

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

May 10, 2011

Major Carpenter gave a presentation recognizing 05/09-15/2011 as National Salvation Army Week.

Miguel Donoso gave the Board a copy of a letter from John Mataka regarding the death of Rita Elias which occurred on 9/24/2010. Both he and Mr. Mataka are requesting an independent investigation of the incident.

O'Brien/DeMartini unan. Adopted the consent calendar

- *A1 Approved the minutes of 05/03/2011
- *A2a Adopted and waived the second reading of Ordinance C.S. 1101 to establish a new fee and amend existing fees for the Department of Public Works Engineering Division – Public Works
ORD-55-N-11 2011-273
- *A2b Adopted and waived the second reading of Ordinance C.S. 1098 to establish a new fee for processing delayed claims for an exclusion from reassessment for transfers between parents-children and grandparents-grandchildren for the Assessor's Office – Assessor
ORD-11-N-8 2011-274
- *A3 Appointed Frank Coelho to the East Stanislaus Resource Conservation District Board of Directors
2011-275
- *A4 Commended the Stanislaus County Outstanding Senior Citizens in celebration of Older Americans Month in May
2011-276
- *A5 Consolidated the Municipal Elections for the City of Modesto with the Consolidated District Election on 11/08/2011
2011-277
- *B1 Authorized Stanislaus County Departments to participate in the State-wide Golden Guardian Exercise on 05/18/2011, coordinated by OES/Fire Warden; designated the Golden Guardian Exercise scheduled for 05/18/2011 as Disaster Training; and, approved participation of volunteers as Disaster Service Workers in the Golden Guardian Exercise – OES
2011-278
- *B2 Authorized the Treasurer/Tax Collector to sign an agreement with the State of California Employment Development Department for Wage, Claim, Employer, and Client Address Data to Enhance Revenue Recovery Services for the period of 07/01/2011 through 06/30/2014 – Treasurer/Tax Collector
2011-279
- *B3 Approved a Contract with Melvin T. Wheeler & Sons, LP, for the harvesting of grass and hay from approximately 639 acres of land at Woodward Reservoir Regional Park; and, authorized the Director of Parks and Recreation, or her designee, to sign the contract – Parks and Recreation
2011-280
- *B4 Approved the designation of Health Plan of San Joaquin (HPSJ) as the Local Initiative Health Plan in Stanislaus County for Medi-Cal Managed Care patients in accordance with the State of California's two-plan model for Medi-Cal Managed Care effective 01/01/2012; and, authorized the HSA Managing Director, or her designee, to negotiate and sign the Administrative Agreement with HPSJ and to notify the State of California Department of Health Care Services of the designation – HSA
2011-281

- *C1 Approved the conditional award of the contract in the amount of \$147,015 to Tom Mayo Construction, Inc., of Stockton, California, for the construction of the Burlington Northern Santa Fe (BNSF) Railroad Crossing at Various Road project, subject to receipt of appropriate insurance and bonds; authorized the Director of Public Works to execute a contract with Tom Mayo Construction, Inc., for \$147,015 and to sign necessary documents; 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 2011-282
- *C2 Rejected all bids received for upgrades to the Frank Raines Regional Park Water Filtration System (Potable and Non-Potable) project – PW 2011-283
- *D1 Approved and established the following findings: (a) the new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years except as authorized under the County's implementation of SB 863; (b) there is no net decrease in the amount of the acreage restricted; in cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts; (c) at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; (d) after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in §51222; (e) the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts; (f) the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; (g) the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan; rescinded Williamson Act Contracts Nos. 1972-0510 and 1972-0513 (located on Claribel Road, west of Waterford); approved a new contract pursuant to Minor Lot Line Adjustment 2010-31 – C&DII and DLM Ranches LLC; and, authorized the Director of Planning and Community Development to execute a new contract pursuant to Minor Lot Line Adjustment 2010-31 – Planning 2011-284
- *D2 Finds that: a. As set forth in detail below, pursuant to Health and Safety Code §33445: (1) the provision of storm drain infrastructure improvements are a benefit to the Stanislaus County Redevelopment Project Area No. 1, (2) no other reasonable means of financing improvements is currently available, and (3) the improvements will assist in the elimination of one or more blight conditions inside the Project area; (1) The provision of storm drain infrastructure improvements are a benefit to the Stanislaus County Redevelopment Project Area No. 1, consistent with the 2010-2014 Implementation Plan (“Implementation Plan”), staff reports, and other documents, as well as the Redevelopment Plan, adopted in March 1990 (“Redevelopment Plan”), which found that the installation of public improvements, facilities, and utilities in areas that are currently inadequately served by such improvements, facilities and utilities would attain the purposes of California Community Redevelopment Law; and (2) The improvements will assist in the elimination of one or more blight conditions inside the project area, consistent with the Implementation Plan, staff reports, and other documents, as well as the Redevelopment Plan, which identifies blighting conditions within the Project, including inadequate public improvements, facilities, and utilities, and inadequate drainage; and (3) No other reasonable means of financing the improvements is available to the community, as

