

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

Regular Session

Tuesday

December 5, 2006

Supervisor Grover Absent

Pledge of Allegiance to the Flag

Miguel Donoso asked when the Modesto Tallow Plant is going to be closed. He also spoke regarding the U.S. Senate Immigration Bill and requested that the Board seek support from Congressman Cardoza for this Bill.

Robert Stanford noted that the Crows Landing community appreciates the work the Board has done in their neighborhood. He voiced concerns regarding the State law requiring the issuance of Marijuana cards.

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

- *A1 Approved the minutes of 11/21/06
- *A2 Adopted and waived the second reading of Ordinance C.S. 979 amending Title 11 of the Stanislaus County Code, amending two no parking zones on Seventh Street (Modesto Area) and adding a handicap zone on Shirley Court (West Modesto Area)
ORD-55-A-5 2006-937
- *A3 Appointed Jeffrey Olson to the Stanislaus County Law Library Board of Trustees 2006-938
- *A4a Approved a commendation for Supervisor Ray Simon upon his retirement from the Stanislaus County Board of Supervisors 2006-939
- *A4b Approved a commendation for Hutton House for their 30 Years of Community Support
2006-940
- *A5 Approved a request from the Mid-Valley Water Ski Club for use of the Main Boat Ramp at Modesto Reservoir on 1/1/07 for their 52nd Annual Polar Bear Day Event 2006-941
- *A6 Accepted the Clerk-Recorder's Certified Statement of the Results of the Gubernatorial General Election Held Tuesday, 11/7/06 2006-942
- *B1 Approved the Public Facilities Fees Annual Financial Report for Fiscal Year Ending June 30, 2006 – Auditor-Controller M-64-F-13 2006-943
- *B2 Approved a General Operating County (Total Appropriations/Budgetary) Limit of \$251,298,451 for fiscal year 2006/2007 using the population and inflation methodology; and, approved limits for applicable lighting districts governed by the Board of Supervisors – Auditor-Controller 2006-944
- *B3 Approved increasing the budget and increasing staffing for Substance Abuse Offender Treatment Program Services funded by the State Department of Alcohol and Drug Programs; authorized the BHRS Director, or her Designee, to sign agreements awarded as a result of Request for Applications; directed the Auditor-Controller to increase appropriations and estimated revenue for Substance Abuse Offender Treatment Program funds as detailed in the Budget journal forms for BHRS and Probation; and, amended the Salary and Position Allocation Resolution to reflect the changes detailed in the Staffing Impacts Section of this item – BHRS 2006-945
- *B4 Approved the fourth status report concerning the emergency replacement of the heating and air conditioning units at the HSA Family Practice Center – CEO 2006-946

- *B5** Authorized HSA to enter into a MOU with San Joaquin County to provide a regional immunization registry with the Department of Health Services for FY 2006-2007; and, authorized the HSA Managing Director, or her Designee, to sign the MOU – HSA
2006-947
- *B6** Approved the General Rules regarding the policy of the Stanislaus County Free Library System
2006-948
- *B7** Approved the HSA submission of an application for a funding allocation of \$1,146,362, under the Centers for Disease Control and Prevention (CDC), Health Resources and Services Administration (HRSA), and the California State Budget Preparedness Comprehensive Agreement for FY 2006/07, for ongoing efforts to enable the local Public Health System to prepare for and respond to bioterrorism, infectious disease outbreaks (including Pandemic Influenza), and other public health threats and emergencies; authorized the HSA’s Managing Director, or her Designee, to sign the agreement and accept the funds, if awarded; authorized the Chairman to sign the non-Supplantation Certification Form; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$632,697, as detailed in the Budget Journal Form – HSA
2006-949
- *B8** Accepted the \$1 million grant awarded to Stanislaus County by the 2002 Resources Bond Act State Urban Parks and Healthy Communities Program for the Empire Community Swimming Pool Project; authorized the Director of the Department of Parks and Recreation to sign the State Urban Parks and Healthy Communities Program Grant Contract for the Empire Community Swimming Pool Project; authorized the Department of Parks and Recreation to apply for a grant from the Stanislaus County Children and Families Commission to purchase the recreational spray playground for the Empire Community Swimming Pool Project; authorized the Chairman of the Board to sign the grant application for the Stanislaus County Children and Families Commission for the Empire Community Swimming Pool Project; and, authorized the Director of the Department of Parks and Recreation to enter into a standard agreement with the Stanislaus County Children and Families Commission, if awarded the grant for the Empire Community Swimming Pool Project – Parks and Recreation
2006-950
- *B9** Accepted the completed Boiler System Replacement Project for the Stanislaus County Courthouse located in downtown Modesto; approved the final contract with the contractor, Champion Industrial Contractors, Inc. of Modesto, California as follows: original contract in the amount of \$199,000, total change orders in the amount of \$6,244 for a total final contract cost of \$205,244; authorized the Project Manager, on behalf of the Board of Supervisors as the awarding authority, to sign the completion documents; accepted the project and authorized the necessary recording of the Notice of Completion and all other necessary close out activities, including release of retention; and, authorized the Auditor-Controller to transfer up to \$31,271 of the previous General Fund contribution to the Courthouse Construction Fund back to the Plant Acquisition budget once the closeout of the project has been sent to the Administrative Office of the Court for review – CEO
2006-951
- *B10** Approved changes to Article 2, Section 2.1 of the Bylaws of the Stanislaus County Employees’ Retirement Association (StanCERA) as approved by the Board of Retirement on 6/14/06; and approved the repeal of the Stanislaus County Employees’ Retirement Association (StanCERA) Bylaw Article 13 – Retiree Health Insurance Policy, as approved by the Board of Retirement on 10/11/06 – StanCERA
BD-36-A-15 2006-952
- *B11** Accepted the Stanislaus County Treasury Pool’s October 2006 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 has been distributed to the Stanislaus County Treasury Pool Oversight

