

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

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

Tuesday

April 19, 2011

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

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

A moment of silence was held in memory of Stanislaus County Alliance WorkNet employee Don Dressler.

A resolution was presented to Jeanne Hartman, the California League of Middle Schools 2011 State Middle School Educator of the Year.

The April 2011 as Child Abuse Prevention Month proclamation was presented and the Child Abuse Prevention Council Art Contest Winners received their awards.

The Stanislaus County Library Advisory Board presented their Annual Report – Strategic Plan 2011-2015.

April Premo voiced concerns regarding the proposed PG&E pipelines approved by the California Public Utilities Commission, and the eminent domain process for this project. Supervisor DeMartini noted that the County has requested that PG&E present information regarding this project before the Board. Supervisor Chiesa also noted that he spoke with PG&E today and reported that the TID power plant needs to start by December 2011, and the pipelines need to be installed now due to environmental concerns.

Chiesa/Withrow (4-0)(Monteith absent) Adopted the consent calendar after removing from the agenda item ***B3** Approval to Declare the Chemical Agent Detection Unit Purchased through the Office of Criminal Justice Planning (OCJP) Grant Funds and Central Valley High Intensity Drug Trafficking Area (HIDTA) Grant Funds as Surplus, and Authorize the Sale of the Vehicle and Equipment – Sheriff 2011-234

***A1** Approved the minutes of 04/05/2011

***A2** Adopted and waived the second reading of Ordinance C.S. 1102 to Amend Title 16 of the Stanislaus County Code regarding flood damage prevention – Planning and Community Development ORD-55-N-12 2011-213

***A3a** Appointed Gaylord Phillips and Nikki Linnerman to the Stanislaus Economic Development and Workforce Alliance Board 2011-214

***A3b** Approved the appointment of Leah Silvestre to the Child Abuse Prevention Council of Stanislaus County 2011-215

***A4a** Commended Deputy Clarence Barnes, Crime Analyst Technician Amber Brown, and Dispatcher Rhonda Nunes for their heroic life saving actions at a recent traffic collision 2011-216

***A4b** Commended John Pfeffer, MD upon being named the 2011 Recipient of the John Darroch Memorial Award 2011-217

***A5a** Proclaimed April 2011 as Alcohol Awareness Month 2011-218

- *A5b Proclaimed May 2011 as Older Americans Month 2011-219
- *A6 Approved a resolution in support of the “Choose Civility” Initiative in collaboration with the Stanislaus County Office of Education 2011-220
- *A7 Approved the reappointment of Sharon Salaiz to the Child Abuse Prevention Council 2011-221
- *B1 Approved the renewal agreement with the California Department of Mental Health for State Hospital bed usage during FY 2010-2011; and, authorized the BHRS Director, or her designee, to sign the agreement and any subsequent amendments that do not impact the approved budget during FY 2010-11 – BHRS 2011-222
