

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

Regular Session

Tuesday

June 16, 2015

All Supervisors Present

Pledge of Allegiance to the Flag

A moment of silence was held for CSA Employee Shelley Hutchison and Assessor's Office Employee Kimberly L. Tidwell.

Invocation was given by Pastor Chuck Adams from The Carpenter's House.

Hebe Garcia Bolio spoke regarding the foreclosure of her property and the related court case. She voiced her concerns about becoming homeless.

Meg Gonzalez, Director of Community Outreach and Education for the Tuolumne River Trust, expressed concern regarding the proposed Board resolution requesting the Governor to improve environmental water accountability during the drought.

Amanda Sorenson spoke regarding Salida's graffiti abatement efforts, and reported that with the support from Public Works and the Sheriff's Department, they have not had to clean graffiti in almost a month.

Katherine Borges spoke regarding the effectiveness of the Stanislaus County mobile application (app) and recommended that it be indexed under the name Stanislaus to make it easier to find. She invited the Board to "Movie Night in the Park" at Segesta Park, Friday, 6/19/2015 at 8:00 p.m.

Monteith/De Martini unan. Adopted the consent calendar after removing from consent item ***B1** Approval of the Implementation of a Sick Leave Policy Compliant with Assembly Bill 1522, Healthy Workplaces, Healthy Families Act of 2014 Enacted September 10, 2014 – CEO

***A1** Approved the minutes of 06/09/2015

***A2** Proclaimed June 2015 as Alzheimer's and Brain Awareness Month and 06/21/2015 as "The Longest Day" 2015-261

***B2** Approved an agreement for the provision of sober living environments with Valley Recovery Resources, a California Non-Profit Corporation, as a result of a RFP process for such services; approved an agreement for the provision of sober living environments with Nirvana Drug and Alcohol Treatment Institute, a California Non-Profit Corporation, as a result of a RFP process for such services; and, authorized the CSA Director, or her designee, to sign the agreements, and any amendments up to \$75,000 each, with Valley Recovery Resources and Nirvana Drug and Alcohol Treatment Institute to provide sober living environments to Stanislaus County parents and their children – BHRS 2015-262

***B3** Directed the Auditor-Controller to suspend the annual transfers from the Fink Road Landfill Enterprise Fund to the Fink Road Landfill Closure/Post-closure Fund for FYs 2014-2015 and 2015-2016 and resume in FY 2016-2017 – DER 2015-263

***B4** Adopted the Stanislaus County Global Positioning System (GPS) Monitoring of County Vehicles Policy; and, adopted revisions to the GSA Fleet Services Policy – GSA 2015-264

