

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

Special and Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

April 20, 2010

Recessed to Closed Session at 5:30 p.m. for conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organizations: Committee of Interns and Residents (CAIR/CIR) and Deputy Sheriffs' Association (DSA). Government Code §54957.6.

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

A moment of silence was held for Stanislaus County Community Services Agency employee Chue Yang.

The April 2010 as Child Abuse Prevention Month proclamation was presented and the Child Abuse Prevention Council Art Contest winners received their awards.

Paul Stout, a local paramedic, read a letter from USW-TEMSA Local Union 12-911 regarding their concerns with American Medical Response's announced closure of the Turlock Ambulance Center and the new plan to deploy all units from north Modesto.

O'Brien/DeMartini unan. Adopted the consent calendar

- *A1 Approved the minutes of 04/06/2010
- *A2 Set a public hearing on 05/04/2010, at 9:15 a.m., to consider an appeal of the Planning Commission's denial of Use Permit Application No. 2009-06 - Los Artistas Night Club 2010-197
- *A3 Accepted the resignation of Charles Grom from the Mental Health Board 2010-198
- *A4a Proclaimed May 2010 as Asthma Awareness Month 2010-199
- *A4b Proclaimed May 2010 as Older Americans Month 2010-200
- *A4c Proclaimed 04/18-24/2010 as Stanislaus County Volunteer Week 2010-201
- *B1 Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 6155 Foote Road and Barnhart Road, Ceres, CA (Case No. 782009-ABT) – Agricultural Commissioner 2010-202
- *B2 Approved the Area Agency on Aging FY 2010-2011 Planning and Service Area (PSA) Plan Update; authorized the Chairman of the Board and the Director of the Area Agency on Aging to sign the Transmittal Letters to the California Department of Aging; and, returned original signed Transmittal Letters to the Area Agency on Aging – Aging and Veterans 2010-203
- *B3 Approved the allocation for Highway Property Rental Revenue of \$16,168.56; allocated \$7,675.12 for the payment of possessory interest tax bill (ASMT 860-000-576) in accordance with California Streets and Highways Code §104.13(C); allocated \$1,330.80 of lease revenue to the City of Modesto in accordance with California Streets and Highways Code §104.10; and, allocated \$7,162.64 of lease revenue to the County Road Fund in accordance with California Streets and Highways Code §104.10 that its spending be limited to mass transit or streets and highways purposes – Auditor-Controller 2010-204

- *B4 Approved a 60-day non-compensable time extension to Premises System, Inc. for the improvements and upgrades to the electronic security and fire alarm systems at the Juvenile Justice Center – CEO 2010-205
- *B5 Authorized the Department of Parks and Recreation to proceed with the non-potable water well project at Wincanton, Segesta, and Murphy Parks located within CSA 10 in Salida; authorized the expenditure of the Salida Planned Development Park fees for the installation of four non-potable wells as part of the alternate water supply component and water conservation efforts for CSA 10; and, directed the Auditor-Controller to establish funds called CSA-10 - Salida Park Wells at Wincanton, Segesta and Murphy Parks at an amount not to exceed \$195,000, which includes a 15% or \$25,500 project contingency and make the necessary budget adjustments per the financial transaction sheet – Parks and Recreation 2010-206
- *B6 Approved request from the Christian Service Brigade and Calvary Baptist Church to have exclusive use of the Kiwanis Camp for their Father/Son Overnight Camp-Out beginning 10:00 a.m. 04/23/2010, and ending 6:00 p.m. 04/25/2010; directed the Christian Service Brigade at Calvary Baptist Church 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 for this event – Parks and Recreation 2010-207
- *B7 Approved the Stanislaus County Deferred Compensation Committee Charter and Investment Policy Statement; and, authorized the Deferred Compensation Committee to update the Charter and the Investment Policy Statement as necessary – Risk Management 2010-208
- *B8 Authorized the Project Manager to issue Purchase Orders as a result of the RFP process for Veterinary Services Equipment for the exclusive use of the County Veterinarian treating animals in the new Shelter for veterinarian equipment with Shor-Line for the amount not to exceed \$13,159, and Suburban Surgical for veterinarian equipment for the amount not to exceed \$14,483, which is within the approved project budget; and, authorized the Project Manager to issue a RFP for x-ray equipment, to open and evaluate proposals, and to award to the respondent that best meets the needs of the County, within the approved project budget – CEO 2010-209
- *B9 Authorized the Sheriff to retire one canine from the Sheriff’s Department Narcotics Canine Unit and to enter into a Canine Retirement Contract with the canine’s current handler – Sheriff 2010-210
- *B10 Authorized the Sheriff-Coroner to sign and submit an application to the State of California, Department of Boating and Waterways (DBW), Boating Safety and Equipment Grant, for funding in the amount of \$80,000 for FY 2010-2011, for the Stanislaus County Sheriff’s Department Marine Program; authorized the Sheriff-Coroner and Auditor-Controller to accept the funding if awarded; and, approved the resolution for the acceptance of the funding and identification of the signing authority for the grant – Sheriff 2010-211
- *B11 Adopted a resolution authorizing the Sheriff to submit a grant application to the California State Parks, Off-Highway Motor Vehicle Recreation Division OHV grant program for increased law enforcement services at Frank Raines Regional Park and La Grange Park in Stanislaus County to enhance emergency response and safety for the County’s Off-Highway Vehicle Parks – Sheriff 2010-212
- *C1 Considered and 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 M & B Bruno Family, L.P., a California Limited Partnership, for APN: 046-006-004, and made the findings contained therein – PW 2010-213
- *C2 Approved the conditional award of the contract in the amount of \$55,524 to George Reed, Inc., of Modesto, California for the construction of the M&ET Railroad Crossing at Mariposa Road Improvement Project, Federal Aid Project STPLR-7500 (078) and Federal Service

