

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

Regular Session

Tuesday

February 25, 2014

All Supervisors Present

Pledge of Allegiance to the Flag

Frank Carson noted that he is running for District Attorney in June 2014. He voiced the need for an independent Citizen's Review Board regarding law enforcement issues.

Withdraw/O'Brien unan. Adopted the consent calendar after removing from consent item ***B11** Approval of Agreement with the Stanislaus Regional Emergency Dispatcher's Association for the Conversion of the Employer Paid Member Contributions to Salary as a Result of the Public Employees' Pension Reform Act – CEO

***A1** Approved the minutes of 02/11/2014

***A2a** Appointed Amy Thomas and James Brugger to the Denair MAC 2014-60

***A2b** Appointed Richard Walke to the Hickman MAC 2014-61

***A2c** Appointed Glenda Maisel to the Knights Ferry Community Services District Board of Directors 2014-62

***A3a** Proclaimed March 2014 as Social Worker Recognition Month 2014-63

***A3b** Proclaimed March 2014 as National Nutrition Month 2014-64

***A4a** Accepted the resignation of Tom Burns from the Salida Fire Protection District Board of Directors 2014-65

***A4b** Accepted the resignation of Miranda Stiers from the Stanislaus County Child Abuse Prevention Council 2014-66

***A5** Declared a vacancy on the Stanislaus Economic Development and Workforce Alliance Youth Advisory Council 2014-67

***B1** Approved modifying the audit period for Woodland Avenue Fire Protection District required financial audit report to a biennial audit period – A-C DF-14-A-28 2014-68

***B2** Authorized the Auditor-Controller to designate the Realignment – Family Support Trust Fund as interest bearing for the purpose of receiving and distributing 1991 Realignment Sales Tax revenue beginning January 2014 pursuant to Assembly Bill 85 (AB85) for the State funded CalWORKs Grant increases – CSA 2014-69

***B3** Authorized the Director of Parks and Recreation, or designee, to enter into and sign an agreement with Salida Little League for the use of the concession and restroom facility located at Salida Park; waived the exclusive use fee for the concession and restroom in exchange for routine maintenance, cleaning and repairs being performed to the concession and restrooms by the Salida Little League; and, authorized Director of Parks and Recreation, or designee, to sign any amendments associated with the Agreement – Parks and Recreation 2014-70

***B4** Approved the contract with Oracle America, Inc. for public sector technical support services provided to Stanislaus County; and, authorized the County Purchasing Agent, or his/her designee, to execute the contract and any related renewal contracts for technical support with this contract – SBT 2014-71

