

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

December 6, 2005

Chairman Grover presented a commendation to Stanislaus Regional 9-1-1 employee Susan Hall for her life saving heroic action.

The Stanislaus County Office of Education 2005 Red Ribbon Week Awards were presented to: Downey High School, Turlock High School, Davis High School, Salida Middle School, Denair Middle School, Waterford Middle School, Von Renner Elementary School, Stockard Coffee Elementary School, and Hunt Elementary School.

Simon/Mayfield unan. Adopted the consent calendar after removing from consent item ***A2** Approval to Adopt and Waive the Second Reading of Ordinance C.S. 939, Amending Existing Fees of the Department of Agriculture and Weights and Measures

- *A1** Approved the minutes of 11/22/05
- *A3** Accepted the resignation of Elmer Salazar from the Empire Municipal Advisory Council
2005-989
- *B1** Approved the Total Appropriations/Budgetary Limit for FY 2005/06; approved a general operating County limit of \$237,498,646, using the population and inflation methodology; and, approved limits for applicable lighting districts governed by the Board of Supervisors – Auditor/Controller
2005-990
- *B2** Approved the declaration of the CSA Z-Frame computer equipment as surplus; authorized the Purchasing Agent to sell this equipment to the Stanislaus County Office of Education; and, directed the Auditor-Controller to deposit all receipts for the sale of this equipment into CSA Account 1631.45051.46000, Sale of Fixed Assets – CSA
2005-991
- *B3** Approved Contract No. 05-45805 with the California State Department of Health Services for the Women, Infants, and Children (WIC) Supplemental Nutrition Program, from 10/1/05 through 9/30/08, and any amendments thereafter; authorized the HSA Managing Director, or her designee, to sign and execute the contract; and, approved the related budget adjustments – HSA
2005-992
- *B4** Introduced and waived the first reading of Ordinance C.S. 943 revising portions of Chapter 2.36 (Safety Board) and Chapter 2.60 (Safety Program) of the Stanislaus County Code; and, finds that the subject ordinance does not have the potential for causing a significant effect on the environment and, pursuant to §15061(b)(3) of Title 14 of the California Code of Regulations is exempt fro CEQA – Risk Management
ORD-54-Y-5 2005-993
- *B5** Accepted the Stanislaus County Treasury Pool’s October 2005 Monthly Investment Report, as prepared by the Stanislaus County Treasurer-Tax Collector’s Office and reviewed for conformity with the Stanislaus County Treasury Pool Investment Policy by the Treasurer-Tax Collector, and distributed to 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
2005-994
- *B6** Authorized the Assistant Sheriff to amend the existing contract that is in excess of \$100,000 with the Director of HIDTA and extend the contract for an additional year, and authorized

- the implementation by the Auditor-Controller of future salary amendments as voted on by the HIDTA Executive Board through 12/31/06 – Sheriff 2005-995
- *C1 Approved an incentive payment of \$25,500 to Quincy Engineering, Inc., of Sacramento, CA, for early completion of 100% Plans, Specifications and Estimate; authorized the Interim Purchasing Agent to amend the contract with Quincy Engineering, Inc., of Sacramento, CA, for the incentive payment of \$25,500; and, directed the Auditor-Controller to increase appropriations by \$25,500 and estimated revenue by \$25,500 – PW 2005-996
 - *C2 Approved the purchase agreement to acquire road right-of-way for the Geer Road and Fox Road Intersection Improvements; authorized the Chairman to execute the agreement; directed the Auditor-Controller to issue a warrant for the purchase amount of \$1,000 payable to Fidelity National Title Company; and, directed the Auditor-Controller to increase appropriations and estimated revenue for the Geer Road and Fox Road intersection improvement project by \$1,700 – PW 2005-997
 - *C3 Finds that all subdivision improvements for Bonita Ranch Unit 2 Subdivision by the subdivision improvement agreement, executed by Bright Development and the Stanislaus County Board of Supervisors on 11/2/05, have been constructed to the satisfaction of Stanislaus County; finds that said agreement was recorded on 11/3/04 as Document No. 2004-0182899-00, and filed with the Stanislaus County Clerk Recorder’s Office; accepted all streets, avenues, roads, and the drainage system within Bonita Ranch Unit 2 Subdivision for maintenance by Stanislaus County; pursuant to §66499.7(a) of the Subdivision Map Act, authorized the release of Performance Bond No. 0392233, issued by International Insurance Company in the amount of \$653,890 for faithful performance of the subdivision improvement agreement; pursuant to §66499.7(b) of the Subdivision Map Act, upon receipt of the Mechanic’s Lien Guarantee, authorized the release of Labor and Materials Bond No. 0392233, issued by International Insurance Company in the amount of \$326,945 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 \$326,945 and be prepared by a title company, be to the benefit of Stanislaus County, and state that there are no liens of record – PW 2005-998
 - *C4 Finds that the park and landscaped storm drain basin improvements required for the Bonita Ranch Unit 1 Subdivision by the subdivision improvement agreement, executed by Bonita Development and the Stanislaus County Board of Supervisors on 6/17/03, have been constructed to the satisfaction of Stanislaus County; finds that said agreement was recorded on 6/19/03, as Document No. 2003-0099701-00, and filed with the Stanislaus County Clerk Recorder’s office; and, accepted the park and landscaped storm drain basin improvements within Bonita Ranch Unit 1 subdivision for maintenance by Stanislaus County – PW 2005-999
 - *C5 Awarded the contract for the construction of the School Sidewalk Project to J.J.R. Construction, Inc., of San Mateo, CA, in the amount of \$1,818,893; approved and authorized the Interim Purchasing Agent to an increase in the contract amount with GDR Engineering in the amount of \$50,000 for construction staking and support services; directed the Auditor-Controller to increase appropriations and estimated revenue; and, authorized the Interim Purchasing Agent to establish a contract with J.J.R. Construction, Inc., for the contract amount – PW 2005-1000
 - *C6 Adopted a resolution to summarily vacate a portion of the road easement at the Southwesterly corner of the intersection of Main Street and Grant Street, Townsite of Knights Ferry, as described on Exhibit “A” – PW 2005-1001
 - *D1 Set a public hearing on 12/20/05, at 6:55 p.m., to consider CPA #2005-03, GPA #2005-08 and Vesting Tentative Map Application #2005-04, Hackler/Clabaugh - Hideaway Terrace – Planning 2005-1002

