

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

Regular Session

Tuesday

September 11, 2012

All Supervisors Present

Pledge of Allegiance to the Flag

A moment of silence was held in memory of the nearly 3,000 civilians who lost their lives on 09/11/2001 as well as all the men and women who have lost their lives protecting our freedom since then.

Susan Mendieta Beasley spoke regarding the International Heritage Festival being held on Saturday, October 6, 2012, between 11am to 5pm at the Gallo Arts Center.

Debra Harper spoke regarding her suspensions from all of the libraries in Modesto. She thanked the new Chair of the Law Library who has reinstated her privileges there.

Emerson Drake thanked the Board, County Counsel and the CEO for providing the information he requested regarding the potential annexation of Salida into Modesto.

Withdraw/Monteith unan. Adopted the consent calendar

- *A1 Approved the minutes of 08/28/2012
- *A2 Adopted and waived the second reading of ordinance C.S. 1119 to Amend Sections 14.14.150 and 14.14.180 of the Stanislaus County Code Relating to Storm Water Management and Discharge Control ORD-55-P-6 2012-449
- *A3a Accepted the resignation of Joy Madison from the Economic Development Action Committee 2012-450
- *A3b Accepted the resignation of Elisa Duke from the Mental Health Board 2012-451
- *A4 Proclaimed September 2012 as National Preparedness Month in Stanislaus County 2012-452
- *B1 Approved the revised Stanislaus County Travel Policy, effective 09/11/2012 – Auditor-Controller 2012-453
- *B2 Authorized the Auditor-Controller on behalf of BHRS to pay a prior year invoice for services provided in a prior year – BHRS 2012-454
- *B3 Authorized the DER to collect the 15% State milk and dairy farm inspection fee surcharge, on behalf of the State of California, effective 10/01/2012, as required by Section 33253 of the California Food and Agricultural Code; authorized DER to transmit the collected surcharge to the California Department of Food and Agriculture; and, directed the Auditor-Controller to establish a State Trust Fund for the State milk and dairy farm inspection surcharge – DER 2012-455
- *B4 Approved the MOU for FY 2012-2013 with the Stanislaus Economic Development and Workforce Alliance regarding the implementation of Countywide economic development activities; and, authorized the CEO, or her designee, to sign the MOU with Stanislaus Economic Development and Workforce Alliance in the amount of \$94,320 for FY 2012-2013 – CEO 2012-456
- *B5 Accepted the recommended responses to the Grand Jury Report with any modifications made after consideration by the Board and authorized the Chairman to forward the response to the Presiding Judge of the Superior Court on 09/11/2012; and, directed the CEO to ensure

that the recommended actions by the Board be followed and completed by the subject County Departments and report back to the Board as appropriate – CEO

M-39-M-8 2012-457

- *B6 Authorized the CEO and the Auditor-Controller to increase appropriations in the CEO-Risk Management Medical Self-Insurance and Workers' Compensation Self Insurance Budget Units for FY 2011-2012 – Risk Management 2012-458
- *B7 Adopted a Resolution opposing Senate Bill 1148 (Pavley) which authorizes the Fish and Game Commission to adjust fees at its discretion, creates new fees and alters funding designated for the Hatcheries and Inland Fisheries Fund Established by AB 7 (Cogdill) – CEO 2012-459
- *C1 Authorized the purchase of one 2013 2-Axle Conventional Cab/Flatbed Truck from Interstate Truck Center in the amount of \$178,835.60; and, authorized the County Purchasing Agent to sign the purchase order – PW 2012-460
- *C2 Approved Amendment No. 1 to Cooperative Agreement 10-355 with the State of California, Department of Transportation (Caltrans) for the State Route 99/Kiernan Avenue Interchange Improvement Project; and, authorized the Chairman of the Board of Supervisors to execute Amendment No. 1 to Cooperative Agreement 10-355 with the State of California, Department of Transportation (Caltrans) for the State Route 99/Kiernan Avenue Interchange Project – PW 2012-461
- *C3 Pursuant to Street and Highway Code 8334(a & b): finds that the portion of Sherry Lane located North of Stewart Road and West of McHenry Avenue is not required for street and highway purposes; finds that the in-place public utility facilities will be protected by an easement retained for their benefit; and, adopted a resolution vacating a portion of Sherry Lane located north of Stewart Road and west of McHenry Avenue – PW 2012-462

Monteith/Chiesa unan. **9:10 am** Conducted the public hearing, which was continued from the 08/21/12 Board meeting, to consider the Planning Commission's recommendation for approval of Rezone Application No. 2011-02, Randy Thomas, a request to rezone 42± acres in five (5) different Planned Development zoning districts into one new Planned Development zone to allow new commercial and industrial uses; adopted the Mitigated Negative Declaration for Rezone Application No. 2011-02 – Randy Thomas 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 judgment and analysis; ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; finds that the proposed Planned Development zoning district is consistent with the Planned Development General Plan designation; finds that the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; and approved Rezone Application No. 2011-02 – Randy Thomas, subject to the modifications made to the Development Standards, as recommended by the Planning Commission; and, **amended** the Development Standards to add No. 59 to read as follows: “If non-permitted uses are known to be occurring on-site, no new business licenses or business license renewals shall be issued for any use until the Planned Development has been reviewed by the Planning Commission and the Planning Commission finds it appropriate to continue issuance of business licenses. The Planning Commission may as part of the review initiate noncompliance proceedings under Chapter 21.40.”; and, introduced, waived the reading, and adopted Ordinance C.S. 1122 for the approved Rezone Application – Planning ORD-55-Q-1 2012-464 & 2012-465

