

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 30, 2010

O'Brien/Monteith unan. Adopted the consent calendar

- *A1 Approved the minutes of 11/09/2010
- *A2 Appointed Judith Lanning and Blanca Rivera to the Stanislaus Economic Development and Workforce Alliance Youth Advisory Council 2010-702
- *A3 Accepted the resignation of Brian Domyan from the Western Hills Water District Board of Directors 2010-703
- *B1 Approved the agreements between BHRS and various contractors through the end of FY 2010-11, for the provision of Mental Health Services; authorized the BHRS Director, or her designee, to sign the listed agreements to provide services through the end of FY 2010-11; and, authorized the BHRS Director, or her designee, to negotiate and sign amendments to these agreements, to add services and payment for services up to \$25,000 per agreement, budget permitting, throughout the fiscal year ending 06/30/2011 – BHRS 2010-704
- *B2 Accepted the eleventh update on the Immediate Action Plan to secure the Men's Honor Farm in accordance with Public Contract Code §22050 for the abatement, demolition and clean-up of the destroyed barracks – CEO 2010-705
- *B3 Approved the extension of the current MOU between the County of Stanislaus and the California Nurses' Association from 02/28/2011 to 06/30/2012; and, authorized the CEO and all parties to sign the extension agreement – CEO 2010-706
- *B4 Approved the modification and expansion of the Stanislaus County Job Sharing Policy for unrepresented confidential and management employees to represented employees; and, approved pilot project of Job Sharing Policy for 12 months with any modification to the Policy brought back to the Board for approval – CEO 2010-707
- *B5 Accepted the Stanislaus Child Development Local Planning Council 2010 Child Care Needs Assessment; and, authorized the Chairman to sign the Stanislaus Child Development Local Planning Council 2010 Child Care Needs Assessment – CSA 2010-708
- *B6 Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 1219 Imperial Avenue, Modesto, California, case number CE 09-0731 – DER 2010-709
- *B7 Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding CE No. 10-0366 at 1209 Sam Avenue, Modesto, California – DER 2010-710
- *B8 Approved the closure of the HSA Clinic and Pharmacy Operations from 8:00 a.m. through 12:00 p.m. on 12/24/2010 – HSA 2010-711
- *B9 Authorized the use of \$76,105 of Fire Warden Public Facilities Fees (PFF) to fund a Regional Fire Records Management enterprise system; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$76,105 from Public Facilities Fees (PFF) in the County Fire Services fund to complete the Regional Fire Records Management project, as detailed in the Budget Journal form – OES/Fire Warden 2010-712

- ***B10** Adopted a resolution approving the Development Plans and Schedules for Woodward Reservoir Regional Park and Modesto Reservoir Regional Park Sewer System Management Plans; and, authorized the Director of Parks and Recreation, or her designee, to submit the Development Plans and Schedules via the State Water Resource Control Board's online Sewer System Operations database – Parks and Recreation 2010-713
- ***B11** Approved the request from the Stanislaus County District Attorney Victim Services Unit to have exclusive use of the Courthouse Lawn and the Victim's Garden of Healing on Wednesday, 12/08/2010, beginning at 5:00 p.m. and ending at 8:00 p.m. for their 13th Annual Homicide Victims' Memorial Tree Lighting and Candlelight Vigil; directed the Stanislaus County District Attorney Victim Services Unit to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver for exclusive use, reservation and Courthouse Lawn fees – Parks and Recreation 2010-714
- ***B12** Approved the Woodward Reservoir Regional Park Improvement Project and expenditure in the amount of \$176,492 pursuant to the Roberti-Z'berg-Harris Block Grant Program in the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002; and, directed the Auditor-Controller to create a new fund, increase appropriations and estimated revenue in the amount of \$176,492, and make necessary budget adjustments per the financial transaction sheet – Parks and Recreation 2010-715
- ***B13** Accepted the Stanislaus County Treasury Pool's October 2010 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 distributed to the Stanislaus County Treasury Pool Oversight Committee; and, authorized the Chairman of the Board to sign on behalf of the Board of Supervisors that the report has been reviewed and accepted – T/TC 2010-716
- ***B14** Approved the proposed policies regarding in-house and contractual janitorial services provided to County Departments based upon a clear definition of Core Service Areas – GSA 2010-717
- ***C1** Finds that Ordinance C.S. 1093 is not subject to CEQA (Public Resources Code, §2100 et. seq.); and, introduced and waived the first reading of Ordinance C.S. 1093 to adopt Title 11.08.130, of the Stanislaus County Code, adding a Tow-Away Zone on various County roadways beginning in the Turlock area – PW ORD-55-N-2 2010-718
- ***C2** Finds that Ordinance C.S. 1094 is not subject to CEQA (Public Resources Code, §2100 et. seq.); introduced and waived the first reading of Ordinance C.S. 1094 amending Title 11, §11.08.070, of the Stanislaus County Code, adding a No Parking Zone on Marshall Street in the Turlock area – PW ORD-55-N-3 2010-719
- ***C3** Approved the conditional award of the contract in the amount of \$1,008,855 to Ross F. Carroll, Inc. of Oakdale, California for the construction of the Heron Point Boat Launching Facility subject to receipt of appropriate insurance and bonds; authorized the Director of Public Works to execute a contract with Ross F. Carroll, Inc., for \$1,008,855 and to sign necessary documents; 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 2010-720
- ***C4** Approved the revised budget for the Ladd Road at McHenry Avenue Intersection Improvement Project in the amount of \$1,806,840.97 which includes an increase in contingency funds in the amount of \$53,831.27; and, authorized the Director of Public Works to execute a Contract Change Order with Granite Construction Company for an additional \$53,831.27 and to sign necessary documents – PW 2010-721