- Committee; and, authorized the Chairman of the Board to sign on behalf of the Board of Supervisors that the report has been reviewed and accepted – T/TC 2006-953
- *C1 Approved the General Lease PRC 2057.9 with the State of California Lands Commission and authorized the County Road Commissioner to execute the lease on behalf of the County – PW 2006-954
 - *C2 Finds that Ordinance C.S. 980 amending §11.16.090 of the Stanislaus County Code, prohibiting Vehicles Exceeding Fourteen Thousand Pounds on Beard Road and Lone Oak Road in the Waterford Area is not subject to CEQA (Public Resources Code, §2100 et. seq.); and, introduced and waived the first reading of Ordinance C.S. 980 – PW
ORD-55-A-6 2006-955
 - *C3 Approved the installation of stop sign traffic control, under the authorization granted to local authorities in Vehicle Code §21355, at the following locations: Laurie Lane at Growdon Street (North Modesto Area) to require motorists on Laurie Lane to stop prior to entering the intersection, and the stop signs shall be located at or near the east entrance to said intersection; Saint Francis Avenue at Hulen Street (North Modesto Area) to require motorists on Hulen Street to stop prior to entering the intersection, and the stop sign shall be located at or near the south entrance to said intersection; and, Saint Francis Avenue at Meyer Drive (North Modesto Area) to require motorists on Meyer Drive to stop prior to entering the intersection, and the stop sign shall be located at or near the south entrance to said intersection – PW 2006-956
 - *C4 Set a public hearing to conduct a ballot procedure in compliance with Proposition 218 on 1/23/07, at 9:20 a.m., or as soon thereafter as the matter may be heard, regarding Annexation of Territory to the Bystrum Landscape and Lighting District and the levy of an annual assessment; approved the Engineer’s Report for the North Ceres Annexation to Bystrum Landscape and Lighting District; authorized an assessment ballot procedure in conformance with Proposition 218 for the North Ceres Annexation to Bystrum Landscape and Lighting District; and, ordered that Notice of the Public Hearing be given pursuant to Government Code §53753(b), Streets and Highways Code §22552, and Streets and Highways Code §22588 – PW
ORD-55-A-7 2006-957
 - *C5 Approved the Subdivision Improvement Agreement for Suncrest II Subdivision; finds that the final map is in substantial compliance with the previously approved tentative map; finds that Stanislaus County has adopted a community plan covering the area proposed to be included within the final map; finds 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, and all other street dedications; approved the request for waiver of insurance requirements for Subdivider’s insurance company’s best rating; authorized the Chairman to sign the final map for TM 2005-03, the Subdivision Improvement Agreement, and First Addendum to the Subdivision Improvement Agreement for Suncrest II; and, authorized the final map to be filed and recorded as presented – PW 2006-958
 - *D1 Set a public hearing on 12/19/06, at 6:50 p.m., to consider GPA #2006-03 and Rezone #2006-08, Flory Industries, a request to rezone and amend the General Plan to PD (Planned Development) zoning district, to allow an existing equipment manufacturer to expand, for outdoor storage and employee parking, onto an additional 10.8 acres (currently zoned Ag); the parcel is currently 39.25 acres and has divided zoning; the developed portion is 16.55, zoned PI-13 (Planned Industrial), and the remaining 11.9 acre portion of the property will remain in agricultural production; and, the A-2-40 (General Agriculture) zoned portion is 22.70 acres and the parcel is located at 4737 Toomes Road, in the Salida area
ORD-55-A-7 2006-959