- *B2 Approved agreement with Grace C. Nadolny, M.D., to provide psychiatric services from 05/01/2011 through 06/30/2012; authorized the BHRS Director, or her designee, to sign the agreement; and, authorized the BHRS Director, or her designee, to negotiate and sign amendments to the agreement to add services and payment for services up to \$50,000, budget permitting, through the end of FY 2011-12 – BHRS 2011-223
- *B4 Approved continuation of the countywide declaration of a local emergency due to flooding in various locations in Stanislaus County – CEO 2011-224
- *B5 Approved a year-end carry over of \$75,000 in existing budgeted funds in the CEO Plant Acquisition budget for future year budgets to make required driveway improvements prior to the completion of construction of the Juvenile Commitment Center Project (SB81) Budget Year 2012-2013 – CEO 2011-225
- *B6 Approved Area Agency on Aging’s FY 2011-2012 Planning and Service Area (PSA) Plan Update; authorized the Chairman 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 Services 2011-226
- *B7 Adopted a resolution authorizing the Director of the Department of Parks and Recreation, or her designee, to apply for a \$548,465 State of California Off-Highway Vehicle Grant for FY 2011-12 for operations and maintenance of the off-highway vehicle areas at Frank Raines and La Grange Regional Parks – Parks and Recreation 2011-227
- *C1 Adopted the Plans and Specifications for the RSTP Road Resurfacing Program Phase C Project, Federal Project No. STPL-5938(159); directed the Department of Public Works to set the bid opening date and time; and, directed the Department of Public Works to publish and mail a notice inviting bids to trade journals as required by law – PW 2011-228
- *C2 Authorized the purchase of two (2) 2012 emergency response sign trucks from Valley Peterbilt in the amount of \$247,268.06 (Federal Aid Project No. CML-5938 (177)); and, authorized the County Purchasing Agent to sign the purchase order – PW 2011-229
- *C3 Awarded a Consulting Contract to Sycamore Environmental Consultants, Inc. for environmental services for the Claribel Road Widening Project; and, authorized the Director of Public Works to execute a contract with Sycamore Environmental Consultants, Inc. in the amount not to exceed \$177,306 and to sign necessary documents, including any amendments to the Agreement not to exceed 10% – PW 2011-230
- *C4 Awarded a Consulting Contract to Overland, Pacific & Cutler, Inc. for right-of-way acquisition services for the Claribel Road Widening Project; authorized the Director of Public Works to execute a contract with Overland, Pacific & Cutler, Inc. in the amount not to exceed \$158,474, and to sign necessary documents, including any amendments to the Agreement not to exceed 10%; and, directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet – PW 2011-231