***B5** Accepted the Stanislaus County Treasury Pool's January 2014 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 2014-72
- *B6 Authorized the Treasurer-Tax Collector to sign the contract with the State of California Franchise Tax Board for Court Ordered Debt Collection – T/TC 2014-73
 - *B7 Approved a request to construct a permanent gateway monument sign and historical marker announcing the entrance to historic La Grange, California at the request of the La Grange Improvement Association and to be constructed by E Clampus Vitus on State Highway right of way at the northeast corner of Yosemite Boulevard (State Route 132) and La Grange Road (J-59); adopted a Board of Supervisors’ resolution naming Stanislaus County as the ‘Local Entity’ with responsibility for approval of the design, construction, maintenance and liability for the La Grange gateway monument sign and historical marker; approved the filing of a Notice of Exemption Finding that the proposed project is exempt under provisions of the California Environmental Quality Act (CEQA) pursuant to State Guidelines Section 15303; and, authorized the Chief Operations Officer to negotiate and execute an Encroachment Permit with Caltrans – CEO 2014-74
 - *B8 Adopted the County’s Recommended Final Capital Improvement Plan (CIP) for FY 2013-2014 now that the Stanislaus County Planning Commission has found it in conformance with the County’s General Plan; and, authorized staff to prepare future updates to the CIP on a two-year review schedule – CEO 2014-75
 - *B9 Authorized the Chairman and the Sheriff to sign a contract with the City of Patterson for the Sheriff to continue to providing general law enforcement services; directed the Auditor-Controller to make the appropriated budget modifications per the budget journal; and, amended the Salary and Position Allocation Resolution to reflect the addition of one Sergeant to the Sheriff – Contract Cities budget to be effective the start of the next pay period – Sheriff C-4-B-5 2014-76
 - *B10 Approved the biennial amendments to the Stanislaus County Employees’ Retirement Association (StanCERA) bylaws as approved by the Board of Retirement on December 11, 2013 – StanCERA BD-36-A-19 2014-77
 - *C1 Approved summarily vacating all of the alley in Block 4 of the Map of Del Este Subdivision, filed in Book 8 of Maps, at page 12, located between Mono Drive and Hyde Street and Santa Rosa Avenue and Santa Rita Avenue, south of the City of Modesto; pursuant to Street and Highway Codes 8334(a & b), 8335, and 8340: the Board finds based on the reasons stated in the agenda item, that the portion of alley is not required for street and highway purposes; finds based on the reasons stated in the agenda item, that the portion of alley lies within property under one ownership and does not continue through such ownership or end touching property of another; finds all public utility easements will be retained for the benefit of in-place public utility facilities; and, adopted a resolution vacating that portion of the alley lying in Block 4 of the Del Este Subdivision as described in Exhibits “A” and “B” – PW 2014-78
 - *C2 Approved summarily vacating that portion of Fairbanks Avenue located between Grand Street and Modesto & Empire Traction (M&ET) Railroad, south of the City of Modesto; pursuant to Street and Highway Codes 8334(a & b), 8335, and 8340: the Board finds based on the reasons stated in the agenda item, that the portion of street is not required for street and highway purposes; finds all public utility easements will be retained for the benefit of in-place public utility facilities; and, adopted a resolution vacating that portion of the street located between Grand Street and M&ET Railroad, south of the City of Modesto, as described in Exhibits “A” and “B” – PW 2014-79

- *C3 Approved Amendment No. 2 to the agreement for \$55,850 with Associated Engineering Group, Inc., for the survey support services during the construction phase of the Claribel Road Widening Project; and, authorized the Director of Public Works to execute the agreement between Stanislaus County and Associated Engineering Group, Inc. – PW
2014-80
- *C4 Finds that all subdivision improvements required for the Tentative Parcel Map 2005-05, Park View Estates, have been constructed to the satisfaction of Stanislaus County; accepted all streets, avenues, roads, and the drainage system within Park View Estates for maintenance by Stanislaus County; and, directed Public Works to record the Final Map for Tentative Subdivision Map 2005-05 Park View Estates – PW
2014-81
- *C5 Finds that Ordinance C.S. 1145 is not subject to CEQA (Public Resources Code, Sections 2100, et. seq.); and, introduced and waived the first reading of Ordinance C.S. 1145 amending Title 11, Section 11.08.020: Red Curb Marking - Streets Designated, of the Stanislaus County Code, to include Kiernan Avenue in Stanislaus County, Salida area – PW
ORD-55-S-5 2014-82
- *D1 Adopted the recommendations from the Nuisance Abatement Hearing Board regarding Dangerous Building Case DNB2012-0012 located at 1740 Las Vegas Avenue, Modesto, California – Planning
2014-83
- *D2 Adopted the recommendations from the Nuisance Abatement Hearing Board regarding Dangerous Building Case DNB2013-0002 located at 1713 John Street, Modesto, California – Planning
2014-84

Chiesa/Withrow (4-1)(Monteith opposed) *B11 Approved the conversion of the Employer Paid Member Contributions to salary using the average current member contribution resulting in a corresponding increase in salary of 8.25% for all employees in the Emergency Call Takers and Emergency Dispatcher classifications resulting in a corresponding reduction of 8.25% in County paid retirement contributions; authorized the CEO, or his designee, and all parties to sign an agreement outlining the recommended changes; authorized the CEO and the County Auditor-Controller to implement all terms and conditions of the approved agreement in compliance with applicable State and Federal Laws; and, amended the Salary and Position Allocation Resolution to reflect the recommended changes per the agenda item, to be effective with the start of the first pay period beginning on or after 02/22/2014 – CEO
2014-85