- *B5 Adopted the FY 2015-2016 Stanislaus County Fire Authority Business Plan; and, authorized the County Fire Warden to implement the FY 2015-2016 Stanislaus County Fire Authority Business Plan – OES 2015-265
- *B6 Approved the 2015 Community Corrections Partnership Plan for the 2011 Public Safety Realignment; authorized the Chief Probation Officer to sign all documents related to the 2011 Public Safety Realignment, including all contracts and amendments; authorized the Chief Probation Officer and the Sheriff to sign all contracts related to the 2015 Community Corrections Plan for Budget Year 2015-2016; and, amended the Salary and Position Allocation Resolution to reflect the recommended changes outlined in the Staffing Impacts section, effective the first pay period following the Board of Supervisor’s approval – Probation 2015-266
- *B7 Approved the 2015 Agreement between the 38th Agricultural Association – Stanislaus County Fair Board and Stanislaus County for the Sheriff to provide security at the Fair; and, authorized the CEO to sign the agreement on behalf of the County – Sheriff 2015-267
- *B8 Authorized the Sheriff to submit a joint grant application to the Bureau of Justice Assistance, and to accept the grant if awarded, for the 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) funding to enhance criminal justice processes; authorized the Chairman to sign the Memorandum of Agreement between the County of Stanislaus and the City of Modesto for the JAG Program Award; directed the Auditor-Controller to establish a budget with estimated revenue and appropriations in the amount of \$143,219 per the budget journal after the grant is awarded and an acceptance letter is received by the Sheriff’s Department; and, approved the recommendations for use of the 2015 Edward Byrne Memorial Justice Assistance Grant to share funding with the City of Modesto Police Department, continue funding for existing staff in the Probation Department and provide funds for the Sheriff to conduct a tabletop security exercise – Sheriff C-6-J-19 2015-268
- *B9 Adopted a resolution regarding environmental water accountability urging the Governor to address curtailments during the ongoing drought – DER 2015-269
- *C1 Finds that all subdivision improvements for tentative parcel map 2004-05 Diablo Grande, The Cottages required by the Subdivision Improvement Agreement and executed by Western Pacific Housing, Inc., have been installed to the satisfaction of Stanislaus County, Western Hills Water District, and Diablo Grande Limited Partnership; finds that the said agreement was recorded on 03/24/2006, as Document No. 2006-0044663-00 and filed with the Stanislaus County Clerk Recorder’s Office; authorized the release of Performance Bond No. 580547S issued by Developers Surety and Indemnity Company in the amount of \$473,501.20 pursuant to section 66499.7(a) of the Subdivision Map Act, for faithful performance of the Subdivision Improvement Agreement for The Cottages off-site North Parkway work; authorized the release of Performance Bond 580546S issued by Arch Insurance Group in the amount of \$2,956,910.75 for faithful performance of the Subdivision Improvement Agreement for The Cottages on-site work; and, pursuant to section 66499.7(b) of the Subdivision Map Act, upon receipt of a Mechanic’s Lien Guarantee, authorized the release of Labor and Materials Bond No. 580547S and 580546S issued by Developers Surety Indemnity Company in the amount of \$236,750.60 and \$1,478,455.37 for payment of labor and materials for the off-site and on-site work, respectively – PW 2015-270
- *C2 Awarded a five year contract to New Flyer of America, Inc., to purchase twenty-five 40-foot Compressed Natural Gas (CNG) transit buses between 06/01/2015 and 04/30/2020 for Stanislaus County’s StaRT bus fleet, in the amount not to exceed \$18,563,315; and, authorized the Public Works Transit Division Manager to sign and execute all necessary documents – PW 2015-271

O'Brien/Chiesa unan. *B1 Approved the implementation of a Sick Leave Policy for Part-Time and Personal Service Contract Employees compliant with AB1522, Healthy Workplaces, Healthy Families Act of 2014 and **amended** to add the effective date of 06/27/2015; and, approved the accrual method for County employees covered under California's new paid sick leave law – CEO 2015-272

O'Brien/De Martini unan. **6:35pm Continued to the 06/30/2015** Board meeting, the public hearing to consider adjustments to the Stanislaus County Franchise Maximum Rates for Solid Waste Collection Services – DER 2015-273

