

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

Regular Session

Tuesday

August 7, 2007

All Supervisors Present

Pledge of Allegiance to the Flag

An Employee Service Award for 35 Years of Service was presented to Rhonda Bieseimer of CSA.

David Ingersoll, Director of Child Support Services, gave a presentation regarding August 2007 as Child Support Awareness Month in Stanislaus County.

Michael Garcia voiced concerns regarding health and safety issues and the deterioration of the infrastructure in West Modesto. He also spoke regarding the closing of the County hospital 10 years ago and the long-term repercussions. He noted that San Joaquin and Merced counties did not close their hospitals.

Mayfield/Grover unan. Adopted the consent calendar after removing from consent items ***B3** Approval to Amend the Salary and Position Allocation Resolution Regarding the Executive Director Position in the Children and Families Commission Office, and ***B8** Approval of Memorandum of Understanding for Fiscal Year 2007-2008 with the Stanislaus Economic Development and Workforce Alliance Regarding the Implementation of County-Wide Economic Development Activities Including Business Attraction

***A1** Approved the minutes of 07/31/07

***A2** Appointed Tom Changnon and William Fagan to the Stanislaus County Children's Council
2007-610

***B1** Approved a resolution to levy FY 2007-2008 benefit assessment rates for the following lighting districts: Airport Neighborhood, Almond Wood, County Club-Zone A, County Club-Zone B; Crows Landing, Deo Gloria, Denair, Empire, Fairview, Gibbs Ranch, Gilbert Road, Golden State, Hillcrest, Mancini Parks Homes, Monterey, North Oaks, North McHenry, Olympic, Peach Blossom, Richland, Salida, Schwartz Baize, Sunset Oaks, Sylvan Village and Tempo Park; and, authorized the Auditor-Controller to add the assessments to the 2007-2008 tax roll - Auditor-Controller
2007-611

***B2** Authorized the acceptance of a three-year grant from the Children and Families Commission for the Families in Partnership Aftercare Program; authorized the CSA Director, or his Assistant Director Designee, to sign the agreement not to exceed the total first year amount of \$39,330 for the period of 07/01/07 through 06/30/08; and, directed the Auditor-Controller to make the necessary adjustments to the CSA Budget, Program Services and Support as detailed in the Budget Journal – CSA
2007-612

***B4** Authorized the Director of the Stanislaus County Department of Parks and Recreation to sign the amendment to the agreement with the Stanislaus County Police Activities League for special youth programs through FY 2007-2008 – Parks and Recreation
2007-613

***B5** Approved contracting with the CPA firm of Brown Armstrong Accountancy Corporation to conduct the annual County audit for the fiscal year ending 06/30/07; authorized the Purchasing Agent to negotiate and sign the final contract; and, authorized the use of funds from Appropriations for Contingencies of \$8,580 and increase appropriations by \$23,770 and estimated revenue by \$15,190 in the Board of Supervisors budget as detailed in the Budget Journal to reflect the increase in the cost of the audit contract – Auditor-Controller
2007-614

- *B6 Approved a resolution in support of the Stanislaus Arts Council's submission of grant application to the California Arts Council for \$15,000; and, recognized that the Executive Director of the Stanislaus Arts Council, or her Designee, will execute the 2006-2007 State-Local Partnership Grant contracts contingent upon approval of the grant by the California Arts Council – CEO 2007-615
- *B7 Amended the Salary and Position Allocation Resolution to add a new classification of Forensic Pathologist at a new salary band of \$228,009.60 to \$341,996.60 annually effective the start of the first pay period after Board approval; and, amended the Salary and Position Allocation Resolution to add one new Forensic Pathologist position assigned to the Sheriff's Department Operations budget unit – CEO 2007-616
- *C1 Adopted the plans and specifications for the Lester Road at Main Street Traffic Signal Project and set the bid opening date for 09/19/07 at 2:00 p.m.; directed the Clerk of the Board to publish notice inviting bids for the project as required by law and set 09/19/07, prior to 2:00 p.m., as the deadline for submission of bids; directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet; and, directed the Public Works Department staff to mail notice inviting bids to trade journals as required by law – PW 2007-617
- *C2 Awarded a consulting engineering contract to GDR Engineering, Inc., for the design of the Salida Boulevard Corridor Plan Project; authorized the GSA Director/Purchasing Agent to enter into a contract with GDR Engineering, Inc., in the contract amount not to exceed \$110,875; and, directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet – PW 2007-618
- *C3 Approved adjustments to the original contract amount and Change Orders 1 through 6 for the construction of the Robertson Road Area Sanitary Sewer Project; directed the Auditor-Controller to increase appropriations as detailed in the financial transaction sheet; and, directed the GSA Director/Purchasing Agent to increase the construction contract with Rolfe Construction Company in the amount of \$38,998.99 – PW 2007-619
- *D1 Approved the finding that the City of Turlock's proposed Sphere of Influence expansion by 627 acres is logical and orderly; and, directed the CEO to notify LAFCO of the County's agreement with the expansion request – Planning C-5-E-9 2007-620
- *D2 Rescinded all or a portion of Williamson Act Contract #1980-3713 (Morrison Road, west of Knights Ferry); approved a new contract pursuant to Minor Lot Line Adjustment #2006–24 (Crawford/Reynolds); 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; and, 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 2007-621

