

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 17, 2012

Recessed to closed session at 5:05 p.m. for Conference with Labor Negotiator: Agency Negotiator: Monica Nino. Labor Organizations: California Nurses' Association (CNA); Stanislaus County Employees Association (SCEA)/AFSCME Local 10; Service Employees' International Union (SEIU), Local 521; County Attorneys' Association (CAA). Government Code Section 54957.6. Conference with Legal Counsel - Anticipated Litigation: One case. Government Code Section 54956.9 (c). Conference with Real Property Negotiator: Property: Stanislaus Waste-to-Energy Facility, 4040 Crows Landing Road, Crows Landing, California. Agency Negotiator: Monica Nino. Owner Negotiator: Covanta Stanislaus, Inc. Under Negotiation: Both Lease Terms and Price. Government Code Section 54956.8. Conference with Legal Counsel - Existing Litigation: One case: Annette Smith v. County of Stanislaus, United States District Court, Eastern District California, Case No. CV 11-1655-LJO-SKO. Government Code Section 54956.9 (a).

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

A moment of silence was held in honor of Stanislaus County Deputy Sheriff Robert "Bob" Paris and civilian Glendon Engert.

The April 2012 as Child Abuse Prevention Month proclamation was presented and the Child Abuse Prevention Council Art Contest Winners received their awards.

Chiesa/Withdraw unan. Adopted the consent calendar after removing from consent items ***A4** Approval to Commend Baldwin Trucking and The Franceschi Family Upon Being Named as the 2012 Business Honoree of the Year by the Sons of Italy Modesto Lodge #2021; ***B6** Approval to Use Public Facilities Fees for the Demolition and Removal of a Former Parks Concessions Facility at Woodward Reservoir Regional Park; and, ***B7** Approval to Purchase Equipment and Amenities for Modesto Reservoir, Woodward Reservoir, Neighborhood Parks, and Regional Parks Using Public Facilities Fees

***A1** Approved the minutes of 04/03/2012

***A2** Appointed Frank Lucas to the Turlock Rural Fire Protection District Board of Directors
2012-151

***A3a** Accepted the resignation of Pamela Neronha from the San Joaquin Valley Air Pollution Control District CAC
2012-152

***A3b** Accepted the resignation of Dominic Salluce from the EDAC
2012-153

***A5** Approved the consolidation of the West Side Community Healthcare District election with the Presidential General Election to be held on 11/06/ 2012
2012-154

***A6** Proclaimed 05/14-20/ 2012 as National Salvation Army Week in Stanislaus County
2012-155

***B1** Accepted the Accountant's Report on the Stanislaus County Treasurer's Statement of Assets as of 12/19/2011, the report was prepared by the Auditor-Controller's Office in conformance with Government Code Section 26920 and 26922, the Statement of Assets

- was reviewed in conformity with Stanislaus County Treasury Pool Investment Policy and Government Code Section 53601 – Auditor-Controller 2012-156
- *B2 Authorized the Auditor-Controller’s Office to issue checks totaling \$290,077.61 per list of claims for excess proceeds submitted in accordance with R & T Code Section 4675; and, authorized the Auditor-Controller Office to transfer the balance of excess proceeds of \$23,777.67 to the County General Fund – T/TC 2012-157
 - *B3 Approved the Second Amendment to the agreement for professional services by and between the County of Stanislaus and California CCS, PC for Inmate Health Care Services; and, authorized the Chairman to sign the amendment – CEO 2012-158
 - *B4 Approved the regular operating hours of HSA as Monday through Friday 8:00 a.m. through 5:00 p.m.; and, authorized the Managing Director, or her designee, to establish and modify from time to time as appropriate, the schedule of particular services offered within and beyond the regular hours of operations – HAS 2012-159
 - *B5 Approved a five-year contract with Stueve’s Dairy for the harvesting of grass and hay of approximately 1,350 acres of land at Woodward Reservoir Regional Park; and, authorized the Director of Parks and Recreation, or her designee, to sign the contract – Parks and Recreation 2012-160
 - *B8 Approved a resolution in support of the Stanislaus Arts Council’s submission of grant application to the California Arts Council; and, recognized that the Executive Director of the Stanislaus Arts Council will execute the 2012-2013 State-Local Partnership Grant contracts contingent upon approval of the grant by the California Arts Council – CEO 2012-161
 - *B9 Approved the merger of three adjacent County-owned parcels comprising the Stanislaus County Public Safety Center located at 250 East Hackett Road, Modesto (APN 086-015-014 and 086-015-015) into one single parcel to permit planning and construction of the Jail Expansion Plan per the Stanislaus County Public Safety Center Expansion Operational and Architectural Program and Site Master Plan 2011 Update; and, authorized the Chief Operations Officer and the Clerk of the Board of Supervisors to sign and record the lot merger documents with the Clerk-Recorder – CEO 2012-162
 - *B10 Approved of substitution of the fire protection system subcontractor for Roebbelen Contracting, Inc., for the construction of the Stanislaus County Juvenile Commitment Center Project – CEO 2012-163
 - *C1 Approved the purchase agreement to acquire the Road Right-of-Way for the State Route 99/State Route 219 (Kiernan Avenue) Interchange Project, Parcel Owner J.L. Bray & Sons, Inc., APN: 135-047-001; authorized the Chairman of the Board to execute the agreement; authorized the Director of Public Works to sign the Certificate of Acceptance and cause to record the Grant Deed on behalf of Stanislaus County as authorized by Board Resolution dated 03/08/2011 and Government Code 27281; directed the Auditor-Controller to issue a warrant in the total amount of \$55,100 payable to First American Title Company, for the purchase amount of \$53,100 and \$2,000 for estimated escrow fees and title insurance – PW 2012-164
 - *C2 Approved the purchase agreement for the Road Right-of-Way for the State Route 99/State Route 219 (Kiernan Avenue) Interchange Project, Parcel Owner California Almond Growers Exchange, APN: 135-042-020; authorized the Chairman of the Board to execute the agreement; authorized the Director of Public Works to sign the Certificate of Acceptance and cause to record the Grant Deed on behalf of Stanislaus County as authorized by Board Resolution dated 03/08/2011 and Government Code 27281; and, directed the Auditor-Controller to issue a warrant in the total amount of \$49,000 payable