- ***C5** Pursuant to the Street and Highway Code §8334(a): Finds, the easterly 10 feet of “I” Street located south of Lake Road and north of 4th Street in the Community of Hickman, adjacent to Blocks 10, 11 and 11 ½ of the Town of Hickman Subdivision Map recorded in Volume 7 of Maps, Page 24, Stanislaus County Records, described herein, is excess right-of-way and is not required for street or highway purposes; and, adopted a resolution vacating the easterly 10 feet located south of Lake Road and north of 4th Street in the Community of Hickman described as Exhibits “A” and “B” – PW 2010-722
- ***D1** Set a public hearing for 12/21/2010, at 6:40 p.m., to consider the Planning Commission's recommendation for denial of a three-part application requesting to make the following modifications to a 4.31 acre parcel located at the southwest corner of Country Club Drive and Avenida Del Rio, in the Del Rio Community area: 1) Amend the General Plan designation from LDR (Low Density Residential) to P-D (Planned Development) and the Del Rio Community Plan (part of the General Plan) residential unit density allowance from 2 to 4.5 units per acre; 2) Amend the Zoning designation from R-A (Rural Residential) to P-D (Planned Development); and 3) Subdivide into a gated development of 18 air space condominiums and a common area parcel which will include landscaping, a swimming pool, access easements, a package treatment plant, and drainage on property located at southwest corner of Country Club Drive and Avenida Del Rio, in the Del Rio Community area, Stanislaus County (APN: 004-059-044); and, authorized the Clerk of the Board to publish notice of hearing as required by law – Planning 2010-723

Monteith/Chiesa unan. **A4** Accepted the Clerk-Recorder’s Certified Statement of the Results of the Gubernatorial General Election held Tuesday, 11/02/2010; and, declared the results of the election pursuant to the Clerk-Recorder’s Certified Statement of Vote – Clerk-Recorder 2010-724

Corr 1 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 2010-2011 fiscal year via the Supplemental Educational Revenue Augmentation Funds (SERAF).

Corr 2 Referred to the Alliance Worknet and the Stanislaus Economic Development and Workforce Alliance, a letter from John B. Sanfilippo & Son, Inc. regarding the closure of its Orchard Valley Harvest facility at 736 Mariposa Road, Suite A, Modesto, CA with permanent lay offs beginning on 01/14/2011, per the Worker Adjustment and Retraining Notification (WARN) Act.

Corr 3 Referred to the Department of Public Works, a letter from the U.S. Surface Transportation Board regarding the abandonment of the 5.18-mile line of railroad known as the McHenry Industrial Lead and the City of Modesto’s request for an additional 180-day extension of the interim trail use/rail banking negotiation period.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Patricia Payne; Julio Munoz Jr.; James M. Molinaro; Freddie Davis; Ronda Bye (amended copy); Brian Korpziel (amended copy); Megan Lopez; Joseph Lopez; Richard Pomares, Charlene Boeh, Jordan Pomares, Devanie Pomares; Daniel Pomares, and Gayla Pomares; Dennis Johnson; and, Alex Guajardo.

The CEO gave a legislative update and reported that the Governor has called a special session to address the additional \$6 billion state budget deficit. Governor-Elect Brown will be required to submit his proposed budget by January 10, 2011. The question of earmarks with our federal delegation is on the table again for the upcoming year. He noted that the federal continuing resolution is set to expire on

12/3/2010 and it is anticipated that a further extension to 12/18/2010 will be taken by the House sometime this week.

Recessed to sit as the Stanislaus County In-Home Supportive Services (IHSS) Public Authority at 9:26 a.m.

O'Brien/Chiesa unan. Approved the consent calendar (Those items marked with an *)

IX. *II-A Approved the minutes of 11/09/2010

Astrid Zuniga spoke in opposition to the proposed IHSS Provider wage and hour reductions. She stated that these cuts combined equals an approximate 17% wage cut for IHSS Providers.

Diane Mejia, IHSS Provider in Merced County, also spoke against the proposed IHSS Provider wage reduction. She noted the increased cost of living costs for residents, and asked the Board to keep the Providers at their current salary.

Michael Torres, an IHSS Provider, noted that he currently is allocated 9/10th of an hour to take care of his client, which equals \$8.52 per day. He does all the grocery shopping, house cleaning, and cooks 3 meals a day for his IHSS client. He spoke regarding the IHSS Fraud Investigators and suggested having the Social Workers do the investigations.

April Premo spoke regarding the 7th Amendment of the U.S. Constitution and related it to the IHSS program.

Reconvened to sit as the Stanislaus County Board of Supervisors at 9:39 a.m.

Adjourned to closed session at 9:39 a.m. for conference with Legal Counsel - Existing Litigation: Two Cases: Lucio Corral, et al vs. County of Stanislaus, United States District Court, Eastern District of California, Case No. 1:08-CV 00856-OWW-GSA; and, Bata Younan vs. County of Stanislaus, et al., Stanislaus County Superior Court Case No. 651659. Government Code §54956.9(a).

Adjourned at 10:33 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.)