documented by the Implementation Plan and the Fiscal Year 2010-11 Capital Improvement Plan, which identifies a funding shortfall of at least \$159,530,989 for current and future unmet infrastructure needs identified throughout the County, as well as staff reports, and other documents; and (4) The construction of the improvements is consistent with the Agency's adopted 2010-2014 Implementation Plan, which identifies the Empire Storm Drain project as a infrastructure project which satisfies the goals and objectives of the Redevelopment Plan, including the rehabilitation of the Project area (especially residential neighborhoods), and the elimination or reduction of certain environmental deficiencies (including nonexistent storm drainage systems); and, authorized the Director of the Stanislaus County Public Works Department to execute an agreement with the Stanislaus County Redevelopment Agency, upon review and approval of the agreement by County Counsel, for administration, design, engineering, environmental, and construction of the Airport Neighborhood Sewer, Empire Storm Drain, and Parklawn Neighborhood Sewer projects and any future public improvement projects identified in the Agency's Implementation Plan on a "pay-as-you-go" basis as net tax increment funding becomes available – Planning 2011-285

Chiesa/Withrow unan. **9:05 am A.** Conducted a public hearing; and, introduced and waived the first reading of Ordinance C.S. 1100 to establish new and amend existing fees of the Department of Parks and Recreation ORD-55-N-10 2011-287

Withrow/Chiesa unan. **9:05 am B.** Conducted a public hearing; and, introduced and waived the first reading of Ordinance C.S. 1099 to amend transit fares for Stanislaus Regional Transit (StaRT) – PW ORD-55-N-9 2011-288

O'Brien/Withrow unan. **B5** Approved the agreement between CSA and Valley Recovery Resources for the period of 05/11/2011 through 06/30/2012, using funds donated to the County for the local matching fund requirements; authorized the CSA Director, or her designee, to sign the agreement and any subsequent amendments not to exceed the agreement amount; authorized the Auditor-Controller to reestablish Special Revenue Fund 1636 – CSA – Integrated Children's Services as an interest bearing fund to budget and account for anonymous donations and pledges to be used for Clean and Sober Living programs, such as that approved by the Board on 05/03/2011; authorized the Auditor-Controller to adjust the Agency's FY 2010-11 appropriations and revenue as detailed in the Budget Journal Vouchers; and, authorized the CEO and CSA to develop a plan for Federal/State Child Welfare Services (CWS) Augmentation funds that become accessible to the County due to this partnership which will leverage unused State Child Welfare Funds (CWS) available to Stanislaus County – CEO 2011-286

Corr 1 Referred to the Department of Planning and Community Development and the Agricultural Commissioner and Sealer of Weights and Measures, three letters from the US Department of the Interior regarding the proposed California Foothills Legacy Area (CFLA), an easement program to protect working landscapes focused on rangelands surrounding the Central Valley and the proposed expansion of the San Joaquin River National Wildlife Refuge area.

Corr 2 Referred to the CEO, the Gallo Center for the Arts Projected Budget for FY 2011-2012; leases, prices, concessions, and fees exhibit; and, the Schedule for the 2011-2012 Season.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Eric Merchant; Dolores Fagundes; Dennis Spinelli; Maranatha Bo-Uy; and, Noemi Sanchez.

The CEO thanked both Patty Hill Thomas and Supervisor O'Brien for their work in bringing the Valley Recovery Resources for sober living environment services (Item B-5) from an idea into a reality. He reported that 06/15/2011 is the deadline for the State Budget, but that there is little hope for an early budget solution. He noted that additional discussions concerning the Realignment concepts are going to be underway. He gave an update regarding the federal budget process and reported that Congress is debating increasing the debt ceiling and/or significant deficit reductions/budget cuts that could have some long term implications on county programs. He also reported that the County has received a request to use the former Crows Landing Air Base property for recreational uses, and that he is looking into this request.

Adjourned at 10:29 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.)