Recessed to sit as the Stanislaus County Redevelopment Agency at 7:18 p.m.

Chiesa/DeMartini (4-0)(Monteith absent) **6:35 pm** Approved the consent calendar

6:35 pm *III-A Approved the minutes of 10/19/10

DeMartini/Withrow (4-0)(Monteith absent) **6:35 pm VI-A** Approved Staff Recommendations Nos. 1 through 7 as follows: 1. finds that the Airport Neighborhood Sewer, Empire Storm Drain, and Parklawn Neighborhood Sewer projects are consistent with the Agency's 2010-2014 Implementation Plan; 2. accepted the January 19, 2011 Debt Capacity Analysis, prepared by KNN Public Finance, and the January 10, 2011 Fiscal Impact Analysis and Pass-Through Analysis, prepared by Urban Analytics; 3. amended the 2010-2011 Agency budget to increase combined expenditures for the Airport Neighborhood, Empire Storm Drain, and Parklawn Neighborhood Sewer projects in the Capital Projects fund to \$6,013,108; 4. finds that: a. the amended budget is consistent with the Agency's adopted 2010-2014 Implementation Plan; b. As set forth in detail below, pursuant to §33445 of the Health and Safety Code: (1) The provision of sewer and storm drain infrastructure improvements are a benefit to the Stanislaus County Redevelopment Project Area No. 1; (2) no other reasonable means of financing improvements is currently available; (3) the improvements will assist in the elimination of one or more blight conditions inside the project area, and (4) construction of the improvements are consistent with the Agency's adopted 2010-2014 Implementation Plan: (1) the provision of sewer and storm drain infrastructure improvements are a benefit to the Stanislaus County Redevelopment Project Area No. 1, consistent with the 2010-2014 Implementation Plan ("Implementation Plan"), staff reports, and other documents, as well as the Redevelopment Plan, adopted in March 1990 ("Redevelopment Plan"), which found that the installation of public improvements, facilities, and utilities in areas that are currently inadequately served by such improvements, facilities and utilities would attain the purposes of California Community Redevelopment Law; (2) The improvements will assist in the elimination of one or more blight conditions inside the project area, consistent with the Implementation Plan, staff reports, and other documents, as well as the Redevelopment Plan, which identifies blighting conditions within the Project, including inadequate public improvements, facilities, and utilities, inadequate drainage, and inadequate sewer; (3) No other reasonable means of financing the improvements is available to the community, as documented by the Implementation Plan and the Fiscal Year 2010-11 Capital Improvement Plan, which identifies a funding shortfall of at least \$159,530,989 for current and future unmet infrastructure needs identified throughout the County, as well as staff reports, and other documents; and (4) The construction of the improvements is consistent with the Agency's adopted 2010-2014 Implementation Plan, which identifies the Airport Neighborhood Sewer, Empire Storm Drain, and Parklawn Neighborhood Sewer projects as priority infrastructure projects which satisfy the goals and objectives of the Redevelopment Plan, including the rehabilitation of the Project area (especially residential neighborhoods), the elimination or reduction of certain environmental deficiencies (including nonexistent sewer and storm drainage systems), and the promotion and investment in rehabilitation and improvement programs for existing housing with the intent and purpose of enhancing the tenure and condition of the structures and properties; and c. The provision of sewer main line, lateral, and sewer hookup improvements within the Airport and Parklawn neighborhoods are in response to existing public health and safety concerns, as documented by the Redevelopment Plan, Implementation Plan, staff reports, and other documentation; d. Pursuant to §33334.2(g)(1) of the Health and Safety Code, the use of Capital Project funds, if required, outside the Stanislaus County Redevelopment Project No. 1 area to connect the new sewer infrastructure improvements to the City of Modesto's existing sewer system will benefit the project, as documented by the Redevelopment Plan, Implementation Plan, staff reports, and other documentation; and e. Pursuant to §33030(c) of the Health and Safety Code, the proposed projects are located in blighted areas and, in addition, the areas are characterized by the existence of inadequate public improvements, as documented by the Redevelopment Plan, Implementation Plan, staff reports, and other documentation; 5. authorized the Executive Director to negotiate and execute an agreement with the Stanislaus County Public Works Department, upon review and approval of the agreement by the Agency's legal counsel, to obligate an amount not to exceed \$32,000,000 in future Capital Project fund net tax increment for administration, design, engineering, environmental, and construction of the Airport Neighborhood Sewer, Empire Storm Drain, and Parklawn Neighborhood Sewer projects and any future public improvement projects identified

in the Agency's Implementation Plan on a "pay-as-you-go" basis as net tax increment funding becomes available; 6. Authorized the Executive Director to submit a formal request to the Stanislaus County Board of Supervisors for Health and Safety Code §33445 findings for the Empire Storm Drain project and inclusion of the Parklawn Neighborhood Sewer project into the County's Capital Improvement Project (including the required finding of consistency by the Stanislaus County Planning Commission); and, 7. authorized the Executive Director to submit a formal request to the City of Modesto to take all necessary actions including, but not limited to, making all necessary Health and Safety Code §33445 findings (for both the Parklawn and Airport Neighborhood Sewer projects), conducting a Measure M (advisory) vote for the Airport Neighborhood, and requesting Local Agency Formation Commission authorization, if necessary, to approve new sewer service extensions to the Airport and Parklawn Neighborhoods

