

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

Regular Session

Tuesday

March 1, 2005

Supervisor Simon Absent

Pledge of Allegiance to the Flag

A resolution proclaiming March 2005 as Social Worker Recognition Month was presented to Lyndalee Whipple of CSA.

Chairman Grover presented a commendation to Lyndalee Whipple upon her retirement from Stanislaus County CSA.

The Stanislaus Health Services Agency Foundation showed a video clip of the Stanislaus Health Television Program.

Chairman Grover presented a Certificate of Appreciation to Lou Santistevan for his service to the community, as the immediate past President of the Stanislaus Health Services Agency Foundation.

Margie Leopold thanked the Board for the Robertson Road Area Sewer Project that will be going out for bid soon.

Mayfield/O'Brien (4-0)(Simon absent) Adopted the consent calendar

*A1 Approved the minutes of 2/15/05

*A2 Amended the 2005 Stanislaus County Board of Supervisors Committee Assignment List

2005-137

*A3a Accepted the resignation of Jan Moore from the Salida Municipal Advisory Council 2005-138

*A3b Accepted the resignation of Anthony B. Riley from the Equal Rights Commission 2005-139

*A3c Accepted the resignation of Allen S. Zanker from the Stanislaus Consolidated Fire Protection

District Board of Directors

2005-140

*A4a Appointed Lionel Miguel to the Mental Health Board

2005-141

*A4b Appointed Ray Gene Veldhuis to the Sand Creek Flood Control District Board of Directors

2005-142

*A4c Appointed Barbara Little to the Local Task Force on Solid Waste Management 2005-143

*A5 Proclaimed 3/13-19/05 as Portuguese Immigrant Week

2005-144

*A6 Authorized the Clerk-Recorder to Conduct an Election on June 14, 2005 for the Oakdale Rural

Fire Protection District

DF-8-B-17 2005-145

*B1 Approved the donation of historical items from the former Agricultural Commissioner's Office in Patterson to the Patterson Township Historical Society – Agricultural Commissioner

2005-146

*B2 Authorized the CEO to negotiate and execute a five year lease at 921 County Center Three

Court, Building Two, in Modesto for the continued use by the United States Postal Service as the Remote Encoding Center

2005-147

*B3 Authorized Capital Projects to proceed with the Mens' Jail Recreation Yard Fence Screening Project in the Downtown Modesto Jail and authorized the CEO to proceed with the project in accordance with the County's Informal Bid Process

2005-148

- *B4 Approved the completion of the Empire Neighborhood Park Project; approved the final contract with the contractor, Goodland Landscape Construction, Inc., as follows: original contract amount of \$800,000, total change orders in the amount of \$48,639 and the final contract price of \$848,639; authorized the Project Manager, on behalf of the Board, to sign the completion documents; and, accepted the completed project and authorized the necessary recording of the final Notice of Completion and all necessary close out activities
2005-149
- *B5 Approved the agreement for Hazardous Materials Mutual Aid Response with Tuolumne County and authorized the Interim Director of DER to sign on behalf of the Board, the agreement for Hazardous Materials Mutual Aid Response with Tuolumne County – DER
2005-150
- *B6a Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 5907 N. Sperry Road, Denair, California (CE No. 04-880) – DER
2005-151
- *B6b Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 4804 Corona Way, Denair, California (CE No. 04-1110) – DER
2005-152
- *B6c Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 5324 9th Street, Keyes, California (CE No. 04-1113) – DER
2005-153
- *B6d Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 1229 Nadine Avenue, Modesto, California (CE No. 04-1150) – DER
2005-154
- *B6e Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 228 H Street, Turlock, California (CE No. 04-5) – DER
2005-155
- *B6f Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 722 S. 1st Street, Turlock, California (CE No. 04-1689) – DER
2005-156
- *B7 Accepted the Stanislaus County Treasury Pool’s January 2005 Monthly Investment Report as prepared by the Stanislaus County Treasurer-Tax Collector’s Office and reviewed for conformity with State law and Local Investment Policy, by 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
2005-157
- *C1 Finds that Ordinance C.S. 913 is not subject to the CEQA Act (Public Resources Code, §2100 et seq.); introduced and waived the first reading of Ordinance C.S. 913 amending Title 11 of the Stanislaus County Code to add a No Parking Zone on Crows Landing Road, San Marino Drive, Ninth Street and Faith Home Road; amending a No Truck Parking Zone on Sisk Road and Oakdale Road; and, amending a No Parking Zone on Sisk Road and Herndon Avenue – PW
ORD-54-V-3 2005-158
- *C2 Finds that all subdivision improvements, except for the park and landscaped storm drain basin, required for the Sterling Ranch Unit No. 2 Subdivision by the Subdivision Improvement Agreement, executed by JKB Homes NORCAL, Inc., and the Stanislaus County Board of Supervisors, on 9/14/04, have been constructed to the satisfaction of Stanislaus County; finds that said agreement was recorded on 9/16/04, as document #2004-0151298-00, and filed with the Stanislaus County Clerk Recorder’s Office; accepted all streets, avenues, and roads, and the drainage system, including the pump, but excluding the landscaped storm drain basin and park, within Sterling Ranch Unit No. 2 Subdivision for maintenance by Stanislaus County; pursuant to §66499.7(a) of the Subdivision Map Act, authorized the release of Performance Bond No. 567173S, issued by INSCO Insurance Services, Inc., in the amount of \$2,002,514.31 for faithful performance of the Subdivision Improvement Agreement; and, pursuant to §66499.7(b) of the Subdivision Map Act, upon receipt of a Mechanic’s Lien Guarantee, authorized the release of Labor and Materials Bond #567173S, issued by INSCO Insurance Services, Inc., in the amount of \$1,001,257.15 for payment of Labor and Materials; and, the Mechanic’s Lien Guarantee must be dated a minimum of 61 days after the filing of the appropriate Notice of Completion, be in the

