

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

Regular Session

Tuesday

April 30, 2013

All Supervisors Present

Pledge of Allegiance to the Flag

Mary Burch, an In-Home Supportive Services (IHSS) Provider, noted that she cares for her three disabled daughters at home. She spoke regarding the importance of keeping those needing care in their homes. She spoke in support of a wage increase for IHSS providers.

Jerry McKibben, IHSS Provider, also spoke in support of a wage increase.

Withdraw/O'Brien unan. Adopted the consent calendar after removing from consent items ***B6** Approval to Ratify and Amend the Contract for Professional Design Services with Shaw Environmental, Inc., for the Fink Road Landfill, Landfill 2, Cell 5 – Environmental Resources; and, ***B9** Approval of the Agreement for the Sheriff to Retire One Canine from the Sheriff's Department Canine Unit – Sheriff

***A1** Approved the minutes of 04/16/2013

***A2a** Appointed Glenn Mount to the Modesto City-County Airport Advisory Committee

2013-183

***A2b** Appointed Eileen Melson to the Community Health Center Board

2013-184

***A2c** Appointed Colleen Woolsey and Nune Tanakhone to the Child Abuse Prevention Council

2013-185

***A3** Accepted the resignation of Michelle Lucas from the Advisory Board on Substance Abuse Programs

2013-186

***A4a** Proclaimed May 2013 as Mental Health Month

2013-187

***A4b** Proclaimed May 2013 as Asthma Awareness Month

2013-188

***A4c** Proclaimed 05/19 – 25/2013 as Public Works Week

2013-189

***B1** Adopted the Property Tax Administration Cost Recovery Plan; approved the report determining the Property Tax Administration Costs based on FY 2011-12 expenditures as \$7,220,135 and establishing the proportion of said costs attributable to incorporated cities and other jurisdictions in FY 2012-13; and, authorized the collection of said costs pursuant to the provisions of the Revenue and Taxation Code Sections 95.3 and 97.75, and Stanislaus County Ordinance Code Section 4.44.010 – Auditor

2013-190

***B2** Approved Agreement 12-89401 with California Department of Health Care Services for the provision of specialty mental health services for the period of 05/01/2013 through 06/30/2018; authorized the Director of BHRS, or her designee, to sign the Agreement; and, authorized the Director of BHRS, or her designee, to sign amendments to the Agreement throughout the term of the Agreement – BHRS

2013-191

***B3** Approved the amendments to the agreements with California Psychiatric Transitions, Inc., and the Center for Human Services for additional Mental Health and Alcohol and Other Drug Services for FY 2012-2013; authorized the Director of BHRS, or her designee, to sign amendments to the agreements for FY 2012-2013; and, authorized the Director of BHRS, or her designee, to negotiate and sign amendments to the agreements to add services and payment for services up to \$75,000 per agreement, budget permitting, for FY 2012-2013 – BHRS