to First American Title Company, for the purchase amount of \$47,000 and \$2,000 for estimated escrow fees and title insurance – PW 2012-165

***C3** Approved the conditional award of the contract in the amount of \$406,600 to Howk Systems of Modesto, California, for the construction of the Non-Potable Water Well Projects for Segesta, Murphy, and Wincanton Parks subject to receipt of appropriate insurance and bonds; authorized the Director of Parks and Recreation to execute a contract with Howk Systems, for \$406,600 and to sign necessary documents; authorized the Director of Parks and Recreation to execute change orders in accordance with Public Contract Code, Section 20137; upon project completion, authorized the Director of Parks and Recreation to accept the completed improvements and perform all necessary closeout activities; authorized the Construction Manager-Jack Leguria, of the Department of Parks and Recreation to issue the “Notice to Proceed” contingent upon receipt of proper insurance and bonds; and, directed the Auditor-Controller to make the necessary budget adjustments, per the financial transaction sheet – PW 2012-166

***C4** Awarded a contract for design engineering services to CH2MHill, Inc. of Sacramento, California, in the amount of \$3,320,928 for the Seventh Street Bridge over the Tuolumne River Replacement Project in Stanislaus County; authorized the Director of Public Works to execute a contract with CH2MHill, Inc., of Sacramento, California, in the amount of \$3,320,928 and sign necessary documents; and, authorized the Director of Public Works to execute change orders in accordance with the Public Contract Code, Section 20142 – PW 2012-167

***D1** In compliance with the Writ of Mandate filed 01/24/2012, in the Stanislaus County Superior Court, vacated the Board’s 03/24/2009, action denying the applicants’ appeal of the Stanislaus County Planning Commission’s denial of Vesting Tentative Map No. 2006-06, Knights Ferry Overlook; and, directed Staff to review the application in light of the court’s order and set a public hearing for 05/15/ 2012 at 6:35 p.m. to reconsider the applicants’ appeal of the Stanislaus County Planning Commission’s denial of Vesting Tentative Map No. 2006-06, Knights Ferry Overlook – Planning 2012-168

Chiesa/De Martini unan. ***A4** Commended Baldwin Trucking and The Franceschi Family upon being named as the 2012 Business Honoree of the Year by the Sons of Italy Modesto Lodge #2021 2012-169

Chiesa/Withrow unan. ***B6** Authorized the use of Public Facilities Fees for the demolition and removal of a former concessions facility at Woodward Reservoir Regional Park; and, directed the Auditor-Controller to increase estimated revenue and expenditures per the budget journal – Parks and Recreation M-64-I-15 2012-170

Chiesa/Withrow unan. **B7** Approved Staff Recommendations Nos. 1 through 4 as **amended** to remove the CAT D-6 Dozer in the amount of \$368,000.00 from the list of equipment to be purchased; authorized the use of \$4,542,646.76 Public Facility Fees to purchase equipment and amenities for Modesto Reservoir, Woodward Reservoir, Neighborhood Parks, and Regional Parks; authorized the Director of Parks and Recreation to enter into vendor agreements associated with the purchasing of equipment or amenities; directed the Auditor-Controller to adjust all budget transactions accordingly to reflect the amended staff recommendations; and, directed the Auditor-Controller to transfer previously budgeted revenue and expenditures in the amount of \$400,629.90 per the budget journal – Parks and Recreation M-64-I-16 2012-171

