

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

Regular Session

Tuesday

May 22, 2012

All Supervisors Present

Pledge of Allegiance to the Flag

A moment of silence was held in memory of Kathaleen Allen, Member of the Empire Municipal Advisory Council.

Employee Service Awards were presented for twenty-five years of service to Sherry Huskey from the Probation Department and to Carol Baker from CSA.

A commendation was presented to Sonya Harrigfeld, Director of Environmental Resources and Parks and Recreation upon her retirement from County service.

Monteith/Withrow unan. Adopted the consent calendar after removing from consent item ***C3** Approval of the Findings of the California Environmental Quality Act (CEQA) Initial Study and Adopt a Mitigated Negative Declaration for the Claribel Road Widening Project

- *A1** Approved the minutes of 05/15/2012
- *A2** Accepted the resignation of Steve Ward from the Stanislaus Economic Development and Workforce Alliance Board 2012-234
- *A3** Declared a vacancy on the Mental Health Board 2012-235
- *B1** Authorized the Stanislaus Animal Services Agency to restore funding to one Manager II position and delete one vacant Accountant II position; and, amended the Salary and Position allocation resolution to add one Manager II position and delete on vacant Accountant II position effective immediately – Animal Services 2012-236
- *B2** Approved the agreements with service providers for mental health, alcohol & other drug, and ancillary services effective 07/01/2012 for FY 2012-2013; authorized the BHRS Director, or her designee, to sign the agreements for FY 2012-2013; authorized the BHRS Director, or her designee, to sign amendments to all agreements per Attachment A of the agenda item, to add services and payment for services up to \$75,000 per agreement, budget permitting, throughout FY 2012-13; and, authorized the BHRS Director, or her designee, to negotiate and sign amendments to all agreements per Attachment B of the agenda item, to add services and payment for services up to \$25,000 per agreement, budget permitting, throughout FY 2012-13 – BHRS 2012-237
- *B3** Approved setting the salary of Jill Silva, Chief Probation Officer at \$158,318.16 annually effective 05/05/2012 – CEO 2012-238
- *B4** Accepted the Stanislaus Child Development Local Planning Council 2012-2013 Priorities Report – CSA 2012-239
- *B5** Set a public hearing for 06/26/2012, at 9:05 a.m., to consider adjustments to the Stanislaus County franchise maximum rates for solid waste collection services – DER 2012-240
- *B6** Approved an amendment to the Assembly Bill 939 MOU between the Stanislaus County and the City of Waterford for waste management and disposal reduction services extending the agreement to remain in effect until such time as the parties agree to terminate the agreement; and, authorized the Director of DER, or her designee, to sign the amendment – DER 2012-241

- *B7 Authorized the Director of Parks and Recreation to sign and record an Encroachment Agreement with South San Joaquin Irrigation District for the placement of an office building at Woodward Reservoir Regional Park – Parks and Recreation 2012-242
- *B8 Introduced and waived the first reading of an ordinance amending provisions of Stanislaus County Code Title 18, Chapter 12, Hunting in Recreation Areas, and Chapter 20, Enforcement and Violations - Parks and Recreation ORD-55-P-7 2012-243
- *B9 Approved the list of Independent and Personal Services Contractor Agreements between HSA and various contractors for FY 2011-12 and 2012-13; authorized the HSA Managing Director, or her designee, to sign the agreements included in this agenda item; and, authorized the HSA Managing Director, or her designee, to her designee or successor, to negotiate and sign individual amendments to the agreements, not to exceed \$75,000 per agreement – HAS 2012-244
- *B10 Authorized the Chief Probation Officer to apply for and accept Stanislaus County’s Application for Approval of the County’s Comprehensive Multi-Agency Juvenile Justice Plan modification and related contracts, amendments, or extension for the Year Twelve Juvenile Justice Crime Prevention Act Funding from the Corrections Standards Authority (CSA) in the amount of \$1,474,289 for Budget Year 2012-2013 – Probation 2012-245
- *B11 Approved the submission by HSA of the Federally Qualified Health Center Look-Alike Renewal Designation Application; and, authorized the Managing Director to sign required documents as part of the Federally Qualified Health Center Look-Alike Renewal Designation Application – HSA 2012-246
- *B12 Approved the award of the SBT Data Center infrastructure management system components package to Sacramento Computer Power, Inc., of Sacramento, CA for the lump sum amount not to exceed \$297,693; and, authorized the Project Manager to issue a notice to proceed contingent upon proper receipt of insurance – CEO 2012-247
- *C1 Approved the FY 2012-2013 Transit Transportation Development Act Claim in the amount of \$5,672,786; and, authorized the Director of Public Works to execute and submit the claim to the Stanislaus Council of Governments (StanCOG) – PW 2012-248
- *C2 Authorized the purchase of one 2012 Peterbilt Model 337 2-Axle Conventional Patch Truck from Interstate Truck Center in the amount of \$186,350.91; and, authorized the County Purchasing Agent to sign the purchase order – PW 2012-249
- *C4 Set a Public Hearing on 07/17/ 2012, at 6:35 P.M., for the annexation of three areas into the Denair Highway Lighting District and the levy of a special benefit assessment. (Area 1: Brookside Park Homes Nos.1&2; Area 2: Eastgate Estates No.2; and Area 3: Shelton Estates); approved the Engineer’s Report for the annexation of the three territories into the Denair Highway Lighting District; authorized an Assessment Ballot Procedure in conformance with California Constitution Article XIII D “Proposition 218” for the annexation of the three territories into the Denair Highway Lighting District; and, ordered that a Notice of Public Hearing be given pursuant to Government Code §53753, subd., (B) and the Highway Lighting District Act Code §19051 & 2 – PW
DL-2-A-7 2012-250
- *C5 Authorized the Auditor-Controller to establish an interest-bearing fund for the Public Works - Langworth Road Mitigation – PW 2012-251
- *C6 Approved the purchase agreement to acquire road right-of-way for the State Route 99/State Route 219 (Kiernan Avenue) Interchange Project, Parcel Owner Crag G. Coker, APN: 135-041-031; authorized the Chairman 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 \$103,800 payable to First American Title Company, for the purchase amount of \$101,800 and \$2,000 for estimated escrow fees and title insurance – PW