Chiesa/Withrow (4-1)(O'Brien opposed) **9:05 am** Accepted the Recommended Final Budget for FY 2012-2013 from the CEO; conducted the scheduled public hearing to receive public comment and input

on the proposed spending plan; adopted the Recommended Final Budget for 2012-2013; authorized the CEO and the Auditor-Controller to make the necessary technical adjustments to implement the Adopted Final Budget; directed the CEO and the Auditor-Controller to prepare the Adopted Final Budget document in accordance with State law and submit it to the State Controller prior to 12/01/2012; approved an increase in appropriations of \$142,079 in the CEO-General Fund Contribution to Other Programs budget, funded from the CEO-Mandated Match contingency account as recommended fund the IHSS Fraud Investigations and Program Integrity program; authorized the use of \$300,000 of the Designated-Capital Acquisition account within the primary BHRS budget as recommended in the Final Budget; adopted the revised General Fund – Fund Balance Policy; authorized an increase to Assigned Contingencies by \$6,033,740; authorized commitment of Debt Repayment from Animal Services Joint Powers Authority in the amount of \$547,677 to a General Fund Committed-Tobacco Securitization Debt Repayment account and authorize the Auditor-Controller to automatically increase this commitment for all future debt service repayments; authorized the Auditor-Controller to increase the General Fund Committed-Other Reserve account by \$3,750,000 for pending litigation; approved the modification of public operating hours in the Transit Division of the Public Works Department from 8:00 a.m. – 5 p.m. to 8:00 a.m. – 4:30 p.m. effective 10/01/2012; approved the Countywide office closure schedule and the additional office closure days for the Cooperative Extension and Clerk Recorder offices as detailed in Attachment E of the agenda item; amended the Salary and Position Allocation Resolution to reflect the recommended changes in the Recommended Final Budget Addendum, (as outlined in the Staffing Impacts section of the agenda item and detailed in Attachment “B”) to be effective with the start of the first pay period beginning after 09/22/2012; and, approved and authorized the General Services Agency Director/Purchasing Agent to sign the contracts and/or agreements listed on Attachment “C” of the agenda item in cumulative amounts of \$100,000 or greater as of 07/01/2010 – CEO 2012-463

Corr 1 Referred to the Alliance WorkNet and the Stanislaus Economic Development and Workforce Alliance, a letter from Silgan Containers Manufacturing regarding their intention to conduct temporary layoffs at its facility located at 3250 Patterson Road, Riverbank, CA per the Worker Adjustment and Retraining Notification Act (WARN Act).

Corr 2 Referred to the Auditor-Controller, Assessor, and Tax-Collector, a Claim for Refund of Property Tax from Flight Options regarding fractionally owned aircraft assessments.

Corr 3 Referred to the Department of Planning and Community Development, a letter from the U.S. Department of Housing and Urban Development regarding the approval of the Program Year 2012-2013 Annual Action Plan for the Stanislaus County Community Development Block Grant and the Emergency Solutions Grant.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Irina Engert; Joe Peggram; Jan Pritchard and Gisele Johnson; and, Guowei Tang.

Supervisor De Martini reported that tonight will be the first City Council meeting in Newman’s new City Hall.

Supervisor O’Brien spoke regarding the television and newspaper articles concerning Animal Services in the past week. He supports the decision by Animal Services to not require mandatory rabies reporting in this County.

The CEO reported that the State Legislature adjourned on 08/31/2012. The County has received a year-end report from Peterson Consulting regarding State bills, and they will be here on 09/26/2012 for Legislative Platform meetings with County Departments. AB 340 (Pension Reform) was passed and is

being evaluated by StanCERA and CEO staff. The State Association of County Retirement Systems will hold a workshop for 1937 Act County Administrators on 09/24/2012 to learn more about implementation of this bill. It is anticipated that the legislature front will be uneventful until after the November election, depending on what happens with the Governor's tax initiative (Prop 30). At the Federal level, both houses are back in session.

Adjourned to closed session at 10:42 a.m. for Conference with Legal Counsel – Existing Litigation:
Conference with Legal Counsel - Existing Litigation: One Case: In re Municipal Derivates Antitrust Litigation, MDL No. 1950, Master Docket No. 08-02516, United States District Court for the Southern District of New York. Government Code Section 54956.9 (a). Public Employee Appointment: Title: Director of Planning and Community Development. Government Code Section 54957 (b).

Closed Session Announcement: Chiesa/Monteith (4-1)(O'Brien opposed) The Board appointed Angela Freitas as the Director of Planning and Community Development 2012-466

Adjourned at 11:58 a.m.

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

BY: Elizabeth 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.)