De Martini/Withrow unan. **6:35 pm** Adopted Staff Recommendations Nos. 1 through 5; closed the 30-day public comment period to consider approval of the Fiscal Year 2012-2015 Consolidated Plan (CP); the Fiscal Year 2012-2013 Annual Action Plan (AAP); the Housing and Urban Development Neighborhood Revitalization Strategy Areas (RS) for Airport and Parklawn Neighborhoods; the Fiscal Year 2012-2015 Analysis of Impediments (AI) to Fair Housing Choice; and the Substantial Amendment (SA) to the Fiscal Year 2011-2012 Annual Action Plan; conducted a Public Hearing, April 17, 2012 at 6:35 p.m. to consider approval of the Fiscal Year 2012 - 2015 Consolidated Plan (CP); the Fiscal Year 2012-2013 Annual Action Plan (AAP); the Housing and Urban Development Neighborhood Revitalization Strategy Areas (RS) for Airport and Parklawn Areas (RS) for Airport and Parklawn Neighborhoods; the Fiscal Year 2012-2015 Analysis of Impediments (AI) to Fair Housing Choice; and the Substantial Amendment (SA) to the Fiscal Year 2011-2012 Annual Action Plan; authorized the Chief Executive Officer to sign the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships (HOME) Certifications; authorized the Chairman of the Board of Supervisors to sign the Fiscal Year 2012-2013 Allocation Agreements with each of the participating Stanislaus Urban County cities; and authorized the Director of the Planning and Community Development Department to execute any related program agreements, contracts, or other documentation required for implementation of CDBG, ESG, HOME, RS, Homeless Prevention and Rapid Re-Housing (HPRP), Community Development Block Grant – Recovery Act (CDBG-R), Neighborhood Stabilization Programs (NSP), CalHome, and Water Board programs; this authorization includes the use of any program income in accordance with applicable program guidelines; and, the Board **amended** the Section 2.4, Objective D of the Neighborhood Revitalization Strategy Areas for Fiscal Years 2012-2017 to add Parklawn United Neighbors to the list of existing non-profit community groups currently providing services within the Parklawn Neighborhood – Planning 2012-172

Withrow/Monteith (3-1)(O'Brien opposed)(Chiesa abstained) **6:40 pm** Adopted Staff Recommendations Nos. 1 through 4; finds that Ordinance C.S. 1117 (Ordinance Amendment Application No. 2009-01) - Truck Parking in the Agricultural Zone, is generally exempt from CEQA pursuant to Section 15061(b)(3) and ordered the filing of the Notice of Exemption; finds that there is no substantial evidence the project will have a significant effect on the environment and that the General Exemption reflects Stanislaus County's independent judgement and analysis; finds the project is consistent with the overall goals and policies of the Stanislaus County General Plan; and introduced, waived the reading and adopted Ordinance Amendment No. 2009-01 - Truck Parking in the Agricultural Zone, both "Use Permit" and "Home Occupation" ordinance amendments as recommended by the Stanislaus County Planning Commission on 03/10/ 2012, with the staff's recommendation to modify subsection "J(4)" of Chapter 21.94 as outlined; and, **amended** subsection J(4)e of Section 21.94.020 to read as follows: "No off-loading of any trailer, and no parking of any trailer housing hazardous materials, shall occur on-site." – Planning ORD-55-P-5 2012-173
ORD-55-P-5 2012-174

Corr 1 Referred to the Sheriff, District Attorney, Chief Probation Officer, and, the Public Defender, a copy of the report "Public Safety Realignment: California at a Crossroads" from the American Civil Liberties Union.

Corr 2 Referred to the Alliance Worknet and the Stanislaus Economic Development and Workforce Alliance, a letter from the Dawn Food Products, Inc. regarding the permanent closure of their operations at 2407 and 2455 Tenaya Drive and 737 Riverside Drive in Modesto, CA that was to begin during a two week period near 03/10/ 2012, but has been extended for some employees until the two week period beginning on 04/27/ 2012.

Corr 3 Referred to the Public Works, a Public Notice from the California High-Speed Rail Authority regarding the Notice of Availability and Notice of Consideration of the Partially Revised Final Program Environmental Impact Report for the Bay Area to Central Valley High-Speed Train.

Corr 4 Referred to the Fish and Wildlife Committee, a Notice of Receipt of Petition for the listing of the Gray Wolf as an endangered species from the California Fish and Game Commission.

Corr 5 Referred to DER, a public meeting notice regarding the draft Guidance for Accessing and Mitigating Air Quality Impacts (GAMAQI) from the San Joaquin Valley Air Pollution Control District – 2012.

Corr 6 Referred to Aging and Veteran Services, a letter from the Department of Veterans Affairs regarding the cash benefits received in Stanislaus County.

Corr 7 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Candace Heather Iler; Marc Duncan; Jason Garner, Deputy; Shawn G. Moss; and, James Haley.

Supervisor Withrow reminded everyone to file their tax return.

Adjourned at 8:16 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.)