2013-192

- *B4** Approved the boundaries of the Targeted Employment Area for the Stanislaus County Enterprise Zone; adopted a Resolution in support of updating the boundaries and submitting the application to the California State Department of Housing and Community Development; and, authorized the submission of the application for the Targeted Employment Area to the California State Department of Housing and Community Development – CEO 2013-193
- *B5** Accepted a grant of \$9,000 from the National Children’s Alliance for the Child Abuse Interview, Referral and Evaluation (CAIRE) Center; and, authorized the 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 \$9,000 for the period of 01/01/2013 through 12/31/2013 – CSA 2013-194
- *B7** Approved the Agreement with PSC Holdings, Inc., dba 21st Century Environmental Management of California, LP, for the removal and disposal of hazardous waste at the Stanislaus County Household Hazardous Waste Collection Facility in the amount not to exceed \$850,000 for a term of five years; authorized the Director of DER, or her designee, to sign the Agreement; and, authorized the Director of DER, or her designee, to sign any amendments to the Agreement within the specified contract amount – DER 2013-195
- *B8** Authorized the Purchasing Agent to enter into a five-year lease agreement on behalf of the Stanislaus County Library for the property located at 4801 Kersey Road in Denair, California with the Denair Community Services District for housing and operating the Denair Library – Library DCS-04-31 2013-196
- *B10** Accepted the Stanislaus County Treasury Pool’s March 2013 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 has been distributed to the Stanislaus County Treasury Pool Oversight Committee; and, authorized the Chairman to sign on behalf of the Board that the report has been reviewed and accepted – T/TC 2013-197
- *B11** Authorized the Auditor’s Office to issue checks totaling \$144,688.00 per the list of claims for excess proceeds submitted in accordance with the Revenue and Taxation Code Section 4675; and, authorized the Auditor’s Office to apportion the balance of excess proceeds of \$30,156.57 to the appropriate taxing agencies – T-TC 2013-198
- *C1** Set a public hearing on 05/14/2013, at 9:05 a.m., to reconsider the introducing and the waiving the first reading of an ordinance to amend existing fees for the Department of Public Works Engineering Division – PW ORD-55-Q-7 2013-199
- *D1** Adopted a Resolution to initiate an amendment to Title 21 (Zoning) of the Ordinance Code of Stanislaus County for the Historical Site District (Title 21, Chapter 21.44) – Planning ORD-55-R-1 2013-200

Withdraw/Monteith (4-1)(O’Brien opposed) ***B6** Ratified and approved an Amendment to the Professional Design Services Agreement with Shaw Environmental, Inc., to increase the not to exceed contract amount to \$55,127 for construction quality assurance engineering support during an Electronic Leak Location Survey at the Fink Road Landfill, Landfill 2, Cell 5; and, authorized the Director of DER, or her designee, to sign the amendment – DER 2013-201

O’Brien/De Martini unan. ***B9** Authorized the Sheriff to retire one canine from the Sheriff’s Department service and enter into a Canine Retirement Contract with the canine’s current handler – Sheriff 2013-202

Monteith/O’Brien (4-0)(De Martini abstained) **9:05 am** Conducted the public hearing to consider Planning Commission's recommendation for approval of General Plan Amendment and Rezone

Application No. PLN2012-37, Gallo Glass, a request to amend the General Plan from Industrial Transition to Industrial and zoning designations from R-1 (Single-Family Residential), R-2 (Medium Density Residential), and R-3 (Multiple-Family Residential) to M (Industrial) of 12.2± acres to expand the existing Gallo Glass plant by adding a concrete and asphalt paved outdoor storage and parking area on property located south of Tenaya Drive, north of Oregon Drive, east of Santa Rita Avenue, and west of S. Santa Cruz Avenue, including 504 S. Santa Cruz Avenue on the east side of S. Santa Cruz Avenue, in the Modesto area, Assessor Parcel Numbers: 035-015-002 thru 008, 018 thru 023; 035-014-001, 002, 005, 006, 017 thru 028; 035-013-001, 002, 009 thru 012, 014, 017, 018; 035-012-016 thru 033; 035-037-030; adopted the 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 Negative Declaration reflects Stanislaus County's independent judgment and analysis; 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 General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses, (B) the County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service, and (C) the amendment is consistent with the General Plan goals and policies; finds that the proposed Industrial zoning is consistent with the Industrial General Plan designation; approved General Plan Amendment and Rezone Application No. PLN2012-0037 - Gallo Glass; and, introduced, waived the reading, and adopted Ordinance C.S. 1131 for the rezone – Planning ORD-55-Q-10 2013-205 & 2013-206

9:10 a.m. County Counsel determined that pursuant to Government Code Section 1090 Supervisors O'Brien, Chiesa, Withrow and De Martini have disqualifying conflicts of interest with this public hearing because they all own agricultural property under Williamson Act contract or qualified to be under contract. Therefore, in order to establish a quorum to consider this matter, the Board invoked the rule of necessity and Supervisor O'Brien and Supervisor Chiesa drew long straws and thus participated in the decision. 2013-207

