

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 26, 2011

O'Brien/Withrow unan. Adopted the consent calendar

\*A1 Approved the minutes of 07/19/2011

\*B1 Authorized the Director of DER, or her designee, to sign a five-year Master Agreement with All Green Electronics Recycling for the transportation and recycling of electronic waste collected at the Household Hazardous Waste Collection Center located at 1710 Morgan Road, Modesto, CA, the Fink Road Landfill located at 4000 Fink Road, Crows Landing, CA, and any other Stanislaus County electronic waste collection location; authorized the Director of DER, or her designee, to sign individual project authorizations; and, authorized the Director of DER, or her designee, to sign amendments to the contract – DER

2011-444

\*B2 Accepted the Stanislaus County Treasury Pool's June 2011 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 to sign on behalf of the Board of Supervisors that the report has been reviewed and accepted – T/TC

2011-445

\*B3 Approved restoring unfunded positions as a result of Senate Bill 89 funding; and, amended the Salary and Position Allocation Resolution to reflect the recommended staffing changes outlined in the Staffing Impacts section of the agenda item, effective the first pay period following the Board of Supervisors' approval – Probation

2011-446

\*C1 Approved the conditional award of the contract in the amount of \$1,902,122.93 to Teichert Construction of Stockton, CA, for the construction of the RSTP Road Resurfacing Program Phase C Project, Federal Project No. STPL-5938(159), subject to receipt of appropriate insurance and bonds; authorized the Director of Public Works to execute a contract with Teichert Construction, for \$1,902,122.93 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

2011-447

O'Brien/Chiesa unan. **B4** Designated the Stanislaus County Probation Department as the local entity responsible for providing post-release supervision to inmates released pursuant to the Post-release Community Supervision Act of 2011; and, designated the Director of Mental Health/Alcohol and Drug Programs to serve on the Community Corrections Partnership executive committee – Probation

2011-448

DeMartini/Withrow unan. **9:05 am** Finds that the Notice of Public Hearing was published in compliance with §6066 of the Government Code; conducted a public hearing to receive comments regarding the FY 2011-2012 annual assessments; set the FY 2011-2012 annual assessments as shown on Exhibit "A" for

the following County Service Areas (CSA), Landscape Assessment District (LAD) and Landscape and Lighting Districts (LLD): CSA No. 4 - Bristol Glen (Salida), CSA No. 5 - Starlite Place (Keyes), CSA No. 7 - Modesto Auto Center (north Modesto), CSA No. 8 - Honey Bee Estates (Empire), CSA No. 9 - River/Souza (north Ceres), CSA No. 10 - Salida, CSA No. 11 - Gilbert Road (Oakdale), CSA No. 12 - Peach Blossom Estates (Oakdale-Riverbank), CSA No. 16 - Olive Ranch Estates (east Oakdale), CSA No. 18 - Atlas Park (east Oakdale), CSA No. 19 - Tuolumne-Gratton (Denair), CSA No. 20 - Summit (north Modesto), CSA No. 21 - Riopel (Denair), CSA No. 22 - Old School North (Denair), CSA No. 23 - Hillsborough-Schutz (east Oakdale), CSA No. 24 - Hideaway Terrace (Denair), CSA No. 25 - Suncrest II (Denair), CSA No. 26 - Keyes, Del Rio Heights LAD, Bret Harte LLD (south Modesto), Bystrum LLD (northwest Ceres), Howard/McCracken LLD (Westley area; I-5/McCracken interchange), Laurel LLD (south Ceres), Paradise South LLD (south Modesto), Riverdale LLD (south Modesto), Riverview LLD (south Modesto), and Shackelford LLD (south Modesto); made the Engineer's Reports a part of the record of this proceeding; authorized the Auditor-Controller to add the annual assessments to the 2011-2012 Tax Roll; and, approved a resolution to levy FY 2011-2012 benefit assessment rates, and each subsequent fiscal year in which the charges may validly be levied, for those districts as listed in the agenda item

– Public Works 2011-449

Chiesa/Withrow unan. **9:10 am** Finds that the requirements for the Notice of Public Hearing and Assessment Ballot were given pursuant to California Government Code §53753(B), and the Highway Lighting District Act Code §19051 & 2.; approved the revised Engineer's Report for the proposed Kenwood Park Lighting District (changes made to the Assessment Summary to agree with final budget); conducted the Public Hearing to receive comments regarding: A. the proposed formation of the Kenwood Park Lighting District, and B. the levy of an annual assessment to pay for the lighting services; finds that the California Constitution Article XIII D, "Proposition 218" requirements for public hearing and assessment ballot procedure have been completed upon closure of this public hearing regarding this 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 08/02/2011

– Public Works DL-45-02 2011-450

DeMartini/O'Brien unan. **9:15 am** Conducted a public hearing 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 P-D zone at 1300 Bystrum Road, between Eugene and Joyce Avenues, in the Sphere of Influence of the City of Ceres; finds the project is categorically exempt from CEQA and ordered the filing of the Notice of Exemption; finds that the project is consistent with the overall goals and policies of the County General Plan; finds that the proposed Planned Development zoning is consistent with the Commercial General Plan designation; approved Rezone Application No. 2010-04, Hartsog, subject to the Development Standards; and, introduced and waived the reading and adopted Ordinance C.S. 1104 for the approved Rezone Application – Planning

ORD-55-O-2; 2011-451 & 2011-452

**Corr 1** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: R. Michael Williams and Mario Araiza.

The CEO reported that the State Legislature is in recess, and that a great deal of interest and effort is being put towards the development of maps for state redistricting. He noted that the focus at the federal level is the federal debt ceiling.

**Recessed to sit as the Stanislaus County In-Home Supportive Services (IHSS) Public Authority at 9:51 a.m.**

Chiesa/Withrow unan. Approved the consent calendar (Those items marked with an \*)

**IX. \*II-A** Approved the minutes of 05/24/2011

**IX. \*V-A.** Approved the Health Benefit Agreements for the Public Authority In-Home Supportive Services Provider Benefits for FY 2011-2012 2011-453

**Reconvened to sit as the Stanislaus County Board of Supervisors at 9:52 a.m.**

Adjourned to closed session at 9:52 a.m. for Closed Session: Public Employee Appointment: Title: Chief Executive Officer. Government Code §54954.5(e). Closed Session: Conference with Legal Counsel - Existing Litigation. One Case: Maria Alvarez, et al. v. County of Stanislaus, Stanislaus County Superior Court Case No. 612601. Government Code §54956.9(a).

**Closed Session Announcement:** DeMartini/Withrow unan. Authorized counsel for the County to file and prosecute an appeal of the trial court decision to grant a new trial in the case Maria Alvarez, et al. v. County of Stanislaus, et al., Stanislaus County Superior Court Case No. 612601. 2011-454

Adjourned at 11:10 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.)