2012-252

- *C7** Approved the purchase agreement to acquire road right-of-way for the State Route 99/State Route 219 (Kiernan Avenue) Interchange Project, Parcel Owner Crag G. Coker, APN: 135-041-033; authorized the Chairman 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 \$91,200 payable to First American Title Company, for the purchase amount of \$89,200 and \$2,000 for estimated escrow fees and title insurance – PW

2012-253

- *C8** Approved the purchase agreement to acquire road right-of-way for the State Route 99/State Route 219 (Kiernan Avenue) Interchange Project, Parcel Owners Richard A. and Brenda K. Lowry, APN: 135-045-029; authorized the Chairman 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 \$48,600 payable to First American Title Company, for the purchase amount of \$46,600 and \$2,000 for estimated escrow fees and title insurance– PW

2012-254

- *C9** Approved the purchase agreement to acquire road right-of-way for the State Route 99/State Route 219 (Kiernan Avenue) Interchange Project, Parcel Owners John R. and Carol L. Regusci, APN: 136-033-029; authorized the Chairman 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 March 8, 2011 and Government Code 27281; and, directed the Auditor-Controller to issue a warrant in the total amount of \$26,144 payable to First American Title Company, for the purchase amount of \$24,144 and \$2,000 for estimated escrow fees and title insurance – PW

2012-255

Withdraw/Chiesa unan. **9:05 am** Conducted a public hearing to consider an increase of \$11.00 per ton in the disposal fee at the Stanislaus Waste-to-Energy Facility – DER

2012-260

Chiesa/Withdraw (4-1)(O'Brien opposed) **9:10 am** Conducted a public hearing to reconsider an appeal of the Planning Commission's February 5, 2009, decision to deny Vesting Tentative Subdivision Map Application No. 2006-06, Knights Ferry Overlook to divide a 33.70 acre parcel to create 8 parcels ranging in size from 0.50 to 5.00 acres with a 12.03-acre "Remainder" located at the southeast corner of Cemetery and Frymire Roads, in the Knights Ferry area; approved the appeal and adopted the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgement and analysis; finds that: (a) the substitute language (Mitigation Measures No. 1-10) is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment; adopted the Mitigation Monitoring Plan, with the substitute language for Mitigation Measures No. 1-10, pursuant to CEQA Guidelines Section 15074(d); ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; finds that: (a) The proposed map is consistent with applicable general and specific plans as specified in Section 65451, (b) The design or improvement of the proposed subdivision