9:10 am (Withrow and De Martini abstained) The Board conducted the public hearing to consider General Plan Amendment (GPA) No. PLN2012-44, Agricultural Element Update and the following motions were made:

Supervisor O'Brien made a **motion that failed for lack of a second** to approve the Food Safety Guidelines portion of GPA No. PLN2012-44, Agricultural Element Update

Supervisor Monteith made a **motion that failed for lack of a second** to refer the GPA No. PLN2012-44, Agricultural Element Update back to staff to address the issues

Chairman Chiesa made a **motion that failed for lack of a second** to adopt Staff Recommendations Nos. 1-4: adopt 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 judgment and analysis; order 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; 3; find that: (A) the General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses, (B) the County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service; and approve GPANo. PLN2012-0044 - Agricultural Element Update

Chiesa/O'Brien (2-1)(Monteith oppose)(Withrow and De Martini abstained) **9:10 am The motion failed** for the Board to procedurally consider each of the proposed modifications of GPA No. PLN2012-44, Agricultural Element Update individually

9:10 am The GPA No. PLN2012-44, Agricultural Element Update was denied due to the lack of a majority vote.

Recessed at 10:35 a.m.

Reconvened at 10:48 a.m.

Withrow/O'Brien unan. **B12** Approved of the requests from the governing boards to move future elections from odd-numbered years to even-numbered years for the Hughson Unified School District, Newman-Crows Landing School District, Salida School District, Stanislaus Union School District and Waterford Unified School District – Clerk-Recorder 2013-203

Withrow/O'Brien unan. **B13** Accepted the following audited financial reports for FY ended 06/30/2012, prepared by Brown Armstrong Accountancy Corporation: Annual Financial Report - Stanislaus County and Single Audit Report - Stanislaus County – Auditor-Controller 2013-204

Corr 1 Acknowledged receipt of claim and referred to the CEO-Risk Management Division the following claim: Jeremy Medina.

Supervisor Withrow spoke regarding the process in which the Agricultural Element Update was considered. He requested that staff bring this item back to the Board in a manner that would allow more Board members to participate.

Supervisor De Martini voiced concerns regarding the need to draw straws when considering the Agricultural Element Update due to conflict of interest issues.

Chairman Chiesa reported that he along with Supervisor Withrow, CEO Nino, and David Jones, Director of Legislative Affairs, went to Washington D.C last week and met with the Department of Commerce, Department of Justice, Senator Boxer, Senator Feinstein, Congressman Denham, Congressman Costa, U.S. Army Corp of Engineers, Veteran Affairs and the White House Office of Intergovernmental Affairs. He noted the importance of these trips and advocating for Stanislaus County for federal funding. Supervisor Withrow also noted that this trip was very productive.

CEO Nino reported that in response to the Washington D.C. trip, the County will be following up with the Veterans Administration, the Department of Justice, as well as the Economic Development Administration.

The Chairman announced that there will be a Start of Construction Groundbreaking Ceremony for the SR-99/SR-219/ Kiernan Avenue Interchange Reconstruction on Tuesday, 04/30/2013 at 3:00 p.m. on the Northwest Side of the Interchange

Adjourned to closed session at 11:32 a.m. for Conference with Labor Negotiator - Agency Negotiators: Monica Nino, Nancy Bronstein and Jody Hayes. 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); Deputy Sheriffs' Association (DSA); Stanislaus County Sheriffs Supervisors' Association (SCSSA); Stanislaus County Deputy Probation Officers' Association (SCDPOA); Stanislaus Regional Emergency Dispatchers' Association (SREDA); Stanislaus County Probation Corrections Officers' Association (SCPCOA); Stanislaus County Sheriff Management Association (SCSMA); Stanislaus County District Attorney Investigators' Association (SCDAIA); and, Stanislaus Sworn Deputy Association (SSDA). Government Code Section 54957.6. Conference with Legal Counsel - Existing Litigation: One Case: City of Modesto v. County of Stanislaus, et al, Stanislaus County Superior Court Case No. 683887. Government Code Section 54956.9 (d)(1).

Adjourned at 1:16 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.)