***D2** Set a public hearing on 12/20/05, at 7:00 p.m., to consider GPA #2005-10, Rezone Application #2005-11, and Vesting Tentative Subdivision Map Application #2005-06, Wenstrand Ranch – Planning ORD-54-Y-8 2005-1003

Mayfield/Simon (4-0)(O'Brien abstained) ***A2** Adopted and waived the second reading of Ordinance C.S. 939, amending existing fees of the Department of Agriculture and Weights and Measures ORD-54-Y-1 2005-1004

Simon/Mayfield unan. **B7** Adopted the provisions of Penal Code §987.5, 987.8, and 987.81 to become operative within Stanislaus County regarding the collection of legal fees for services provided by the Public Defender's Office or appointed counsel; set the administrative fee for registration of a defendant in need of a Public Defender or appointed counsel at \$25.00, pursuant to Penal Code §987.5; adopted the desired legal fees for services provided by the Public Defender or appointed counsel at those rates set or charged under agreements, periodically executed or amended, to provide attorney services for criminal defendants; the fees are to be ultimately fixed by the court in each individual case at a reasonable rate; appointed the Treasurer-Tax Collector, or his Designee, as the financial evaluation officer who may inquire into the defendants' assets and their ability to pay for legal services, and subsequently collect those fees for legal services; directed County staff to work with the Stanislaus County Superior Court to implement this process for collection of fees for appointed counsel; amended the Salary and Position Allocation Resolution to add one new position of Accounting Technician to be assigned to the Treasurer-Tax Collector's office; and, directed the Auditor-Controller to increase appropriations and estimated revenue according to the budget journal – County Counsel 2005-1005

