

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

November 24, 2009

Two adoptable pets were shown by the Department of Animal Services and the Adopt a Pet program was discussed.

David Yonan spoke regarding the Turlock Irrigation District's (TID) Hughson-Grayson 115kV project. He voiced concerns that TID is proposing a new utility corridor when there are existing canal banks available. Matt Machado, Director of Public Works, and Stan Risen, Assistant Executive Officer, will meet with Mr. Yonan regarding this issue.

Chiesa/O'Brien unan. Adopted the consent calendar after removing from consent item ***A4** Approval of the 2010 Meeting Calendar for the Stanislaus County Board of Supervisors; and, after removing from the agenda item ***C8** Approval to Consider and Adopt a Resolution of Necessity to Acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 Widening Project, Parcel Owner Glen E. Dorrity, Trustee (APN: 004-069-033, 10-Sta-219-KP 6.20, Parcel 16090)

- *A1** Approved the minutes of 11/10/2009
- *A2** Adopted and waived the second reading of Ordinance C.S. 1067 to Amend Section 2.52.030 of the Stanislaus County Code Related to the Membership of the Stanislaus County Disaster Council – OES ORD-55-K-5 2009-767
- *A3a** Appointed Pamela Cullors to the Stanislaus County Equal Rights Commission 2009-768
- *A3b** Appointed Kristen Jasek-Rysdahl and Anita Rodriguez to the Stanislaus Child Development Local Planning Council 2009-769
- *A3c** Appointed Kyle Hampton to the Economic Development Action Committee 2009-770
- *B1** Accepted the Auditor-Controller's Report on Stanislaus County's Revolving Funds as of 06/30/2009 – Auditor-Controller 2009-771
- *B2** Approved award of a contract for design and engineering services for improvements at the Stanislaus County Honor Farm Waste Water Treatment Facility to Nolte Associates, Inc. of Manteca, California, for the lump sum amount not to exceed \$28,000; and, authorized the Project Manager to negotiate and sign contracts and work authorizations necessary to manage the design 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 2009-772
- *B3** Accepted update on the status of the emergency contract to repair the 12th Street Office Building in accordance with Public Contract Code Section 22050 – CEO 2009-773
- *B4** Approved a technical budget adjustment for the Sheriff's Public Safety Center Emergency Power and Fire Suppression System Improvements Project; directed the Auditor-Controller to make the necessary technical budget adjustment as outlined in the Budget Journal form; and, approved amending the contract with Miller Pezzoni and Associates, Inc. for the amount not to exceed \$97,200 as outlined in the amendment – CEO 2009-774

- *B5 Authorized the holiday closure of County operations at Tenth Street Place from Monday, 12/28/2009 through Thursday, 12/31/2009; and, authorized the holiday closure of County operations at Area Agency on Aging/Veterans' Services and Cooperative Extension from Monday, 12/28/2009 through Thursday, 12/31/2009 – CEO 2009-775
- *B6 Declared equipment and vehicles as surplus and authorized their disposal; and, directed the Auditor-Controller to deposit proceeds from the disposal of Public Works equipment, parts and vehicles into account 5121-42100-40400-38855 – GSA 2009-776
- *B7 Approved the request from the City of Modesto to have exclusive use of the Courthouse Lawn on 12/05/2009, from 12:00 p.m. to 9:00 p.m. for their Annual Celebration of Lights Parade; directed the City of Modesto to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for the exclusive use and reservation of the Courthouse Lawn area – Parks and Recreation 2009-777
- *B8 Approved the request from the Mid-Valley Water Ski Club for exclusive use of the Main (South) Shore Boat Ramp at Modesto Reservoir for their 56th Annual Polar Bear Day on 01/01/2010; directed the Mid-Valley Water Ski Club to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for exclusive use and reservation of the Main Boat Ramp – Parks and Recreation 2009-778
- *B9 Accepted the Stanislaus County Treasury Pool's October 2009 Monthly Investment Report as prepared by the Stanislaus County Treasurer-Tax Collector's Office and reviewed for conformity with the Stanislaus County Treasury Pool Investment Policy by the Treasurer-Tax Collector and has been distributed to the Stanislaus County Treasury Pool Oversight Committee; and, authorized the Chairman to sign on behalf of the Board that the report has been reviewed and accepted – T/TC 2009-779
- *C1 Adopted a Resolution of Necessity to acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 widening project, parcel owner David E. Snyder, et ux., for APN: 003-009-032, and make the findings contained therein – PW 2009-780
- *C2 Adopted a Resolution of Necessity to acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 widening project, parcel owner Ernest D. Howard, Trustees, et ux., for APN: 003-009-018, and make the findings contained therein – PW 2009-781
- *C3 Adopted a Resolution of Necessity to acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 widening project, parcel owner Savina Nessier, Trustee, for APN: 046-006-002, and make the findings contained therein – PW 2009-782
- *C4 Adopted a Resolution of Necessity to acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 widening project, parcel owner Deborah A. Darby, et al., for APN: 004-069-057, and make the findings contained therein – PW 2009-783
- *C5 Adopted a Resolution of Necessity to acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 widening project, parcel owner Larry Kuzni, Trustees, et ux., for APN: 004-069-042, and make the findings contained therein – PW 2009-784
- *C6 Adopted a Resolution of Necessity to acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 widening project, parcel owner Brian J. Fosnaugh, for APN: 004-069-016, and make the findings contained therein – PW 2009-785
- *C7 Adopted a Resolution of Necessity to acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 widening project, parcel owner James E. Bettencourt, et ux., for APN: 004-069-031, and make the findings contained therein – PW 2009-786

