economic Development and Workforce Alliance and the OES, two letters from the California Emergency Management Agency regarding the U.S. Small Business Administration declaration and U.S. Department of Agriculture granting a Secretarial disaster designation for several California counties including Stanislaus County and their contiguous counties due to agricultural losses caused by drought beginning 01/01/2009, and continuing.

Corr 3 Referred to the DER, a Public Notice from the California Environmental Protection Agency, Department of Toxic Substances Control, regarding Riverbank Oil Transfer, LLC’s request for a Hazardous Waste Permit Modification.

Corr 4 Referred to the Department of Planning and Community Development, a letter from the California Department of Transportation regarding the availability of the Draft Environmental Impact Report and Public Hearings for the North County Corridor-Stanislaus County Connector Project.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Michael R. O’Neal, as a representative claim on behalf of all retired members of the Stanislaus County Employees’ Retirement Association; Debra Harper (2); Michael Piazza; David Hernandez; Barbara VanBoren; and, Samuel Rosales.

Supervisor Grover reported that he and Mayor Ridenour represented Stanislaus County last Thursday and Friday in Fresno at the Policy Council, which is attempting to coordinate the efforts of the 8 Council of Governments (COGs) in the Valley.

The CEO announced that the documentary *Secrets in America, The Crisis of Elder Abuse*, created by David Jones, Director of Communication and Legislative Affairs, will air on KVIE (PBS Channel 6) on 10/07/2009 at 7:00 p.m. He reported that the Federal Legislation Energy and Water Appropriations Conference Committee has approved \$341,000 for the Orestimba Creek project. He noted that the Governor has acted on very few bills on his desk, and that he may encourage the Legislature to pull back hundreds of bills unless the water deal is agreed to by the Legislature and administration.

Adjourned to closed session at 11:29 a.m. for conference with Legal Counsel - Existing Litigation: One Case: Arenivaz, et al. vs. County of Stanislaus, et al., Stanislaus County Superior Court Case No. 628471. Government Code §54956.9(a).

Adjourned at 12:04 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.)