- amount of \$1,001,257.15, be prepared by a title company, to the benefit of Stanislaus County, and state that there are no Liens of Record – PW 2005-159
- *C3** Approved the Subdivision Improvement Agreement for Runyan Country Estates Subdivision; finds that the final map is in substantial compliance with the previously approved tentative map; finds that Stanislaus County has adopted a specific plan covering the area proposed to be included within the final map; find that the final map, together with the provisions for its design and improvement, is consistent with the specific plan for the area; rejected all roads, highways, avenues, alleys, courts, ways, lanes, places, etc.; authorized the Chairman to sign the final map for TM 99-09 and the Subdivision Improvement Agreement along with the First Addendum to Subdivision Improvement Agreement for Runyan Country Estates; and, authorized the final map to be filed and recorded as presented – PW 2005-160
- *C4** Approved Amendment No. 1 to Project 2004-01 with Emcon/OWT, Inc., a Shaw Group Company of Sacramento, California, for additional design costs and authorized the Purchasing Agent to execute the agreement; authorized the Purchasing Agent to increase the contract amount with Emcon/OWT, Inc., a Shaw Group Company, in the amount of \$12,000.00; directed the Auditor-Controller to increase appropriations for the Base Liner System Plans and Specifications for LF-2, Cell No. 4, Project at Fink Road Landfill by \$12,000.00; approved the Plans and Specifications for the LF-2, Cell No. 4, Base Liner System Installation Construction Project at the Fink Road Landfill; directed the Public Works Staff to mail notice inviting bids to trade journals as required by law; and, directed the Clerk of the Board to publish notice inviting bids for the project as required by law, and set the deadline for submission of bids as 4/6/05, prior to 2:30 p.m. – PW 2005-61
- *C5** Set a public hearing for 4/19/05, at 6:40 p.m., to introduce, waive the reading, and adopt an ordinance to increase transit fares for Stanislaus Regional Transit (“StaRT”) – PW ORD-54-V-2 2005-162
- *C6** Finds that all subdivision improvements, including the temporary storm drain basin, required for the Victoria Park Subdivision by the Subdivision Improvement Agreement, executed by Valley Investment Properties, LLC and the Stanislaus County Board of Supervisors, on 3/9/04, have been constructed to the satisfaction of Stanislaus County; finds that said agreement was recorded on 3/11/04, as Document #2004-0035087-00, and filed with the Stanislaus County Clerk Recorder’s Office; accepted all streets, avenues, and roads, the landscaping along Washington Road, and the Drainage System, including the temporary storm drain basin, within Victoria Park Subdivision for maintenance by Stanislaus County; pursuant to §66499.7(a) of the Subdivision Map Act, authorized the release of Performance Bond #S703291, issued by Financial Pacific Insurance Company in the amount of \$540,137.00 for faithful performance of the Subdivision Improvement Agreement; and, pursuant to §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. S703291, issued by Financial Pacific Insurance Company in the amount of \$270,068.50 for payment of labor and materials; and, the Mechanic’s Lien Guarantee must be dated a minimum of 61 days after the filing of the appropriate Notice of Completion, be in the amount of \$270,068.50, be prepared by a title company, be to the benefit of Stanislaus County, and state that there are no Liens of Record – PW 2005-163
- *C7** Approved the Plans and Specifications for the Robertson Road Area Sanitary Sewer Project; approved setting the bid opening date as 4/20/05, prior to 2:30 p.m. for the Robertson Road Area Sanitary Sewer Project; directed the Clerk of the Board to publish notice inviting bids for the project as required by law; and, directed the Department of Public Works staff to mail notices inviting bids to trade journals as required by law – PW 2005-164

