

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

Regular Session

Tuesday

August 7, 2012

Supervisor Monteith Absent

Pledge of Allegiance to the Flag

A moment of silence was held for Marjorie Brooks, member of the Commission on Aging.

The Chairman presented a resolution to Frank Machado, WW II veteran, proclaiming 08/12/2012 as "Spirit of '45" Day which celebrates the end of World War II.

The Sheriff presented a commendation recognizing Deputy Michael Glinskas for his courage under fire and his valiant life-saving efforts and awarded him the Stanislaus County Sheriff's Medal of Valor.

Employee Service Awards were presented to Linda Ford from the Animal Services Agency and Stan Risen from the CEO Department for twenty-five years of service.

Ida May Mullins from the Shackelford neighborhood spoke regarding issues with the abandoned houses in her neighborhood.

Ramon Bermudez, spoke of Sgt. Jose Rodriguez, a 22 year old Army soldier from Gustine that was killed in action on 6/19/2012 in Afghanistan. Mr. Bermudez read the Modesto Bee article regarding Jose Rodriguez into the record.

Emerson Drake noted that he attended the County's presentation concerning the Hammet Road Interchange Project on Tuesday, and attended a Modesto town meeting on Saturday. He had questions regarding the potential annexation of Salida into Modesto, and the Hammet Road Interchange Project.

Jim Benneti from Salida voiced concerns regarding funds used for the promotion of the Hammett Road Interchange Project.

Withrow/De Martini (4-0)(Monteith absent) Adopted the consent calendar

***A1** Approved the minutes of 07/24/2012

***A2** Appointed Katie Wells to the Stanislaus County Free Library Advisory Board 2012-402

***B1** Awarded contracts for the Community Capacity Building Projects that were selected through the competitive bidding process of RFP 11-50-SS funded from the State Mental Health Services Act and the Federal Substance Abuse Block Grant Funds; and, authorized the BHRS Director, or her designee, to negotiate and execute agreements with the organizations that were selected through RFP 11-50-SS to provide Community Capacity Building – BHRS 2012-403

***B2** Amended the South Modesto MAC bylaws modifying the boundary map, legal description and other minor administrative changes – CEO MAC-7-4 2012-404

***B3** Authorized the CEO to accept the request of California Correct Care Solutions, PC, to early exit its contract with Stanislaus County no earlier than 01/01/2013, but continuing until

- transition to a new provider has been completed; and, authorized the County's Purchasing Agent to issue a RFP for inmate health care services – CEO 2012-405
- *B4 Approved the Revised Reduction-in-Force Policies for all represented County employees; and, authorized the CEO to implement the revised polices – CEO 2012-406
 - *B5 Approved the use of up to \$33,000 of Community Development Funds for the cost of the County's portion of the Salida Annexation Fiscal Impact Analysis; authorized the CEO to negotiate and execute a joint agreement with the City of Modesto to contract with Goodwin Consulting Group, Inc., and equally share in the cost of the Salida Annexation Fiscal Impact Analysis and execute any amendments with the approved funding; and, directed the Auditor-Controller to make the necessary budget adjustments per the Budget Journal Form – CEO C-6-J-6 2012-407
 - *B6 Directed the Auditor-Controller to increase the project budget for upgrades to the Frank Raines Regional Park Water Filtration System per the Budget Journal in the amount of \$27,385; and, approved the decrease in the committed fund balance of \$27,385 for the Frank Raines Regional Park water filtration system – Parks and Recreation 2012-408
 - *B7 Accepted the Annual Reports for the County of Stanislaus Tobacco Endowment Funds – Series 2002 and Series 2006 for Fiscal Year Ending 06/30/2012; and, authorized the Chairman to sign on behalf of the Board that the reports have been reviewed and accepted – T/TC 2012-409
 - *C1 Approved the professional Design Services Master Agreements with ENGEO Incorporated and Wallace-Kuhl & Associates to provide material testing services for various Public Works Department projects through October 2015 at an amount not to exceed \$375,000 for each individual agreement; and, authorized the Public Works Director to sign the agreements; and, authorized the Public Works Director to sign future amendments during the life of the agreements and within the approved compensation limits – PW 2012-410
 - *D1 Set a public hearing for 08/21/2012, at 6:35 p.m., to consider the Planning Commission's recommendation to approve a request to rezone 42± acres in five (5) different P-D (Planned Development) zoning districts into one new P-D zone to allow new commercial and industrial uses, located at the southwest corner of St. Francis and McHenry Avenue in the Modesto area (APNS: 004-018-042; 004-021-003, 004, 006, 008, 010; 004-065-001, 014; 004-070-011, 047, 048); and, authorized the Clerk of the Board to publish notice of hearing as required by law – Planning 2012-411
 - *D2 Rescinded a portion of Williamson Act Contracts No. 1971-0418 and 1971-0028 (located on Albers and Ellenwood Roads, in the Waterford/Oakdale area); approved a new contract pursuant to Minor Lot Line Adjustment 2012-09 – Rock Ridge Ranch, LLC; and, authorized the Director of Planning and Community Development to execute a new contract pursuant to Minor Lot Line Adjustment 2012-09; 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 AB 1265; (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 Section 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; and, (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 – Planning
2012-412

