

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

Regular Session

Tuesday

September 12, 2006

All Supervisors Present

Pledge of Allegiance to the Flag

Denise Hunt, Director of BHRS, gave a presentation regarding September 2006 as Alcohol and Drug Addiction Recovery Month in Stanislaus County.

Carmen Sabatino raised concerns regarding the Application for Waiver or Reduction of Public Defender Costs Form that he received from the County. He noted that he has filed a Claim against the County of Stanislaus for alleged slander and libel.

Donna Riley, formerly of the Revenue and Recovery Division of the Treasurer-Tax Collector's office, noted that she mailed the form to Mr. Sabatino as a courtesy and that no one from County Counsel directed her to send the form. County Counsel responded to the comments made by Mr. Sabatino.

Mayfield/Grover unan. Adopted the consent calendar after removing from the agenda item *C1 Approval to Award Contract for the Road Resurfacing – Overlay Mitchell Road from Tuolumne River to Modesto City Limits; City of Riverbank Street Overlays STPL-5938 (135) to George Reed, Inc., of Modesto, California

*A1 Approved the minutes of 8/29/06

*A2a Adopted and waived the second reading of Ordinance C.S. 968 to Amend Title 11 of the Stanislaus County Code, Adding a No Parking Zone on Crows Landing Road in the Ceres Area – PW ORD-55-8 2006-709

*A2b Adopted and waived the second reading of Ordinance C.S. 970 to Amend Title 11 of the Stanislaus County Code, Adding a Speed Zone on Lowe Road in the Hughson Area and Flamingo Drive in the Modesto Area; and, Amending a Speed Zone on Woodland Avenue in the Modesto Area – PW ORD-55-9 2006-710

*A3a Appointed Francisco Alvarez to the Mental Health Board 2006-711

*A3b Appointed effrey R. Olson to the Stanislaus County Animal Court 2006-712

*A3c Appointed Robert A. Morelli to the East Stanislaus Resource Conservation District 2006-713

*A4 Approved a Commendation honoring Eric “Buck” Townsend upon his 70th birthday 2006-714

*B1 Authorized the Director of the Alliance Worknet, or his Designee, to renew the contract with Friends Outside in the amount of \$275,584 to provide employment and training services for adult ex-offenders; authorized the Director of the Alliance Worknet, or his Designee, to renew the contract with Computer Tutor Business and Technical Institute in the amount of \$240,000 to provide workforce preparation and job placement services for youth; authorized the Director of the Alliance Worknet, or his designee, to renew the contract with Ceres Unified School District in the amount of \$365,000 to provide workforce preparation and job placement services for youth; and, authorized the Director of the Alliance Worknet, or his Designee, to renew the contract with Central Valley Opportunity