***D2** Rescinded all or a portion of Williamson Act Contract #1972-609 (Swanson Road, west of Hickman) and approved a new contract pursuant to Minor Lot Line Adjustment #2006-35 (Alberto and Short) and authorized the Planning Director to execute a new contract; 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 – Planning 2006-960

Mayfield/DeMartini (4-0)(Grover absent) **B12** Accepted the update regarding the Breeding, Transferring, Licensing and Spaying and Neutering of Dogs and Cats (Chapter 7.54) Ordinance; and, directed the Animal Services Director to return to the Board of Supervisors with amendments to this ordinance – Animal Services 2006-961

Mayfield/O'Brien (4-0)(Grover absent) **9:20am** Finds Rezone Application #2006-01 - Amir khas Vehicle Storage, a request to rezone a .79 acre portion of expired Planned Development (#115) to a new Planned Development to allow a vehicle storage yard for impounded vehicles on property located on the northeast side of Taylor Court, between Keyes Road and Taylor Road, in the Keyes/Turlock area, to be "de minimis" for the purposes of collection of Fish and Game fees pursuant to California Code of Regulations Section 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 Negative Declaration pursuant to CEQA Guidelines Section 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 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 Section 21152 and CEQA Guidelines Section 15075; finds that: (a) the project is consistent with the overall goals and policies of the County General Plan; (b) the proposed Planned Development zoning is consistent with the Planned Development General Plan description; and (c) the proposed project will increase activity in the vicinity, thereby necessitating dedications and improvements; approved Rezone Application #2006-01 - Amir khas Vehicle Storage, subject to the attached Development Schedule and amended Development Standards; **amended** Development Standard No. 5 to read as follows: "No cars, except the impounded cars being held on site and past their lien time, may be sold from this project site. In addition, there will be no dealership license approved for this project location, and no off-site advertising of vehicles for sale."; and, introduced and waived the reading and adopted Ordinance C.S. 977 for the approved Rezone Application #2006-01 – Planning ORD-55-A-3; 2006-962 & 2006-963

Corr 1 Referred to the Stanislaus County Office of Education, a letter from Modesto City Schools regarding a public hearing to consider the approval of a resolution to rescind the agreement with the California Department of Education for Burbank, El Vista, Fairview, Franklin, Hanshaw, Kirschen and Tuolumne Schools to participate in the High Priority Schools Program.

Corr 2 Referred to the Agricultural Commissioner and Sealer of Weights and Measures and to the Office of Emergency Services, letters from the Governor's Office of Emergency Services regarding the U.S. Department of Agriculture and the U.S. Small Business Administration granting disaster designations for Stanislaus County and other Counties due to agriculture losses caused by a record-setting heat wave that occurred from July 1-31, 2006.

Corr 3 Referred to the Sheriff and the Chief Probation Officer, a Notice from the California Department of Corrections and Rehabilitation regarding a proposed change in the California Code of Regulations pertaining to force used by Correctional Peace Officers.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Miguel Angel Fuentes Huerta; Merry C. Loudon; Donna M. Pierce; Robert L. Butler, Sr.; California State Automobile Association for their insured Noelia/Felix Soto Mendoza; State Farm Insurance Co. for their Insured Savoeun Tep; James Hogan; Tamara Smith, Wayne Smith, and George Denton; Phil Franco – DBA Concept Development General Contracting; and, Sherri Forrester.

The CEO thanked the Board for their approval of the General Library Policies. He gave an update regarding the ongoing refunding of Certificates of Participation Series 1996A and 1997A, with an estimated savings of \$1.4 million. It is expected that the refunding proposal will return to the Board in January 2007. He reported on SB 10 concerning trial court facilities, which provides the opportunity for counties to work with the Administrative Office of the Court and to continue the process of transferring ownership of court facilities that have a seismic rating of 5 to the State.

Adjourned to closed session at 10:08 a.m. for Public Employee Performance Evaluation – Stanislaus County Agricultural Commissioner and Sealer of Weights and Measures. Government Code §54957(b)(1). Conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organizations: SEIU and AFSCME. Government Code §54957.6

Mayfield/DeMartini (4-0)(Grover absent) **Closed Session Announcement:** The Board of Supervisors conducted an employee performance evaluation for Dennis Gudgel, Agricultural Commissioner and Sealer of Weights and Measures, and approved a 5% salary increase 2006-964

Adjourned at 11:30 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.)