

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

Regular Session

Tuesday

May 7, 2013

All Supervisors Present

Pledge of Allegiance to the Flag

A resolution declaring May 2013 as Asthma Awareness Month was presented to Wallace Carroll, MD and a Certificate of Appreciation was given to him for his service on the Asthma Coalition.

A resolution declaring May 2013 as Mental Health Month was presented to Sam Monaghan, President of the Mental Health Board.

Alex Gonzalez, an In-Home Supportive Services (IHSS) Care Provider, noted that he cares for both of his parents. He spoke regarding the importance of caring for individuals in their home. He thanked the Board for allowing the IHSS Program to continue.

Mary Burch noted that she is an IHSS Care Provider and spoke regarding the importance of the IHSS Program. She requested that the Board provide a wage increase for IHSS Providers.

Emerson Drake stated that the Latino Community Roundtable is holding a meeting on Thursday 05/09/2013, from 11:30 a.m. to 1:30 p.m. at the Mary Stuart Rogers Building, MJC West Campus, 2201 Blue Gum, Modesto, CA. The Modesto Chamber of Commerce will be presenting their "Pathways to Growth" at this meeting.

Robert Shelton requested that the Prisoner of War (POW) Pass be reinstated for Stanislaus County Parks. Chairman Chiesa noted that he will refer this matter to the Stanislaus County Veterans Commission for review of this request.

O'Brien/Withdraw unan. Adopted the consent calendar

*A1 Approved the minutes of 04/30/2013

*A2a Adopted and waived the second reading of Ordinance C.S. 1129 establishing new and amending existing fees collected by the Department of Parks and Recreation

ORD-55-Q-8 2013-208

*A2b Adopted and waived the second reading of Ordinance C.S. 1130 amending Current Building Permit Fees Relating to Solar Energy and Other Renewable/Alternate Energy Systems

ORD-55-Q-9 2013-209

*A3 Accepted the resignation of Debra Brown from the Stanislaus Economic Development and Workforce Alliance Board

2013-210

*A4a Appointed Kathy Rupe to the Advisory Board on Substance Abuse Programs

2013-211

*A4b Appointed Harold "Bud" Hill to the Economic Development Action Committee

2013-212

*B1 Approved the Amended and Restated Farm Lease Agreement with Melvin T. Wheeler & Sons, LP for approximately 1,112 acres of County-owned property at the Crows Landing Air Facility, which extends the term for an additional two years beginning 11/10/2013; and, authorized the CEO to sign the agreement with Melvin T. Wheeler & Sons – CEO

2013-213

- *B2 Authorized the Chief Probation Officer to submit and/or sign Stanislaus County's Application for Approval of the County's Comprehensive Multi-Agency Juvenile Justice Plan modification and related contracts, amendments, or extension with the State of California – Probation 2013-214
- *B3 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 2013-215
- *B4 Approved and amended the Library Advisory Board by-laws – Library BD-67-9 2013-216
- *B5 Approved the reallocation of Property Tax Administration Fees to the Cities of Ceres, Newman, Turlock and Waterford; authorized the use of \$410,630.90 in Appropriations for Contingencies by 4/5 vote of the Board of Supervisors; and, directed the Auditor-Controller to make the necessary technical adjustments to implement the adjusted fees – CEO C-2-C-5,C-3-A-2,C-5-E-13,C-8-B-3 2013-217
- *B6 Approved the agreement to provide Emergency Medical Services (EMS) Coordinator Services to the City of Modesto; directed the Auditor-Controller to increase appropriations in the amount of \$40,000 per the Budget Journal; and, authorized the Auditor-Controller to submit payment to the City of Modesto for an invoice for services rendered in the 2010-2011 FY for a Fire Emergency Medical Services Coordinator – OE C-6-J-10 2013-218
- *C1 Adopted the Plans and Specifications for the Hatch Road at Carpenter Road Intersection Project, Federal Project No. CML-5938(182); directed the Department of Public Works to set the bid opening date and time; and, directed the Department of Public Works to mail the notice inviting bids to trade journals as required by law – PW 2013-219
- *C2 Adopted a resolution authorizing the Public Works Transit Manager to act as certifying representative for all Federal and State grants and funding activities initiated by and for the Stanislaus County Public Works Transit Division and Stanislaus Regional Transit (StaRT) – PW 2013-220
- *C3 Approved the extension of the current transit operations contract for the County's public transit service, Stanislaus Regional Transit (StaRT) with Storer Transit Systems for one year effective 07/01/2013 through 06/30/2014; and, authorized the Director of Public Works to sign and execute all necessary documents – PW 2013-221
- *C4 Adopted a resolution certifying the mileage in Stanislaus County's maintained mileage road system to be 1,512.94 miles as of 12/31/2012 – PW 2013-222
- *C5 Authorized the Director of Public Works to sign a Consent to Common Use Agreement with TID for the Hatch Road at Santa Fe Avenue Intersection Improvement Project – PW 2013-223
- *C6 Approved the purchase agreement to acquire road right-of-way for the Claribel Road Widening Project, parcel owner Renata Enterprises, Inc., a California Corporation, APN: 082-006-058; authorized the Chairman to execute the purchase agreement and directed the Director of Public Works to sign and cause to record the Grant Deed on behalf of Stanislaus County as authorized by Board Resolution No. 2011-141 executed on 03/08/2011 – PW 2013-224

