

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

July 12, 2011

Dr. Peter Broderick was commended upon being named the 2011 Family Physician of the Year

Tom Changnon Superintendent of Schools presented the “State of Education in Stanislaus County”

O’Brien/Withdraw unan. Adopted the consent calendar after removing from the agenda *A-2a Approval of Appointment of Sharon Joy Aston and John Degele to the Housing Authority of Stanislaus County

2011-428

***A1** Approved the minutes of 06/28/2011

***A2b** Appointed Lisa Archibeque to the Stanislaus County Equal Rights Commission

2011-411

***A3a** Reappointed Bergen Filgas, David Chapman, Robin Dickinson, Karen Servas, Vicki Fontana, and Ken Fitzgerald to the Child Abuse Prevention Council of Stanislaus County

2011-412

***A3b** Reappointed Elwood Escobar to the Denair Fire Protection District Board of Directors

2011-413

***A4** Accepted the Resignation of Laura Frost from the Western Hills Water District Board of Directors

2011-414

***A5** Commended City Manager Charles Deschenes upon his retirement from the City of Waterford

2011-415

***B1** Authorized the Director of the Department of Aging and Veterans Services to sign grant agreements and any subsequent amendments for Older Americans Act Programs provider contracts for Congregate Meals, Home Delivered Meals, Homemaker Services, Assisted Transportation, Physical Fitness and Medication Management, Elder Abuse Prevention, and Ombudsman Services and Initiative for FY 2011-12 – AAA/Veterans Services

2011-416

***B2** Accepted a grant from the National Children’s Alliance for the Child Abuse Interview, Referral and Evaluation (CAIRE) Center; and, authorized the Chairman and CSA Director, or her Assistant Director Designee, to sign the Sub-Award Agreement with the California Network of Child Advocacy Centers not to exceed the total contract amount of \$10,000 for the period of 01/01/2011 through 12/31/2011 – CSA

2011-417

***B3** Approved a resolution supporting the California Partnership for the San Joaquin Valley as the San Joaquin Valley Regional Broadband Consortium – CEO

2011-418

***B4** Authorized an increase to the Employee Mileage Reimbursement Rate to 55.5 Cents Per Mile Effective 07/01/2011 – Auditor-Controller

2011-419

***C1** Approved a resolution to levy FY 2011-2012 benefit assessment rates for the following Lighting Districts: Airport Neighborhood, Almond Wood, Beard Industrial, Country Club-Zone A, Country Club-Zone B, Crows Landing, Deo Gloria, Denair, Empire, Fairview, Gibbs Ranch, Gilbert Road, Golden State, Hillcrest, Mancini Parks Homes, Marshall, Monterey, North Oaks, North McHenry, North McHenry #2, Olympic, Peach Blossom,

Richland, Salida, Schwartz Baize, Sunset Oaks, Sylvan Village, and Tempo Park; and, authorized the Auditor-Controller to add the assessments to the 2011-2012 tax roll – PW
2011-420

- *C2 Approved and accepted the Access and Public Utility Easement along Elm Avenue as shown in Volume 52 of Parcel Maps, Page 48; accepted the conditions as specified by the Department of Public Works, and requested by the City of Modesto and the Modesto Irrigation District; and, authorized the Director of Public Works to sign and cause to record the Certificate of Acceptance – PW 2011-421
- *C3 Approved the conditional award of the contract in the amount of \$444,563 to Bond Blacktop, Inc., of Union City, California for the construction of the 2011 Slurry Seal, subject to receipt of appropriate insurance and bonds; authorized the Director of Public Works to execute a contract with Bond Blacktop, Inc. for \$444,563 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 2011-422
- *D1 Set a public hearing for 07/26/2011 at 9:15 a.m. to consider Planning Commission's recommendation for approval of Rezone Application No. 2010-04, Hartsog, a request to rezone a .45 acre site from P-D (Planned Development) to a new Planned Development at 1300 Bystrum Road, between Eugene and Joyce Avenues, in the Sphere of Influence of the City of Ceres, APN: 038-043-037; and, authorized the Clerk of the Board to publish the Public Hearing Notice as required by law – Planning ORD-55-O-2 2011-423
- *D2 Adopted a resolution to authorize the Director of the Department of Planning and Community Development, or his designee, to apply for an Urban Greening Planning Grant, from the California Strategic Growth Council, for FYs 2011-2012 to 2014-2015, to allow for the development of the Airport Neighborhood Urban Greening Master Plan; and, authorized the submittal of a joint funding request to the California Strategic Growth Council for the Airport Neighborhood Urban Greening Master Plan on behalf of Stanislaus County, the City of Modesto, and the Tuolumne River Trust and to authorize the development of the proposed master plan, if funds are awarded – Planning 2011-424

Withrow/Chiesa unan. **B5** Adopted and waived the second reading of Ordinance C.S. 1103, adding Chapter 2.98 to the Stanislaus County Code to prohibit the County from requiring Project Labor Agreements on County construction projects – CEO/County Counsel ORD-55-O-1 2011-425

Recessed at 11:14 a.m.