Contract No: 75LX078, subject to receipt of appropriate insurance and bonds; authorized the Director of Public Works to execute a contract with George Reed, Inc., for \$55,524 and to sign necessary documents; directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet; authorized the Director of Public Works to execute change orders in accordance with Public Contract Code, §20142; upon project completion, authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities; and, authorized the Construction Manager to issue a Notice to Proceed contingent upon receipt of proper insurance and bonds – PW 2010-214

O'Brien/Chiesa unan. **6:35 pm** Conducted the public hearing to consider Planning Commission's recommendation for approval of General Plan Amendment #2009-04, Housing Element; adopted the Negative Declaration pursuant to CEQA Guidelines §15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis; ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code §21152 and CEQA Guidelines §15075; finds that: (A) The General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses, (B) the County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service, and (C) the project is consistent with the overall Goals and Policies of the Stanislaus County General Plan; directed staff to make the modifications to pages V-17 and VI-14 as requested by the California Department of Housing and Community Development (HCD) and add the 2002 Housing Conditions Survey to the General Plan Support Documentation; and, approved GPA #2009-04 Housing Element Update, inclusive of the modifications – Planning 2010-215

Chiesa/Monteith unan. **6:40 pm** Conducted the public hearing to consider Planning Commission's recommendation for approval of General Plan Amendment No. 2009-01 and Rezone Application No. 2009-02, Derrel's Mini Storage, a request to amend the General Plan designation of a 7.37 acre parcel from Agriculture to Planned Development and rezone from A-2-40 (General Agriculture) to PD (Planned Development) on property located at 5019 Tunson Road, in the Modesto area; adopted the Negative Declaration pursuant to California Code of Regulations §15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis; ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code §21152 and CEQA Guidelines §15075; in relation to the request for a General Plan Amendment and Rezone, finds that: (A) the General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses, (B) the County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service, and (C) the amendment is consistent with the General Plan goals and policies; finds that the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; finds that the proposed alternative buffer is found to provide equal or greater protection to surrounding agricultural uses; finds that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation, approved General Plan Amendment Application No. 2009-01 and Rezone Application No. 2009-02, Derrel's Mini Storage, subject to the Development Standards/Conditions of Approval and Development Schedule; and, introduced and waived the reading and adopted Ordinance C.S. 1085 for the approved Rezone Application #2009-02 – Planning ORD-55-M-1 2010-216 & 2010-217

Chiesa/O'Brien unan. **6:45 pm** Conducted the public hearing to consider Planning Commission's recommendation for approval of Rezone Application No. 2009-04, Bronco Wine Co., a request to rezone a parcel from A-2-40 (General Agriculture) to PD (Planned Development) on property located at 800 E. Keyes Road, at the southeast corner of E. Keyes and Bystrum Roads, in the Ceres area; adopted the Mitigated Negative Declaration pursuant to CEQA Guidelines §15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis; ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code §21152 and CEQA Guidelines §15075; finds that the project is consistent with the overall goals and policies of the County General Plan; finds that the proposed PD zoning is consistent with the Planned Development General Plan designation; finds that the alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards; finds that the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; approved Rezone Application No. 2009-04 - Bronco Wine Co., subject to the Development Standards and Development Schedule; and, introduced and waived the reading and adopted Ordinance C.S. 1084 for the approved Rezone Application #2009-04 - Planning

ORD-55-L-17 2010-218
2010-219

Recessed at 8:01 p.m.

Reconvened at 8:10 p.m.