***D3** Set a public hearing for 08/21/2012 at 6:40 p.m. to consider approval of Williamson Act Cancellation Application No. 2012-01, Lot Line Adjustment Application No. 2012-12, and approval of a new Williamson Act Contract, Berryhill Vineyards; and, authorized the Clerk of the Board to publish notice of hearing as required by law – Planning
2012-413

***D4** Rescinded Williamson Act Contract No. 1987-4129 (located on Delaware and Hickman Roads, in the Hickman area); approved a new contract pursuant to Minor Lot Line Adjustment 2012-11 – Frantz/Barlow; and, authorized the Director of Planning and Community Development to execute a new contract pursuant to Minor Lot Line Adjustment 2012-11; approved and established the following findings: (a) the new contract 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 AB 1265; (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 Section 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; and, (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 – Planning
2012-414

Withdraw/Chiesa (4-0)(Monteith absent) **B8** Adopted the FY 2012-2013 Mental Health Services Act (MHSA) Annual Plan Update; authorized the BHRS to submit the FY 2012-2013 Mental Health Services Act Annual Plan Update to the Mental Health Services Oversight and Accountability Commission; and, authorized the Auditor-Controller to certify that the County has complied with all fiscal requirements and that all expenditures are consistent with the MHSA – BHRS
2012-415

Corr 1 Referred to the Agricultural Commissioner and Sealer of Weights and Measures, Office of Emergency Services, and Stanislaus Economic and Workforce Alliance, two letters from the California Emergency Management Agency regarding the U.S. Small Business Administration's declaration of certain counties in California as disaster areas by the U.S. Secretary of Agriculture due to drought and Stanislaus County was included, as a contiguous county.

Corr 2 Referred to the DER, a copy of the "Community Notice" from the Department of Toxic Substance Control regarding the cleanup site on 2842 Roeding Road in Ceres that was purchased by the Ceres Unified School District.

Corr 3 Referred to the Auditor-Controller, a copy of the Independent Auditor's Report for fiscal years ending December 31, 2010 and December 31, 2011 for the El Solyo Water District.

Corr 4 Referred to the Fish and Wildlife Committee, two letters from the State Fish and Game Commission regarding the amending various sections of the Sport Fishing Regulations and the permitting process and inspection of facilities including veterinary facilities for restricted species.

Corr 5 Referred to the Department of Public Works, the Department of Environmental Resources, the Department of Planning and Community Development, and the Agricultural Commissioner and Sealer of Weights and Measures, a copy of the San Joaquin River Restoration Program Final Program Environmental Impact Statement/Environmental Impact Report and the Notice of Availability and Notice of Completion from the Bureau of Reclamation.

Corr 6 Referred to the Auditor-Controller, Assessor, and Tax-Collector, a Claim for Refund of Property Tax filed on behalf of Bombardier Aerospace Corporation regarding fractionally owned aircraft assessments.

Corr 7 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Ignacio Garcia; Geraldo Orozco, a Minor; Anthony Thymakis and Kerrie Freeman; and, Julian Miranda.

The Chairman announced that there will be a groundbreaking ceremony “Day 1, Recognition of the Start of Construction on New Jail Facilities”, on 08/07/2012 at 1:30 p.m. at 200 E. Hackett Road, Modesto, CA.

Adjourned to closed session at 10:20 a.m. for Conference with Labor Negotiator: Agency Negotiator: Monica Nino. Labor Organizations: County Attorneys' Association (CAA). Government Code Section 54957.6. Conference with Legal Counsel - Existing Litigation: One case: Eric Pierce, et al. v. County of Stanislaus, et al, Stanislaus County Superior Court Case No. 661022. Government Code Section 54956.9 (a).

Adjourned at 11:21 a.m.

ATTESTED: CHRISTINE FERRARO TALLMAN, Clerk
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: Elizabeth 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.)