Reconvened at 11:23 a.m.

O'Brien/De Martini unan. **B6** Approved the plans and specifications for the 2007 Local Youthful Offender Rehabilitative Facility Construction Program (SB81) for the Stanislaus County Juvenile Commitment Center Project prepared by Lionakis, Inc. approved by the State Fire Marshal, the State

Public Works Board, the Corrections Standards Authority, and the State Department of Corrections and Rehabilitation; approved the list of pre-qualified general contractors compiled by County Staff in connection with the Request for Statements of Qualifications process approved by the Board of Supervisors on 05/17/2011: ACME Construction Inc. of Modesto, California; Broward Builders, Inc. of Woodland, California; BRCO Constructors, Inc. of Loomis, California; C.T. Brayton & Sons, Inc. of Escalon, California; Diede Construction, Inc. of Lodi, California; F & H Construction of Stockton, California; Flintco Pacific, Inc. of Roseville, California; JL Bray and Son, Inc. of Salida, California; Lathrop Construction Associates, Inc. of Benicia, California; McCarthy Building Companies, Inc. of Roseville, California; Roebbelen Contracting, Inc. of El Dorado Hills, California; Seward L Schreder Construction, Inc. of Redding, California; SOLPAC Construction, dba Soltek Pacific Construction Company of San Diego, California; and, West Coast Contractors of Nevada, Inc. of Reno, Nevada; authorized the Project Manager to issue a notice inviting bids for the construction of the project and to set a due date of 08/24/2011 at 2:00 p.m., and for the Project Manager to modify the bid date if necessary; authorized the Project Manager to accept and open bids on 08/24/2011, immediately after 2:00 p.m., and return to the Board of Supervisors to recommend a conditional award of the general construction contract subject to final approval by the California Department of Finance of a contract to the lowest responsible bidder; and, authorized the Project Manager to issue a RFP for Code Required Testing Services, and to negotiate and execute a contract with the selected provider within the approved project budget – CEO
2011-426

Chiesa/De Martini unan. **9:05 am** Finds that the requirements for notice of the Public Hearing were given pursuant to California Government Code §6061, 25211.3, subd., (b), and 53753, subd., (b); approved the Revised Engineer's Report for the proposed County Service Area (CSA) No. 29 (Zone description changes on page 8 and minor grammatical changes); conducted the public hearing to receive comments regarding: a. The proposed formation of County Service Area (CSA) No. 29 Bangs Summit. b. The levy of the annual assessment to pay for the county services provided. c. The dissolution of County Service Area (CSA) No. 20 Summit; finds that the California Government Code Article XIII, "Proposition 218" requirements for Public Hearing and Assessment Ballot Procedure have been completed upon closure of this public hearing regarding subject matter; and, authorized the Clerk of the Board to oversee the opening of the sealed ballots and to tabulate and submit the results to the Board of Supervisors at the next scheduled Board meeting on 07/19/2011 – PW
CSA-20-4 CSA-29-4 2011-427

Corr 1 Referred to the Sheriff, a copy of the FY 2010-2011 Stanislaus County Civil Grand Jury Report regarding the Stanislaus County Coroner Facility Inspection. M-39-M-3

Corr 2 Referred to the Stanislaus Animal Services Agency, a letter from the Village Oak Veterinary Hospital regarding the County's spay/neuter program.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Blanca Medina and Stephen Volk.

Supervisor DeMartini spoke regarding Correspondence 2 and asked for clarification on the veterinary's fees for the spay/neuter program. The CEO said he will get clarification and noted that the program is now under the new Animal Services Agency.

Supervisor Chiesa noted that Amtrak ridership has increased. On Monday, he attended the California Partnership for the San Joaquin Valley meeting where discussion ensued regarding the UC Davis telemedicine program; the High Speed Rail which is distributing their EIR for public comment; the

Broadband consortium; and, Central Valley transportation matters. He also spoke regarding the innovative corporate diesel and compressed natural gas transportation center in Ridley, CA.

Adjourned to Closed Session at 11:52 a.m. for conference with Legal Counsel - Existing Litigation: Two Cases: Avalonbay Communities, Inc. v. County of Los Angeles, et al., Los Angeles County Superior Court Case No. BC386768; Robert Gaestel v. County of Stanislaus, Stanislaus County Superior Court Case No. 648873. Government Code §54956.9(a).

Closed Session Announcement: Chiesa/De Martini unan. Authorized the Office of County Counsel to file a letter with the Second Appellate District requesting publication of its decision in the case Avalonbay Communities v. County Los Angeles, Los Angeles County Superior Court Case No. BC386768

2011-429

Adjourned at 12:45 p.m.

ATTESTED: CHRISTINE FERRARO TALLMAN, Clerk
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: CHRISTINE FERRARO TALLMAN, 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.)