Monteith/O'Brien (3-0)(Withrow and De Martini abstained) 9:05 a.m. Conducted a public hearing to consider Planning Commission's recommendation for approval of Rezone Application No. PLN2013-0092 - E & J Gallo Winery, a request to amend the zoning designation of 4.59± acres from R-2 (Medium Density Residential) to M (Industrial) located on various parcels on the west side of Santa Rita Avenue, south of Yosemite Boulevard (Hwy 132) and north of Tenaya Drive, in the Sphere of Influence of the City of Modesto; adopted the Negative Declaration pursuant to California Code of Regulations 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 the proposed Industrial zoning is consistent with the Industrial General Plan designation; approved Rezone Application No. PLN2013-0092, E & J Gallo Winery; and introduced, waived the reading and adopted Ordinance C.S. 1143 for the approved Rezone Application No. PLN2013-0092, E & J Gallo Winery – Planning
ORD-55-S-3 2014-88 & 2014-89

O'Brien/Monteith unan. **B12** Authorized the Sheriff to place prescription drug drop off boxes in facilities, including those in contract cities; authorized the Sheriff or designee, to dispose of controlled substances, specifically prescription and over-the-counter medications; finds that the proposed ordinance is not subject to CEQA (Public Resources Code section 21000 et seq); and, introduced and waived the first reading of Ordinance C.S. 1144 adding Chapter 9.94 to the Stanislaus County Code to allow the Sheriff to operate a prescription medication disposal program – BHRS
ORD-55-S-4 2014-86

Chiesa/Monteith unan. **C6** Adopted a Resolution of Support for a Regional Transportation Tax Measure for the Stanislaus Region; approved Public Works' expenditure plan for the proposed County-wide Transportation Sales Tax Program for projects in the unincorporated areas of Stanislaus County; and, authorized the Director of Public Works to submit the expenditure plan to the Stanislaus Council of Governments (StanCOG) for inclusion in the region's Final Expenditure Plan – PW 2014-87

Corr 1 Referred to the Agricultural Commissioner and Sealer of Weights and Measures, Department of Public Works, and the Department of Environmental Resources, information from the State of California Natural Resources Agency regarding the 2014 Petition of Temporary Transfer to facilitate exchanges of State Water Project and Central Valley Project water south of the Delta.

Corr 2 Referred to the Agricultural Commissioner and Sealer of Weights and Measures, Department of Public Works, and the Department of Environmental Resources, a notice from the State Water Resources Control Board regarding petitions for temporary change to transfer water for the Central Valley Project and the State Water Project.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Shantel Lundberg; Jason Lundberg; Derek J Roges; Clifton Williams Jr.; Charles J Payne; Venkata Yerubandi; Zenith Insurance A/S/O Linda Lytle; Jesus W. Lopez; and, Robert Arroyo.

Supervisor Chiesa reported that Governor Brown spent about 3 hours in Stanislaus County yesterday. He met with the Sheriff, DA, Chief Probation Officer and BHRS Director. The Governor spent time at the DA's office, the Psychiatric Health Facility, and Unit 2 at Public Safety Center. The funding issue for AB109 was discussed, and Supervisor Chiesa noted that this was a great opportunity for the County.

Supervisor O'Brien reported that the railroad plans to close Claribel Ave. near Riverbank this Thursday 2/27/2014 through Monday 3/3/2014 due to construction.

CEO Risen reported that last Friday was the deadline to introduce new bills for the State's 2013-2014 Legislative Session. So far, 2000 bills have been introduced in 2014. The Legislature released SB103, SB 104, AB79 and AB 80, which are drought relief packages totaling \$664 million, with the largest amount going towards integrated regional water plans.

The CEO announced that there will be a dedication and open house of the Stanislaus County Psychiatric Health Facility on Tuesday, 02/25/2014, 1:30 - 3:00 p.m., located at 1904 Richland Avenue, Ceres, CA.

Adjourned to closed session at 11:14 a.m. for Conference with Legal Counsel - Existing Litigation: One Case: Protecting Our Water and Environmental Resources v. Board of Supervisors, Stanislaus County Superior Court Case No. 2006276. Government Code Section 54956.9 (d)(1). Conference with Labor Negotiator - Agency Negotiators: Stan Risen, Nancy Bronstein and Jody Hayes. Labor Organization: Stanislaus Sworn Deputy Association (SSDA). Government Code Section 54957.6.

Adjourned at 12:05 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.)