is consistent with applicable general and specific plans, (c) The site is physically suitable for the type of development, (d) The site is physically suitable for the proposed density of development. (e) The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, (f) The design of the subdivision or type of improvements are not likely to cause serious public health problems, (g) The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public, (h) The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements, (i) The fulfillment of construction requirements for improvements, on the designated "Remainder" parcel, is necessary for reasons of: 1. The public health and safety; or 2. The required construction is a necessary prerequisite to the orderly development of the surrounding area; the Board **amended** the "Revised" Conditions of Approval/Mitigation Measures to add Condition No. 41 as follows: "Applicant's proposed tentative map does not identify public access to the Stanislaus River as required by Government Code sections 66478.1 through 66478.14. Pursuant to sections 66478.4 and 66478.5, Applicant shall provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river, and a public easement along the riverbank, bordering or lying within the proposed subdivision. Pursuant to section 66478.4, reasonable public access shall be determined by the County. Pursuant to section 66478.5, the County shall determine the width and character of the public easement to achieve reasonable public use of the river consistent with public safety. The approved access shall be shown on the Final Map in compliance with Map Act section 66478.6. For purposes of this project, County considers "reasonable access" under section 66478.4, to mean an access of not less than 10 feet in width to the bank of the river and "public easement" under section 66478.5, to mean a public easement of 10 feet in width above the high-water mark, with both access and easement suitable for pedestrian, bicycle, equestrian or other non-motorized transport of persons, and for access to the river for small boats. The approved river access shall connect between Cemetery Road and the portion of the riverbank lying within the proposed subdivision; and the public easement shall lie along the entire portion of the riverbank bordering or lying within the proposed subdivision.", and to add Condition No. 42 as follows: "Prior to the recording of the final map, the Applicant shall construct road improvements along the project frontage to Frymire Road and Cemetery Road to Stanislaus County Public Works Standards and Specifications, 1998 Edition, including Plate 3-A6, "Rural Collector". The roadway improvements shall include asphalt road widening of Frymire Road and Cemetery Road so that the travel lane portion of Frymire and Cemetery Roads are twelve feet in width, with a one foot asphalt shoulder, and a three foot gravel shoulder. The road improvements shall taper to the existing width of the bridge crossing the Oakdale Irrigation District Frymire Lateral on Cemetery Road on both approaches. Prior to Construction, Applicant shall submit road improvement plans to, and for approval by, Stanislaus County Department of Public Works. Applicant shall obtain an Encroachment Permit prior to any work being done in the County's road right-of-way."; the Board approved Vesting Tentative Subdivision Map Application No. 2006-06 - Knights Ferry Overlook, subject to the " Revised" Conditions of Approval/Mitigation Measures as amended – Planning 2012-261

Withdraw/Chiesa unan. *C3 Approved the findings of the Initial Study and adopted a Mitigated Negative Declaration for the Claribel Road Widening Project pursuant to CEQA Guidelines §15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis; and, order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code §21125 and CEQA Guidelines §15075 – PW 2012-256

B13 Supervisor Chiesa made a motion to approve the agreement between the County of Stanislaus and TRISTAR Risk Management as the County's Workers' Compensation Third Party Administrator effective 07/01/2012 through 06/30/2015, but the **motion failed** for lack of a second

DeMartini/O'Brien (3-1)(Chiesa opposed)(Withrow abstained) **B13** The Board **denied** approving the agreement between the County of Stanislaus and TRISTAR Risk Management as the County's Workers' Compensation Third Party Administrator effective 07/01/2012 through 06/30/2015; and, directed staff to return to the RFP process – Risk Management 2012-257

Monteith/Withrow unan. **B14** Accepted a report on the Senior Program Demographic Data and Status of the Senior Meals Programs – AAA 2012-258

Withrow/De Martini unan. **B15** Approved an amendment to the Master Agreement with Tetra Tech BAS, Inc., to increase the not to exceed contract amount by \$421,959 from \$667,955 to \$1,089,914.20 for operations, maintenance, monitoring, and reporting services at the Geer Road Landfill and add the position of Principal Engineer to Exhibit C– Fee Schedule of the agenda item; authorized the Chairman of the Board of Supervisors to amend Master Agreement No. A072711; authorized the Director of DER, or her designee, to sign individual Project Authorizations during FY 2011-2012 provided that the cumulative total does not exceed the contract amount of \$1,089,914.20; and, directed the Auditor-Controller to increase appropriations and revenue as detailed in the Budget Journal – DER 2012-259

Corr 1 Referred to the Auditor-Controller, a letter from the Stanislaus Consolidated Fire Protection District requesting dry period funding for FY 2012-13.

Corr 2 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Ronald Shimon and Bret Lee Conner, Jr.

Supervisor Withrow reported that 2 weeks ago, he and Supervisor De Martini arranged a meeting with Patterson Vegetable Company management and labor to develop a plan to avoid closure of the plant. The plan went to a vote, but was not approved by the company employees.

Adjourned to closed session at 12:07 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 §54957.6. Conference with Legal Counsel - Existing Litigation: One Case: Scott Ussery v. County of Stanislaus, et al., Stanislaus County Superior Court Case No. 662273. Government Code §54956.9 (a).

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: 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.)