

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

Regular Session

Tuesday

May 4, 2010

Chairman Grover absent

Pledge of Allegiance to the Flag

Two adoptable pets were shown by the Department of Animal Services, and the Adopt a Pet program was discussed.

Dr. Carroll accepted the resolution proclaiming May as Asthma Awareness Month.

Wayne Bridegroom voiced concerns regarding the alleys in his neighborhood near John Thurman Field contributing to criminal activity. He requested the Board's assistance with MID and AT&T in getting the alleys closed.

Emerson Drake requested that the County's campaign financing laws be modified to allow contributions up to \$99.99 without having to report it, and a total cap of \$2,000 for campaign contributions. He also spoke regarding a Freedom of Information request he made regarding harassment training.

O'Brien/DeMartini (4-0)(Grover absent) Adopted the consent calendar

***A1** Approved the minutes of 04/27/2010

***A2a** Accepted the resignation of Patricia Segoviano De Pier from the Economic Development Action Committee 2010-254

***A2b** Accepted the resignation of Leonard Harrington, Robert Santos and Julio Arroyo from the Stanislaus Economic Development and Workforce Alliance Board 2010-255

***A3a** Approved commendations for Outstanding Senior Citizens of the Year 2010-256

***A3b** Approved a commendation for Kenni Friedman upon receiving the Liberty Bell Award from the Stanislaus County Bar Association 2010-257

***A4** Accepted the resignation of Michael Franck and approved the appointment of Gerry Garcia to the Stanislaus County Local Task Force on Solid Waste Management 2010-258

***B1** Authorized the Agricultural Commissioner, or his Designee, to enter into and sign routine agreements and contracts with various Federal and State Agencies for FY 2010-2011 – Agricultural Commissioner 2010-259

***B2** Approved the modification to the Stanislaus County Workforce Investment Act (WIA) Strategic Five-Year Local Plan for Program Year 2009-10 for the delivery of employment and training services; and, authorized the Chairman to sign the modified Stanislaus County Workforce Investment Act (WIA) strategic Five-Year Local Plan – Alliance Worknet 2010-260

***B3** Approved the request from the Denver Museum of Nature and Science, Department of Zoology, to survey, inventory, and collect camel spiders at Frank Raines Regional Park beginning 05/05/2010, and ending 06/20/2010; authorized the Denver Museum of Nature and Science, Department of Zoology research staff to camp in areas not officially designated as campgrounds; authorized the Denver Museum of Nature and Science, Department of Zoology research staff to set up and leave up to two pitfall trap arrays in remote areas of Frank Raines Regional Park; and, directed the Denver Museum of Nature and Science, Department of Zoology, to adhere to the requirements set forth by the Department of Parks and Recreation – Parks and Recreation 2010-261

- *B4** Approved an amendment to the Master Agreement with Stearns, Conrad, and Schmidt, Consulting Engineers, Inc., dba SCS Engineers, to extend the contract for a one-year period from 07/01/2010, through 06/30/2011, and to increase the not to exceed contract amount to \$2,461,211 for environmental monitoring, testing, and reporting services, at the Fink Road and Geer Road Landfills, and for operations, maintenance, and monitoring services at the Geer Road Landfill; authorized the Chairman to amend the Master Agreement #A00625; and, authorized the Director of DER, or her Designee, to sign additional individual Project Authorizations during FY 2010-2011 providing that the cumulative total does not exceed the contract amount of \$2,461,211 – DER 2010-262
- *B5a** Approved the request from the Church of Jesus Christ Latter Day Saints, Oakdale Branch, to have exclusive use of a portion of Muir Point Campgrounds within Woodward Reservoir for their Overnight Camping Event beginning at 3:00 pm, Friday 05/14/2010, and ending at 3:00 pm on Saturday, 05/15/2010; directed the Church of Jesus Christ Latter Day Saints, Oakdale Branch, to adhere to the requirements set forth by the Department of Parks and Recreation; and approved the waiver of fees for the one day exclusive use – Parks and Recreation 2010-263
- *B5b** Approved the request from the Hobie Class Association of North America, Division 3, to have exclusive use of Woodward Reservoir, Fisher Point, for their 19th Annual Regatta beginning at 3:00 p.m. Thursday, 05/13/2010, and ending at 3:00 p.m. Monday, 05/17/2010; directed the Hobie Class Association of North America, Division 3, to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the fees for this exclusive use – Parks and Recreation 2010-264
- *B5c** Approved the request from the 4-H Youth Development Program of Stanislaus County to have exclusive use of the Kiwanis Camp for their 4-H Primary Camp beginning at 9:00 a.m. Friday, 05/14/2010, and ending at 6:00 p.m. Sunday, 05/16/2010; directed the 4-H Youth Development Program of Stanislaus County to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for exclusive use – Parks and Recreation 2010-265
- *B5d** Approved the request from the City of Modesto to have exclusive use of the Courthouse Lawn for their Fifteenth Annual Family Cycling Event Festival on Saturday, 05/15/2010, beginning at 7:00 a.m. and ending no later than 6:00 p.m.; directed the City of Modesto to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for exclusive use and reservation of the Courthouse Lawn – Parks and Recreation 2010-266
- *B6** Approved a MOU with the Cities of Modesto, Ceres and Turlock and the Del Puerto Water District for the North Valley Regional Recycled Water Project Collaborative Partnership; and, authorized the CEO, or his Designee, to sign the MOU with the cities of Modesto, Ceres, and Turlock and the Del Puerto Water District for the North Valley Regional Recycled Water Project Collaborative Partnership – CEO
DW-17-2 C-2-C-1 C-5-E-11 C-6-J-1 2010-267
- *B7** Authorized the Department of Parks and Recreation to hold the Fifteenth Annual Fireworks Celebration on Sunday, 07/04/2010, at Woodward Reservoir Regional Park located off of 26 Mile Road in the unincorporated area of Stanislaus County; authorized the Director of the Department of Parks and Recreation, or her Designee, to support the Fifteenth Annual Fireworks Celebration and promote related activities; and, authorized the Director of the Department of Parks and Recreation, or her Designee, to sign the necessary contractual agreements for the event – Parks and Recreation 2010-268