De Martini/Monteith (3-1)(O'Brien opposed)(Withrow abstained) **9:05 am** Conducted the public hearing to consider Planning Commission's recommendation for approval of Use Permit Application No. PLN2012-0006, Maring Private Airport, a request to establish a private airport, including three (3) airplane hangars totaling 7,300 square feet and a 2,800 foot runway, on two (2) parcels totaling 97± acres located on Cox Road, southeast of Frank Cox Road, northwest of Condit Avenue, near the communities of Grayson and Westley, APN(s): 016-043-004 and 005; adopted the Negative Declaration pursuant to

CEQA Guidelines Section 15074(b), by finding 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 pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; finds that: (a) the establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of General Agriculture; and (b) the project is consistent with any/all adopted county policies; and (c) the project will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use; and (d) the project will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County; and (e) certain conditions have been added to ensure that the impact from this project is minimal; and (f) the use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district; and (g) the use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural product on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping; and (h) the use will not result in the significant removal of adjacent contracted land from agricultural or open-space use; and (i) 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 Use Permit Application No. PLN2012-0006, Maring Private Airport, subject to the attached Conditions of Approval – Planning 2013-227

Withdraw/Monteith (4-0)(O'Brien abstained) **A5** Adopted and waived the Second Reading of Ordinance C.S. 1127 amending existing fees collected by the Department of Environmental Resources
ORD-55-Q-6 2013-225

O'Brien/Withdraw unan. **B7** Accepted the CEO's Third Quarter Financial Report for FY 2012-2013; authorized the CEO and the Auditor-Controller to make the necessary adjustments as recommended in the Third Quarter Financial Report; authorized the Auditor-Controller to make necessary fiscal year-end accounting entries to accurately report expenses and revenue in the appropriate fiscal year, and adjust appropriations as necessary, as approved by the CEO; authorized the use of \$813,489 in Appropriations for Contingencies as recommended in the Third Quarter Financial Report by 4/5 Vote of the Board of Supervisors; amended the Salary and Position Allocation Resolution to reflect the recommendations included as part of the Third Quarter Financial Report, as outlined in the Staffing Impacts section and detailed in Attachment B of the agenda item to be effective the start of the 05/18/2013 pay period; approved contracts and/or agreements listed on Attachment C of the agenda item in cumulative amounts of \$100,000 or greater since 07/01/2010; set a public hearing for the consideration and adoption of the Budget Year 2013-2014 Proposed Budget on 06/11/2013 at 9:05 a.m., and continue to 06/12/2013, at 9:00 a.m., and 06/13/2012 at 9:00 a.m., if necessary; directed the Clerk of the Board to advertise the public hearing; and, authorized the Clerk of the Board to make appropriate changes to the public notice if fee increases are proposed as part of the budget process; and, **amended** the item to direct staff to prepare an analysis regarding the restoration of 1% of the pay reduction to employees and bring back a recommendation to the Board – CEO 2013-226

Corr 1 Referred to the Stanislaus Economic Development and Workforce Alliance and the Alliance WorkNet, a letter from Silgan Containers giving notice of the temporary layoff of employees at their Riverbank location at 3250 Patterson Road, employees are expected to be recalled on 07/08/2013, per the Worker Notification and Retraining Act (WARN Act).

Corr 2 Referred to the Fish and Wildlife Commission, a letter from the California Fish and Game Commission regarding the proposed regulatory action relative to the Depredation Permit Application and Form, and Bobcat Depredation.

Corr 3 Referred to the Auditor-Controller, a letter from the Oakdale Fire Protection District requesting dry-period financing for Fiscal Year 2013-2014.

Corr 4 Referred to the Agricultural Commissioner and Sealer of Weights and Measures and Department of Public Works, a letter from the California Natural Resources Agency regarding the 2013 Petition for Temporary Change to Modify the State Water Project and Central Valley Project Authorized Places of Use.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claim: Gerald Tuft Stewart.

Supervisor Monteith reported that last Friday the Young at Heart Age with Movement Celebration was held at East La Loma Park in Modesto. He noted that they had a variety of activities including: a 5K walk, low impact aerobics, yoga, and line dancing.

The CEO reported that the State's May Revised Budget will be released on 05/14/2013. She noted that the Public Safety Realignment Growth Fund Formula will not be included in the May Revised Budget as originally expected. The Chairman, Sheriff and Chief Probation Officer sent a letter to the Governor with concerns regarding the CAO Association's proposed growth formula.

Adjourned at 10: 36 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.)