Mayfield/Simon unan. **9:25am** Conducted the public hearing to review the HSA Facility Plan, including the closure of Urgent Care and Specialty Clinic Services at 830 Scenic Drive in Modesto and the relocation of such services to the Medical Arts Building at 700 17th Street in Modesto, or the closure of the Medical Arts Building at 700 17th Street in Modesto, and relocation of Pediatric services to 830 Scenic Drive in Modesto, and the closure of the Family Practice Services and Family Medicine Residency services at 830 Scenic Drive in Modesto, a portion of the Family Practice services to be relocated at the McHenry Medical Office at 1209 Woodrow Avenue in Modesto, and the remainder of the Family Practice Services and the Family Medicine Residency services to be relocated at the West Modesto Community Center/Paradise Medical Office at 401 East Paradise Road in Modesto, and the closure of the Obstetric and Gynecological services at the Medical Arts Building at 700 17th Street in Modesto, and relocation of such services at the McHenry Medical Office at 1209 Woodrow Avenue in Modesto; approved the HSA Facility Plan; established the effective dates for the closure and relocation of medical services to be between 2/15/06 and 6/15/06, as clinical space is made available at various county locations; authorized the Purchasing Agent to develop and execute lease amendments for phased renovations at the following HSA Clinics: Paradise Medical Office at 401 East Paradise Road in Modesto and McHenry Medical Office at 1209 Woodrow Avenue in Modesto; authorized the CEO to work with contractors to receive construction bids for renovations at the following HSA Clinics: Paradise Medical Office at 401 East Paradise Road in Modesto and McHenry Medical Office at 1209 Woodrow Avenue in Modesto; authorized the Purchasing Agent to enter into new lease agreements for the Children and Families Commission, CSA and the Library; authorized the relocation of the Women, Infants and Children (WIC) Program from the Paradise Medical Office to the CSA facility located at 251 E. Hackett Road in Modesto; authorized the second phase of position reductions with the deletion of nine (9) budgeted vacant positions in the HSA's Clinics and Ancillary Services budget unit, and directed that all remaining staffing impacts, including reductions in force, be returned to the Board in February 2006 as part of the Mid-Year Budget Report; and, authorized the CEO, HSA Managing Director, and all other officers, employees and agents of the County to take all actions necessary to implement the Board's decisions 2005-1006

Mayfield/DeMartini unan. **9:30am** Finds the Draft Environmental Impact Report (EIR) (SCH #2004-072154) for the Stanislaus County/Highway 99 Corridor Enterprise Zone (Zone 40) has been prepared and circulated for public review and comment as required by CEQA, Public Resources Code §21000 et seq.; and the CEQA Guidelines, California Code of Regulations, Title 14, §15000 et seq.; finds the Final EIR responded to the public comments submitted during the review period pursuant to CEQA, the CEQA Guidelines, and the County's rules and procedures for the implementation of CEQA; finds the Board has reviewed and considered the information contained in the Draft and Final EIR for the Stanislaus County/Highway 99 Corridor Enterprise Zone (Zone 40) and that the EIR reflects the independent judgment of the County; adopted a resolution certifying the Environmental Impact Report (EIR) making and adopting the Findings, Statement of Overriding Consideration, and Mitigation Monitoring and Reporting Program; adopted and incorporated into the Stanislaus County/Highway 99 Corridor Enterprise Zone (Zone 40) those feasible mitigation measures within the responsibility and jurisdiction of the County of Stanislaus as identified in the Findings; and, authorized and directed that a Notice of Determination with respect to the EIR pertaining to the Stanislaus County/Highway 99 Corridor Enterprise Zone, and all other actions in furtherance thereof, be filed with the Clerk-Recorder's Office 2005-1007

Corr 1 Referred to the to County Counsel, District Attorney, and DER, a copy of the 2005 Third Quarter Report from the California District Attorneys Association Environmental Circuit Prosecutor Project.

Corr 2 Referred to the Chief Probation Officer and the Sheriff, a letter from the State of California Office of Facilities Management regarding the 60-day notification of the Department of Corrections and Rehabilitation's intent to lease a building at one of three locations in Ceres, CA.

Corr 3 Referred to the Sheriff, District Attorney and County Counsel, a copy of a County of Lake ordinance that governs the sale of products containing pseudoephedrine and requires storage of such products to be behind retail counters, in a place that has restricted access to retail customers and a letter urging other counties throughout the State to adopt similar ordinances.

Corr 4 Referred to OES, Agricultural Commissioner/Sealer of Weights and Measures, and the Stanislaus Economic Development and Workforce Alliance, a letter from the Governor's Office of Emergency Services regarding the U.S. Small Business Administration's declaration of the counties of Fresno, Kern, Madera, Merced and Tulare and their contiguous counties, including Stanislaus County, as disaster areas due to the economic impacts of the rain and hailstorms that occurred April 28 through May 9, 2005.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Mike Campbell; Linda Ford; Nearyroth Reth; Sandra Kinerson; Juan Madrigal, Jr.; Lilia Madrigal; Juan Madrigal, Sr.; and, Eric Mesi and Vanessa Battaglia.

Supervisor DeMartini spoke regarding the Modesto City Council election held on 11/8/05, and feels that the County Registrar of Voters accurately counted the votes and presented the results in a timely manner.

The CEO gave a report on the CSAC conference that he attended last week, including information relating to redevelopment agencies and the implications on long-term property tax collection, and an update concerning the Property Tax Administration Grant Program.

The Chairman announced that there will be a Gallo Center for the Arts "Topping Out" Ceremony on December 13, 2005, at 2:00 p.m., near the construction site at 10th and I Street, Modesto, CA.

Adjourned at 10:22 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.)