- *C1 Approved the conditional award of the contract in the amount of \$4,825,998.73 to Bond Blacktop, Inc. of Union City, California for the construction of the ARRA 2009 Cape Seal Project, subject to receipt of appropriate insurance and bonds; authorized the Director of Public Works to execute a contract with Bond Blacktop, Inc., for \$4,825,998.73 and to sign necessary documents; directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet; authorized the Director of Public Works to execute change orders in accordance with Public Contract Code, §20142; upon project completion, authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities; and, authorized the Construction Manager to issue a Notice to Proceed contingent upon receipt of proper insurance and bonds – PW 2010-269
- *C2 Approved the conditional award of the contract in the amount of \$3,403,407.23 to Intermountain Slurry Seal, Inc., of Watsonville, California for the construction of the RSTP 2009 Cape Seal Project, subject to receipt of appropriate insurance and bonds; authorized the Director of Public Works to execute a contract with Intermountain Slurry Seal, Inc., of Watsonville, California for \$3,403,407.23 and to sign necessary documents; directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet; authorized the Director of Public Works to execute change orders in accordance with Public Contract Code, §20142; upon project completion, authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities; and, authorized the Construction Manager to issue a Notice to Proceed contingent upon receipt of proper insurance and bonds – PW 2010-270
- *C3 Approved the conditional award of the contract in the amount of \$497,552.72 to Bond Blacktop, Inc., of Union City, California for the construction of the ARRA Hughson SOI Cape Seal Project, subject to receipt of appropriate insurance and bonds; authorized the Director of Public Works to execute a contract with Bond Blacktop, Inc., for \$497,552.72 and to sign necessary documents; directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet; authorized the Director of Public Works to execute change orders in accordance with Public Contract Code, §20142; upon project completion, authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities; and, authorized the Construction Manager to issue a Notice to Proceed contingent upon receipt of proper insurance and bonds – PW 2010-271
- *C4 Awarded the agreement for construction management services, in the amount of \$104,082, to Nolte Associates, Inc., for the Carpenter Road at Beverly Drive and Carpenter Road at Robertson Road Traffic Signal Project; authorized the Director of Public Works to sign the agreement; authorized the Director of Public Works to sign future amendments during the life of the agreement; and, directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet – PW 2010-272
- *C5 Approved the installation of an All-Way Stop Traffic Control, under the authorization granted to local authorities in Vehicle Code §21355, at the intersection of Bangs Avenue at North Star Way in the North Modesto Area – PW 2010-273
- *D1 Set a public hearing for 05/25/2010, at 9:05 a.m., to consider approval of Lot Line Adjustment Application No. 2009-13 and Williamson Act Cancellation No. 2009-02, Lindskoog; and authorized the Clerk of the Board to publish notice of hearing as required by law – Planning 2010-274

DeMartini/Chiesa (4-0)(Grover absent) **9:05 a.m.** Approved Staff Recommendations Nos. 1-3; finds that the notice of the public hearing was given pursuant to Government Code §25211.3(b) and 6061; conducted the public hearing to receive comments regarding the proposed method of calculating the

amount of the annual assessment and the levy of the annual assessment to pay for the county service area; authorized the Clerk of the Board to oversee the tabulation of the sealed ballots per §53753(e) and determine whether a majority protest against the assessment exists; and, **amended** the item to authorize the Clerk of the Board to submit the results to the Board of Supervisors at the 05/18/2010 Board meeting
– PW CSA-28-2 2010-278

O'Brien/Chiesa (4-0)(Grover absent) **9:10 a.m.** Conducted the public hearing to consider the introduction and waiving of the first reading of the Department of Public Works Subdivision Ordinance Amendments to Title 20 of the Stanislaus County Code; introduced and waived the first reading of Ordinance. C.S. 1080 amending Subsection "A" of §20.52.200, Dedications; and, introduced and waived the first reading of Ordinance C.S. 1081, amending Subsection "A" of §20.16.090, Improvements Required – PW
OED-55-L-13 ORD-55-L-14 2010-279