***D1** Rescinded all or a portion of Williamson Act Contract #1972-0754 (Church Street and Milnes Road, Modesto Area), and approved new contract pursuant to Minor Lot Line Adjustment Application 2004-75 (William Rossi, Jr.); authorized the Planning Director to execute new contracts; finds 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; finds 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; finds at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; finds 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; finds 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; finds the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; finds 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 2005-165

O'Brien/DeMartini (4-0)(Simon absent) **B8** Accepted the update on groundwater management activities in the Modesto Groundwater Sub-Basin from the Stanislaus and Tuolumne Rivers Groundwater Basin Association – DER 2005-166

O'Brien/DeMartini (4-0)(Simon absent) **B9** Approved appointing an ad hoc committee to review domestic water needs in the unincorporated areas of the County; and, appointed Supervisors Simon and Grover to this ad hoc committee 2005-167

O'Brien/Mayfield (3-1)(DeMartini opposed)(Simon absent) **Continued** to 3/15/05, item **C8** Approval to Support the Designation of the Claribel Corridor (Claribel Road) as the Preferred Alternative Route for State Highway 108 2005-168

O'Brien/Mayfield (4-0)(Simon absent) **9:25am Continued** to 4/5/05 at 9:20am, the Public Hearing to Consider an Appeal of Planning Commission Condition of Approval No. 29 for Use Permit Application #2002-24 - Silveira Organic Materials 2005-170

Recessed at 10:33 a.m.

Reconvened at 10:40 a.m.

O'Brien/DeMartini (3-1)(Mayfield opposed)(Simon absent) **E1** Based upon the staff report and testimony received, the Board denied the appeal and approved the Staff Recommendations Nos. 1 through 5; finds that the County complied with all applicable statutes, ordinances, policies and procedures in issuing the notice of intent to award the bid for concrete picnic tables for Woodward Reservoir; finds that the County complied with the requirements of the bid documents in issuing the notice of intent to award the bid for concrete picnic tables for Woodward Reservoir; finds that the notice of intent was issued to the lowest responsive and responsible bidder for concrete picnic tables for Woodward Reservoir; and, denied the appeal of Stanislaus School Equipment, Inc. – County Counsel 2005-169

Corr 1 Referred to the DA, Sheriff Department, Auditor-Controller and Chief Executive Officer a letter from the California State Controller regarding the reporting requirements to Counties that receive funds for programs that enhance the capacity of local law enforcement and prosecutors to deter, investigate, and prosecute vehicle theft crimes

Corr 2 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Allstate Insurance on behalf of their insured Cresencio Linarez; Brian Marcella; Allied Insurance for their insured Wayne Whitfield; Yolanda Ortiz; Destiny Loreda; Savanna Duchala; Ronnie B. Melton; Norma Gray, Penelope Gray and Lorrie Gray; Joshua Warmerdam; Scott Leslie Weidman; and, Bobby Huffstetter.

The CEO announced that Sonya Harrigfeld has been appointed the Director of the Departments of Environmental Resources and Parks and Recreation.

The Director of DER reported that over the Valentine's Day holiday, DER, in conjunction with the City of Modesto, conducted sting/education operations of itinerant vendors over the course of three days. She noted that it was a successful operation. They stopped and educated approximately 40 vendors, and found that some did have the proper permit.

The CEO noted that the Modesto Library Remodel Project started on 2/28/05, and that the free shuttles from the Modesto Library to the Salida and Ceres libraries have been successful. He reported that on 2/23/05, County staff met with the Deputy Director of the Governor's Fresno Field Office regarding the negative bail out, the 11 cent property tax rate, reimbursement for the Scott Peterson trial, funding for state mandated functions, and the State of the County Address.

Adjourned to closed session at 11:06 a.m. Conference with Legal Counsel - Existing Litigation: Montpelier Farming Corporation vs. Hashem Naraghi, et al., Stanislaus County Superior Court Case No 346438. Government Code §54956.9(a). Conference with Legal Counsel - Existing Litigation: Leap Wireless International, Inc., and Cricket Communications, Inc. vs. California State Board of Equalization, et al., United States Bankruptcy Court, Southern District of California Case Nos. 03-03470-A11 through 03-03535-A11. Government Code §54956.9(a)

Mayfield/O'Brien (4-0)(Simon absent) **Closed Session Announcement:** The Board authorized the County to file a Disclaimer of Interest within the week, in the matter of Montpelier Farming Corporation vs. Hashem Naraghi, et al., Stanislaus County Superior Court Case No. 346438 2005-171

Adjourned at 11:35 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.)