- Center (CVOC) in the amount of \$65,293 to provide workforce preparation and job placement services for youth – Alliance Worknet 2006-715
- *B2** Approved contracting with George Miers & Associates to complete the Department of Animal Services Needs Assessment/Master Plan and authorized the Project Manager to sign on behalf of the County in an amount not to exceed \$50,000 – CEO 2006-716
- *B3** Awarded the contract for unarmed security guard services at the 12th Street Office Building and Parking Garage to American Corporate Security, Inc. and authorized the GSA Director/Purchasing Agent to finalize and execute the contract with American Corporate Security, Inc. – CEO 2006-717
- *B4** Authorized the Purchasing Division to issue a RFP on behalf of CSA for the provision of Differential Response Services to children and their families in Salida, Turlock and Modesto (95350, 95355, 95356 zip codes) by Family Resource Centers for the period of 1/1/07 through 6/30/08 – CSA 2006-718
- *B5** Approved the agreement with the National Council on Crime and Delinquency to provide SafeMeasures, a web-based reporting service, to Child and Family Services Programs; and, authorized the Director of CSA, or his Assistant Director Designee, to sign the agreement and any amendments not to exceed the total agreement amount of \$114,750 for the period 8/1/06 through 7/31/08 – CSA 2006-719
- *B6** Approved the amendment to the Guidelines for the Public Facility Fee (PFF) Committee concerning the exercise of discretion by the PFF Committee in cases involving hardships – County Counsel M-64-F-3 2006-720
- *B7** Accepted the emergency abatement report by DER regarding an extremely hazardous unsafe condition that existed at 1229 Sam Ave., Modesto, CA – DER 2006-721
- *B8** Accepted the responses to the Civil Grand Jury Final Report; authorized the Chairman to forward the response to the Presiding Judge of the Superior Court; and, directed the CEO to ensure that the recommended actions approved by the Board of Supervisors be followed and completed by each County Department and report back to the Board as appropriate – CEO M-39-K-3 2006-722
- *C2** Finds that all subdivision improvements for Runyan County Estates Subdivision by the Subdivision Improvement Agreement, executed by S & P Properties, LLC and the Stanislaus County Board of Supervisors on 3/1/05 have been constructed to the satisfaction of Stanislaus County; finds that said agreement was recorded on 3/8/05 as Document No. 2005-0038968-00 and filed with the Stanislaus County Clerk-Recorder's Office; accepted all streets, avenues, roads, and the drainage system within Runyan County Estates Subdivision for maintenance by Stanislaus County; pursuant to §66499.7(a) of the Subdivision Map Act, authorized the release of Performance Bond No. 869341S, issued by INSCO Insurance Services, Inc., in the amount of \$943,847.63 for faithful performance of the Subdivision Improvement Agreement; 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. 869341S, issued by INSCO Insurance Services, Inc., in the amount of \$943,847.63 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 \$943,847.63, be prepared by a title company, be to the benefit of Stanislaus County, and state that there are no liens of record – PW 2006-723
- *C3** Adopted the plans and specifications for the Albers/Geer/SR132 Intersection Improvement Project; 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 10/25/06 at 2:00 p.m.; and, directed the Public Works Department staff to mail the notice inviting bids to trade journals as required by law – PW 2006-724

***C4** Adopted the plans and specifications for the Keyes Improvement Project, Phase I; 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 10/25/06 at 2:30 p.m.; and, directed the Public Works Department staff to mail the notice inviting bids to trade journals as required by law
– PW 2006-725

Grover/DeMartini unan. **B9** Approved upgrading the Human Resource/Payroll System to Oracle/PeopleSoft Version 8.9; approved the Project Budget (\$1,110,608) and required resources; authorized the CEO and the Auditor-Controller to establish the necessary budgetary and actual accounts to complete the project; authorized the Purchasing Agent to negotiate and enter into a Professional Service Contract with the vendor (Ciber); and, authorized the creation of an Internal Service Fund to capture costs associated with the project – Auditor-Controller 2006-726

Mayfield/Grover unan. **9:20am** Denied the appeal of Planning Commission’s decision to approve Vesting Tentative Subdivision Map Application #2006-01, Palm Estates, a request to subdivide a 4.03 acre parcel currently zoned R-A (Rural Residential), Low Density Residential on the General Plan, into 12 single-family lots, ranging in size from 8,007 to 10,675 square feet, plus a drainage basin / open space lot on property located at 2600 Lester Road, north of E. Tuolumne Road, in Denair; finds the project to be “de minimis” for the purposes of collection of Fish and Game Fees pursuant to California Code of Regulations §753.5, by adopting the findings of fact contained in the attached Certificate of Fee Exemption, those findings being based on the analyses presented in the Initial Study, and ordered the filing of the Certificate of Fee Exemption with the Stanislaus County Clerk-Recorder’s Office; 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; 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; adopted the Mitigation Monitoring Plan pursuant to CEQA Guidelines §15074(d); finds that the proposed map is consistent with applicable general and specific plans as specified in §65451; finds that the design or improvement of the proposed subdivision is consistent with applicable general and specific plans; finds that the site is physically suitable for the type of development; finds that the site is physically suitable for the proposed density of development; finds that the designs of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; finds that the design of the subdivision or type of improvements is not likely to cause serious public health problems; finds that the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; in this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public; finds that the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; **amended** the Condition of Approval No. 37 to eliminate the river cobbles from the landscape to be replaced by appropriate landscape as approved by the County Planning Department; and, approved Vesting Tentative Subdivision Map Application #2006-01 - Palm Estates, subject to the attached Conditions of Approval/Mitigation Measures as amended – Planning 2006-727