Grover/DeMartini (2-3)(O'Brien, Chiesa, Monteith opposed) **6:50 pm** The **motion failed** to deny the appeal of the Planning Commission's Decision of denial for Use Permit Application #2009-10, Catholic Cemetery Dakota Avenue

Monteith/O'Brien (3-2)(Grover and DeMartini opposed) **6:50 pm** Conducted the public hearing to consider an appeal of the Stanislaus County Planning Commission's decision of denial for Use Permit Application #2009-10, Catholic Cemetery Dakota Avenue, a request to develop a cemetery in 4 phases on a 25.33-acre parcel in the A-2-40 (General Agriculture) zoning district located east side of Dakota Avenue, west of Highway 99, north of Beckwith Road, in the northwest Modesto area; adopted the Mitigated Negative Declaration pursuant to CEQA Guidelines §15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis; ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code §21152 and CEQA Guidelines §15075; finds that: (A) The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County, (B) the use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity, (C) the parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan, or the character of the use that is requested is such that the land may be reasonably returned to agricultural use in the future, (D) that the proposed alternative buffer is found to provide equal or greater protection to surrounding agricultural uses, and (E) that the project will increase activity in and around the project area, and increase demands for roads and services, thereby requiring dedications and

improvements; and, approved the appeal of the Planning Commission's decision of denial and thereby approved Use Permit Application #2009-10 – Catholic Cemetery Dakota Avenue, subject to the Conditions of Approval – Planning 2010-220

Corr 1 Referred to County Counsel, a letter from Western Center on Law and Poverty regarding proposed interim return to pre-September 2009 funding levels for Stanislaus County's Medically Indigent Adults Program (MIA).

Corr 2 Referred to the Alliance Worknet and the Stanislaus Economic Development and Workforce Alliance, a letter from Stellar Relay regarding their plans to layoff 147 employees effective 06/01/2010, at its Salida facility on 5226 Pirrone Court in Salida, CA per the Worker Adjustment and Retraining Notification (WARN) Act.

Corr 3 Referred to DER, a letter and a Community Survey from the California Department of Toxic Substances Control regarding an environmental investigation and cleanup of the Proposed Special Education and Alternative Education School located at 513 and 673 Walnut Avenue in Patterson, CA.

Corr 4 Referred to the Department of Planning and Community Development, a letter from the U.S. Department of Housing and Urban Development regarding the use of Neighborhood Stabilization Program formula funds.

Corr 5 Referred to the Department of Planning and Community Development, a letter from the City of Newman regarding the Proposed 2010 Amendment to the Redevelopment Plan for the Newman Redevelopment Project.

Corr 6 Referred to the Department of Planning and Community Development, Department of Public Works, and the Agricultural Commissioner and Sealer of Weights and Measures, two letters from the State Water Resources Control Board, Division of Water Rights, regarding Petition for Temporary Transfer of Water/Water Rights from Garden Highway Mutual Water Company and South Sutter Water District to eight water agencies including Oak Flat Water District in Stanislaus County.

Corr 7 Referred to DER, a letter and a Community Survey from the California Department of Toxic Substances Control regarding an environmental investigation that will be conducted at current and former dry cleaners in Modesto; and, also included is a Community Survey.

Corr 8 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Ralph B. Keith; Milissa Mondragon; Jose Garcia; Teresa Rogers; Maria Garcia; Debra Harper (2); Charlotte Duran; and, United Site Services.

Supervisor DeMartini reported that yesterday he went with the Fraud Investigation Unit, which is investigating the In-Home Supportive Services program. In the first two months, the Fraud Investigation Unit has saved \$380,000. The County has recovered all of the \$60,000 that it put into this fraud investigation. He stated that fraud in this program is substantial, and that more than 80% of the cases investigated have been found to be fraudulent.

Supervisor Chiesa reported that he, along with Supervisor DeMartini, CEO Robinson, and David Jones, Director of Communication and Legislative Affairs traveled to Washington DC last week to meet with our federal representatives regarding Orestimba Creek Flood Control, radio interoperability, waste-to-energy plant, residency program, law enforcement grants, tertiary waste water treatment, proposed ground water ordinance, Tuolumne River Regional Park, Family Justice Center, and County budget issues.

Supervisor O'Brien gave an update regarding the San Joaquin Valley Air Pollution Control District, and reported that the northern part of the District is shortchanged in some of the funds that are available to businesses and industry. He will continue to push forward on this issue with the District.

The CEO reported that the trip to Washington D.C. was very successful. He expressed his appreciation to Supervisors Chiesa and DeMartini for representing the County, and David Jones for arranging the meetings. He noted that SB 1356 (Denham), regarding trials for law enforcement officers killed in the line of duty, died on a party line vote. AB 1770 (Galgiani), which would allow the County to charge a \$2.00 fee for certified copies of vital records to use for the administration of the Family Justice Center, has had its hearing date postponed. He noted that there continues to be an ongoing effort to develop a bill, similar to AB 1770, that would have statewide implications.

Adjourned at 9:20 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.)