2011-232

DeMartini/Withrow (4-0)(Monteith absent) **6:35 pm VI-B** Approved Staff Recommendations Nos. 1 through 3 as follows: 1. The Board finds that: (a) the amended budget is consistent with the Agency's adopted 2010-2014 Implementation Plan; (b) the provision of sewer hookup improvements within the Parklawn and Airport Neighborhoods are in response to existing public health and safety concerns, as documented by the Stanislaus County Redevelopment Agency Project No. 1 Redevelopment Plan, adopted in March 1990 ("Redevelopment Plan"), 2010-2014 Implementation Plan ("Implementation Plan"), staff reports, and other documentation; (c) pursuant to Health and Safety Code §33334.2(e)(2), the use of Housing Set-Aside Funds will provide on-site improvements to facilitate sewer hookups as part of the new construction or rehabilitation of affordable housing units for low or moderate income persons that are directly benefited by the improvements and the improvements are a reasonable and fundamental component of the housing units, consistent with the Redevelopment Plan, Implementation Plan, Shackelford Neighborhood Community Development Plan, Airport Industrial Community Development Plan, staff reports, and other documentation; (d) all housing units assisted with Housing funds will be required to remain available at affordable housing cost to, and occupied by, persons and families of extremely low, very low, low, or moderate-income for the minimum time period as required by California Redevelopment Law (currently 45-years when owner-occupied and 55-years when rented), by requiring recorded affordability covenants to ensure compliance with affordability requirements; (e) Pursuant to Health and Safety Code §33334.2(g)(1), the use of Housing funds, if required, outside the Stanislaus County Redevelopment Project No. 1 area to connect the new sewer infrastructure improvements to the City of Modesto's existing sewer system will benefit the project, as documented by the Redevelopment Plan, Implementation Plan, staff reports, and other documentation; and (f) Pursuant to Health and Safety Code §33030(c), the proposed projects are located in blighted areas and, in addition, the areas are characterized by the existence of inadequate public improvements, as documented by the Redevelopment Plan, Implementation Plan, staff reports, and other documentation; 2. Amended the 2010-2011 Agency budget to increase Housing fund expenditures for the Housing Rehabilitation program by \$4,500,000 to \$5,100,000; and, 3. Authorized the Executive Director to negotiate and execute an agreement with the Housing Authority of Stanislaus County, upon review and approval of the agreement by the Agency's legal counsel, to obligate \$4,500,000 from the Housing fund for administrating and implementation of a Housing Rehabilitation program to provide sewer hook-ups in the Stanislaus County Redevelopment Agency Project No. 1 Parklawn and Airport neighborhoods; and, **amended** the item to direct and authorize the Redevelopment Agency staff to submit a FFAST grant application to the State Water Resources Control Board for the Parklawn neighborhood, and other potentially eligible areas, for the Cleanup and Abatement grant for planning purposes

2011-233

Reconvened to sit as the Stanislaus County Board of Supervisors at 7:57 p.m.

Corr 1 Referred to the Alliance WorkNet and the Stanislaus Economic Development and Workforce Alliance, a letter from the State Farm Insurance Companies regarding their intention to permanently close the State Farm Insurance Modesto Operation Center located at 4213 Dale Road, Suite 3, Modesto, CA on 07/31/2011 per the Worker Adjustment and Retraining Notification Act (WARN Act).

Corr 2 Referred to the Stanislaus Economic Development and Workforce Alliance, a letter from the California Emergency Management Agency regarding the U.S. Small Business Administration declaration of a primary disaster area for Santa Clara County and other Counties and Stanislaus County as a contiguous county for the economic impacts caused by the closure of the 2010 salmon fishery season that occurred 04/10/2010 through 09/30/2010.

Corr 3 Referred to the Auditor-Controller and the Sheriff, a copy of the Stanislaus County Sheriff's Department Audit Report for the Peace Officer Standards and Training Program from 07/01/2009 through 07/31/2010 from the California State Controller.

Corr 4 Referred to the CEO, a letter from the United States Department of Commerce U.S. Census Bureau regarding the 2010 Census Count Question Resolution Program.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Nyomi Elias, a minor; Evonne Cuevas, a minor; Robert Cuevas, the natural parent of Nyomi Elias, a minor and Evonne Cuevas, a minor; Maria Tovar; Brenda Silva; Maria Ramirez Segoria; and, Stephanie Vandoorn.

Supervisor DeMartini attended the Turlock Mosquito Abatement meeting last night, and reported that they are expecting a bad year for mosquitoes and are concerned about the spread of West Nile Virus.

The CEO noted that tomorrow is the last day to apply for the Ad Hoc Citizen Redistricting Advisory Committee.

Adjourned at 8:00 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.)