***D1** Accepted a CalHome Program Grant from the California Department of Housing and Community Development for Owner-Occupied Housing Rehabilitation Assistance in the amount of \$750,000; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$750,000 as detailed in the Budget Journal Form
– Planning 2009-787

Grover/Monteith (4-1)(O'Brien opposed) ***A4** Approved the 2010 Meeting Calendar for the Stanislaus County Board of Supervisors 2009-788

Monteith/Grover unan. **A5** Accepted the Clerk-Recorder's Certified Statement of the Results of the Consolidated District Election held on Tuesday, 11-03-2009; and, declared the results of the election pursuant to the Clerk-Recorder's Certified Statement of Vote 2009-789

O'Brien/Grover unan. **9:15 am** Finds that the notice of the public hearing concerning the formation of CSA 27- Empire was given pursuant to Government Code §25211.3(b) and 6061; conducted the public hearing to receive comments regarding the proposed method of calculating the amount of the annual assessment and the levy of the annual assessment to pay for the county service area; and, authorized the Clerk of the Board to oversee the tabulation of the sealed ballots and determine whether a majority protest against the assessment exists and submit the results to the Board of Supervisors at the 12/08/2009 Board meeting – PW CSA-27-2 2009-791

Monteith/Grover unan. **9:20 am** Conducted the public hearing to receive public comment and input on the Stanislaus County DA and Stanislaus County Sheriff's Department 2009-2010 FY expenditure plans for the State Supplemental Law Enforcement Services Fund (SLESF) 2009-792

O'Brien/Chiesa unan. **B10** Approved the Community Services Agency plan for Fraud Investigations and program Integrity Efforts for the In-Home Supportive Services Program and authorized Agency participation in the Enhanced IHSS Anti-Fraud Program; authorized the Chairman of the Board, the Director of CSA and the DA to sign the County Response Cover Page and Checklist; and, directed the Auditor-Controller to make the necessary adjustments to the CSA Budget, Program Services and Support as detailed in the Budget Journal form – CSA 2009-790

Corr 1 Acknowledged receipt of the Consolidated Financial Statements for Central Valley Center for the Arts, Inc. and subsidiaries, for fiscal year ending 06/30/2009 from the Gallo Center for the Arts.

Corr 2 Acknowledged receipt of the 2009 Williams Report for Stanislaus County Schools from the Stanislaus County Office of Education.

Corr 3 Referred to the Agricultural Commissioner-Sealer of Weights and Measures and the Department of Planning and Community Development, a notice from the State Fish and Game Commission regarding the Proposed Emergency Regulatory Action relating to incidental take of California tiger salamander.

Corr 4 Referred to the Department of Planning and Community Development, the Department of Public Works, and the Environmental Review Committee, a Notice of a Public Workshop and California Environmental Quality Act Scoping Meeting regarding the evaluation of potential dedesignation of Municipal and Domestic Supply Beneficial Use for Powell Slough and an unnamed tributary to Powell Slough, Colusa County, from the Central Valley Regional Water Quality Control Board.

Corr 5 Referred to the Department of Planning and Community Development, the Department of Public Works, and the Environmental Review Committee, a Notification of Project Receiving Environmental

Review from the San Francisco Planning Department for the Rehabilitation of the Existing San Joaquin Pipelines Portions of Tuolumne, Stanislaus, and San Joaquin Counties, including the Cities of Riverbank and Modesto.

Corr 6 Referred to the Agricultural Commissioner-Sealer of Weights and Measures, a news release from the U.S. Bureau of Reclamation regarding the extension of the public review and comment period of the Draft Environmental Assessment/Finding of No Significant Impact (EA/FONSI) for the proposed 2-Gates Fish Protection Demonstration Project relating to the delta smelt and other sensitive aquatic species from entrainment in Central Valley Project (CVC) and State Water Project (SWP) export pumps.

Corr 7 Referred to the Stanislaus County Redevelopment Agency and the Auditor-Controller, a letter from the California Department of Finance regarding Chapter 21, Statutes of 2009, which requires redevelopment agencies to transfer a portion of property tax revenues to K-12 schools during the 2009-2010 fiscal year via the Supplemental Educational Revenue Augmentation Funds (SERAF).

Corr 8 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Kim C. Quinones; Sonya Wright Gilbert; Thomas Vincent; Deborah Kay Hicks; Gerald Fischer; Linda Bohnet; Karen Cadinha; and, Keith Ryan Walker.

Supervisor Chiesa gave an update regarding the CSAC conference that he and Chairman DeMartini attended last week. He noted that the conference was informational and that presentations were given that the Board may need to discuss in the future, including potentially supporting the California Forward. He also noted that there are 60 ballot measures currently trying to qualify, and that they expect 20 measures to make it onto the ballot.

Chairman DeMartini reported that although there is disagreement among Supervisors statewide on how to solve some of the problems, there is a consensus that the State needs to stop taking local government funds.

The CEO announced that there will be a Groundbreaking Ceremony for the new Animal Services Facility on Tuesday, 12/08/2009 at 1:30 p.m. on Crows Landing Road and Cornucopia Way, Modesto, CA.

Adjourned to closed session at 9:50 a.m. for conference with Legal Counsel - Anticipated Litigation: One Case. Government Code §54956.9(c).

Adjourned at 11:01 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.)