Amended the 9:25am Public Hearing to Consider the Adoption of the Final Budget for Fiscal Year 2006-2007 to take two votes as follows:

First Vote: Mayfield/O'Brien unan. Accepted and approved the recommended Final Budget for FY 2006/07 from the CEO except for the Community Support Budget located on pages 112 and 113 of the FY 2006/07 Final Budget Addendum; conducted the scheduled public hearing to receive public comment on the proposed spending plan; authorized the CEO and the Auditor-Controller to make the necessary technical adjustments to implement the approved Final Budget; directed the CEO and the Auditor-Controller to prepare the Final Budget document in accordance with State law and submit it to the State Controller prior to 12/1/06; amended the Salary and Position Allocation Resolution to reflect the recommended changes in the Final Budget, which provides for position and classification changes (as outlined in the Staffing Impacts section of this report and detailed in Attachment "B") to be effective with the start of the first pay period effective 9/16/06; approved contracts and/or agreements listed on Attachment "C" in cumulative amounts of \$100,000 or greater since 7/1/03; and, approved the reallocation of \$750,000 of FY 2006/07 realignment funds from the CSA welfare sub-account to the BHRS mental health sub-account

Second Vote: Mayfield/Grover (4-0) (DeMartini abstained). Approved the Community Support Budget located on pages 112 and 113 of the FY 2006/07 Final Budget Addendum 2006-728

Corr 1 Acknowledged receipt of the East Side Mosquito Abatement District's FY 2006/07 Budget.

Corr 2 Referred to DER, Form 10-Q of Covanta Holding Corporation for the first quarter ended June 30, 2006.

Corr 3 Referred to the Alliance Network and the Stanislaus Economic Development and Workforce Alliance, a letter from Seneca Foods Corporation, Vegetable Division, notifying the County of their plans to reduce staff at the Signature Fruit Company, LLC facilities located at 2801 Finch Road and 2260 Tenaya Drive in Modesto, CA beginning October 30, 2006, pursuant to the Worker Adjustment and Retraining Notification (WARN) Act.

Corr 4 Referred to DER and the CEO, a letter from the California Energy Commission regarding their first California Electricity and Air Quality Conference on October 3-4, 2006, in Sacramento, CA.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Richard Pomares & Family; California State Automobile Association for their insured Craig Moreno; Kamlin Gulart; Elisa Martin and Dean Martin; Robert Camacho; Craig Moreno; Myranda Thompson; Daniel Perez; Don Dressler; and, Dorothey Williams.

Supervisor DeMartini reported that tonight at 6:30 p.m. the first public meeting is being held at Harvest Hall to receive comments regarding the revised Agricultural Element. Another meeting regarding the Agricultural Element will be held on 9/18/06 at Bonita School in Crows Landing.

The CEO announced the upcoming retirement of George Stillman, Public Works Director. He noted that a town hall meeting will be held at Harvest Hall on 9/14/06 at 6 p.m. to help California farmers and ranchers recover from the 2006 Summer Heat Wave. He reported that the Federal Department of Homeland Security has designated September 2006 as National Preparedness Month, and the Governor has proclaimed 9/14/06 as California's Day of Preparedness.

Chairman Simon commented on what a professional George Stillman, Public Works Director, is and that it will be a real loss to the County when he retires.

Adjourned to closed session at 11:03 a.m. for conference with Legal Counsel: Anticipated Litigation – Significant Exposure to Litigation. One Potential Case. Government Code §54954.5(c).

Adjourned at 11:50 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.)