Chiesa/DeMartini (4-0)(Grover absent) **9:15 a.m.** Conducted the public hearing; based upon the staff report, comments by staff and testimony received at the public hearing, the Board approved the appeal of Stanislaus County Planning Commission's decision of denial, thereby approving Use Permit Application No. 2009-06, Los Artistas Nightclub, a request to allow a nightclub within an existing building on a one (1) acre parcel in the C-2 (General Commercial) zoning district at 1705 Crows Landing Road, in the Modesto Area; adopted the Mitigated Negative Declaration pursuant to CEQA Guidelines §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; adopted the Mitigation Monitoring Plan pursuant to CEQA Guidelines §15074(d); ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code §21152 and CEQA Guidelines §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 "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; **amended** the first sentence of Condition of Approval No. 14 to read as follows "The applicant shall construct an 8 foot high solid block wall along the western irrigation easement line (except for the 10 foot side yard setback) prior to occupancy."; finds that the revised condition is equal or better mitigation and will not result in any additional environmental impact; and, approved Use Permit Application No. 2009-06, Los Artistas, subject to the conditions of approval as amended – Planning
2010-280

Recessed at 10:47 a.m.

Reconvened at 10:54 a.m.

O'Brien/DeMartini (4-0)(Grover absent) **B8** Accepted the CEO's Third Quarter Financial Report for FY 2009-2010; authorized the CEO and the Auditor-Controller to make the necessary adjustments as recommended in the Third Quarter Financial Report; authorized the transfer of \$226,775 from Appropriations for Contingencies as recommended in the Third Quarter Financial Report; authorized the Auditor-Controller to make necessary year-end closing entries as approved by the CEO; amended the Salary and Position Allocation Resolution as outlined on Attachment A effective the start of the 05/08/2010 pay period as recommended in the report; approved contracts and/or agreements listed on Attachment B in cumulative amounts of \$100,000 or greater since 07/01/2003; set a public hearing for the consideration and adoption of the FY 2010-2011 Proposed Budget on 06/08/2010 at 9:05 a.m., and continue to 06/09/2010 at 9:00 a.m., and 06/10/2010 at 9:00 a.m., if necessary; directed the Clerk of the

Board to advertise the public hearing; 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, approved the goals and expected outcomes for FY 2010- 2011 for each of the Board's Priorities listed on Attachment D – CEO

2010-275

Chiesa/O'Brien (4-0)(Grover absent) **B9** Approved the revised Assessor's current operating hours of 7:30 a.m.-5:00 p.m. to 8:30 a.m.-4:30 p.m. effective 07/01/2010; approved the reduction-in-force of four filled positions, the deletion of one vacant position, reclassification of one position, and unfunding one position in the Assessor's Department as outlined in the Staffing Impacts section of the report effective 07/17/2010; and, amended the Salary and Position Allocation Resolution to reflect the changes as outlined in the Staffing Impacts section of the report effective 07/17/2010 – Assessor

2010-276

O'Brien/DeMartini(4-0)(Grover absent) **B10** Approved the reduction-in-force of five filled full-time positions in the Public Defender's Department as outlined in the Staffing Impacts section of the report effective 07/17/2010; and, amended the Salary and Position Allocation Resolution to reflect the changes as outlined in the Staffing Impacts section of the report effective 07/17/2010 – Public Defender

2010-277

Corr 1 Referred to the Department of Planning and Community Development, the Department of Public Works and the Agricultural Commissioner and Sealer of Weights and Measures, a letter from Bartkiewicz, Kronick and Shanahan regarding a Petition for Temporary Transfer of Water from the City of Sacramento to one or more of the eight Buyers which includes Oak Flat Water District in Stanislaus County.

Corr 2 Accepted the invitation from the County Clerk-Recorder and Registrar of Voters, requesting a Board of Supervisors member to participate on the Election Observer Panel for the upcoming Statewide Direct Primary Election on Tuesday, 06/08/2010. The Board appointed Supervisor DeMartini to participate on the Election Observer Panel.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Debra Harper; Buck Consultants, LLC and Harold Loeb; and, Rashad Jardali Mitchell.

The CEO reported that there is a \$3.4 billion shortfall in the State's personal income tax revenue. The Governor's May Revised budget is scheduled to be out on 05/14/2010 and will give an overall assessment of the State's ability to generate revenue to operate the State government. He reported that the Judge is set to rule this week regarding the Redevelopment lawsuit concerning the legality of the State borrowing \$2 billion from redevelopment agencies over a two-year period. He noted that Senator Hollingsworth has rolled out SB 919 concerning pension reform. Sacramento leadership is back in Washington D.C. asking for \$3-4 billion in federal funds to assist the State with its budget gap. AB 1770 (Galgiani), which would allow the County to charge a \$2.00 fee for certified copies of vital records to use for the administration of the Family Justice Center, was amended and passed by the Assembly Judiciary Committee on 4/29/10.

Adjourned at 12:14 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.)