De Martini/Chiesa unan. **6:40pm** Based upon the staff report, presentations by staff and consultants, including PowerPoint presentations, all comments and testimony received during the public hearing including comments made by consultants, and all materials that were supplied to the Board of Supervisors and which were taken into consideration in making the decision, the Board of Supervisors denied the appeal, upheld the Planning Commission decision with amendments to the Conditions of Approval, and approved **amended** Staff Recommendations Nos. 1-12 as follows: (1) conducted a public hearing to consider the appeal of Planning Commission's approval for Use Permit No. 2013-0078, Central Valley Recycling, Inc., a request to intensify a California Redemption Value (CRV) and scrap metal recycling facility by increasing the volume of scrap metal recycling allowed at a facility located at 522 and 524 South 9th Street, in the Ceres area; (2) adopted the Mitigated Negative Declaration pursuant to California Environmental Quality Act (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; (3) 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; (4) finds that the proposal for on-site processing of scrap metal requires the on-going regular use of heavy machinery, which is not customary or consistent with permitted uses in the C-2 zoning district, and therefore, the proposed use is inconsistent with the "Commercial" General Plan designation when located in close proximity to residential uses. Because the proposed use does not demonstrate a valid supportive relationship to the existing residential development, the Board determined that Conditions of Approval Nos. 20 and 24, and Mitigation Measures Nos. 42, 44 and 45 must be amended in order to make the necessary findings for approval of a use permit that protects the health, safety, and general welfare of nearby residents, and to protect property and improvements in the neighborhood; (5) amended Condition of Approval No. 20 to read as follows: "A maximum of 2,000 tons of scrap metal per month is permitted. The on-site handling of scrap metal shall be limited to collection and transfer only. The use of shears, cutters, crushers or any other equipment intended to shred and/or dismantle scrap metal, vehicles, heavy equipment, household or commercial appliances, or other similar items on-site is expressly prohibited. The use of any equipment for loading, unloading, or transfer of scrap metal shall be kept at least 150 feet away from the fence/property line located to the east."; (6) amended Condition of Approval No. 24 to read as follows: "The business operator and/or property owner shall pave the entire site and design and construct an on-site storm water run-off retention basin to serve the site. The drainage plan design shall be completed and submitted for review and approval by the Public Works Department within six months of project approval. The business operator and/or property owner shall pave the entire site and complete construction of the on-site storm basin within 6 months of design approval by the County."; (7) amended Mitigation Measure listed as Condition of Approval No. 42 to read as follows: "Limit use of any equipment used for loading, unloading, or transfer of scrap metal to the area west of the tin pile as shown on the Project site plan."; (8) amended Mitigation Measure listed as Condition of Approval No. 44 to read as follows: "Hours of operation for any outdoor activities associated with scrap metal recycling shall be limited to Monday through Friday, 8:00 a.m. to 4:30 p.m., and Saturday 8:00 a.m. to 2:30 p.m."; (9) deleted Mitigation Measure listed as Condition of Approval No.

45; (10) Pursuant to CEQA Guidelines section 15074.1 (b)(2), the Board of Supervisors makes a written finding that the amendments to Mitigation Measures No. 42 and 44 and the deletion of Mitigation Measure No. 45 are equivalent or more effective in mitigating or avoiding potentially significant noise effects because the on-site processing of scrap metal, including crushing and cutting, will no longer be permitted, and because the amendment to Mitigation Measure No. 44 further clarifies and limits outdoor activities. The Board of Supervisors further finds that the changes in Mitigation Measures and the Conditions of Approval will not themselves cause any potentially significant effect on the environment; (11) finds that: (a) the establishment, maintenance, and operation of the proposed use or building applied for, as amended, is consistent with the General Plan designation of "Commercial" and 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 that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County, and (b) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; and, (12) approved Use Permit Application No. 2013-0078 – Central Valley Recycling, Inc. subject to the Conditions of Approval and Mitigation Measures as amended – Planning 2015-274

Corr 1 Acknowledged receipt of the Valley Children’s Healthcare 2014 Annual Report.

Corr 2 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Sherry R. Fenn; Vicente Jimenez; Aleo John “A.J.” Pontillo, II; and, Andra Sill.

Supervisor Chiesa reported that the Negative Bailout fix was left out of the State Budget. He noted that the Legislature is taking up junior trailer bills, and the County will know by Friday whether the Negative Bailout fix is included or not.

CEO Risen gave an update regarding the State Budget. He reported that Governor Brown, Senate President Pro Tem de Leon and Assembly Speaker Atkins announced a State Budget agreement this afternoon. The Budget Conference Committee is scheduled to meet on Thursday to review this new budget bill and several trailer bills, which will be followed by floor action by both houses on Friday. The budget agreement includes increased spending on childcare, the UC System, and expanding Medi-Cal coverage for undocumented children. The agreement does not eliminate the cap on the maximum family grant under CalWORKs. In addition, the Governor called for two special sessions, one on transportation and the other regarding the managed care organization tax.

Adjourned at 8:03 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.)