O'Brien/Grover unan. ***B3** Amended the Salary and Position Allocation Resolution to place the classification of Executive Director of the Children and Families Commission on salary compensation Band F (\$83,241.60 - \$124,841.60), as approved by the Children and Families Commission during its 06/26/07 regular meeting; and, established 06/23/07 as the effective date of this change, as approved by the Children and Families Commission during its 06/26/07 regular meeting - Children and Families Commission 2007-622

Grover/Monteith unan. ***B8** Approved the MOU for FY 2007-2008 between Stanislaus County and the Stanislaus Economic Development and Workforce Alliance regarding the implementation of County-wide economic development activities including business attraction; and, authorized the CEO, or his Designee, to sign the MOU with the Stanislaus Economic Development and Workforce Alliance in the amount of \$124,630 for FY 2007-2008 – CEO 2007-623

DeMartini/Grover unan. **9:15am** Conducted a public hearing to establish Fire Protection Facilities Fees for the Westport Fire Protection District based upon the fee study prepared for the Westport Fire Protection District, testimony, and other information received at the public hearing; adopted the five findings set forth on pages 11-13 of the Westport Fire Protection District Fire Facilities Impact Fee Report, in accordance with Government Code §66000 et seq.; and, authorized imposing the Fire Protection Facilities Fees set forth in the fee study and this item on all building permits that are issued in the Westport Fire Protection District after 10/8/07 in the fee amount that is in effect at the time the building permit is issued – CEO DF-16-20 & M-64-G-5 2007-624

DeMartini/Mayfield unan. **9:20am** Finds that notice of the public hearing was published in compliance with §6066 of the Government Code; conducted a public hearing to receive comments regarding the 2007/2008 annual assessments; set the 2007/2008 annual assessments as shown on Exhibits “A” through “E” for the following county service areas and landscape and lighting districts: Bret Harte Landscape and Lighting District (south Modesto), Bystrum Landscape and Lighting District (northwest Ceres), Howard/McCracken Landscape and Lighting District (Westley area), Laurel Landscape and Lighting District (south Ceres), and Paradise South Landscape and Lighting District (south Ceres); made the Engineer's Reports a part of the record of this proceeding; and, authorized the Auditor-Controller to add the Annual Assessments to the 2007/2008 Tax Roll – PW 2007-625

Mayfield/DeMartini unan. **B9** Accepted a presentation of the 2006 Stanislaus County Agricultural Crop Report 2007-626

Recessed at 10:01 a.m.

Reconvened at 10:09 a.m.

Grover/Monteith (3-2)(O'Brien and Mayfield opposed) **B10** Pursuant to Elections Code §9111, the Board considered the report regarding the impact of the proposed Salida Area Planning, Road Improvement Economic Development and Farmland Protection Initiative; pursuant to Elections Code §9116, the Board adopted the Initiative without alteration as Ordinance C.S. 1005; and, accepted as a critical and integral component to the Initiative and Development Agreement signed copies of the First Amendment to Development Agreement, which clarifies the authority of the Board of Supervisors to condition or deny a development plan that includes residential development if such development cannot fully fund the cost of infrastructure for business park and industrial development – CEO ORD-55-C-9; 2007-627 & 2007-628

Corr 1 Referred to the CEO, the 2006-2007 Stanislaus County Civil Grand Jury Final Report.

M-39-K-6

Corr 2 Referred to the Department of Planning and Community Development and DER, a letter from the San Francisco Planning Department regarding a Notice of Preparation of an Environmental Impact Report (EIR) for the proposed Habitat Reserve Program for habitat impacts that would result from implementation of the San Francisco Public Utilities Commission's (SFPUC) Water System Improvement Program in the San Joaquin Valley and other regions of the SFPUC water system.

Corr 3 Referred to the CEO, a letter from the Alameda County Board of Supervisors requesting that Stanislaus County join them in the "Cool Counties" initiative to combat global warming.

Corr 4 Referred to the Fish and Wildlife Committee, a notice from the State of California Fish and Game Commission regarding the proposed regulatory action for California Code Title 14 §502 pertaining to waterfowl, and §509 which adopts the Federal Migratory Bird Treaty Act.

Corr 5 Referred to the Alliance Worknet, and the Stanislaus Economic Development and Workforce Alliance, a letter from The Hershey Company regarding their plans to permanently close their Oakdale facility located at 1400 S. Yosemite Ave. in Oakdale, CA, with the second group of employees scheduled to be laid off on 10/1/07 in connection with the transfer of the first product lines to other facilities per the Worker Adjustment and Retraining Notification Act (WARN Act).

Corr 6 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Julie Curtis; Emily Moreno; Randy Wallace; and, Angel L. Poye.

Supervisor DeMartini reported that tonight he will address the Patterson City Council to request that they adopt the scrap metal ordinance. He noted that this will be the fourth city he has spoken to regarding this issue.

Adjourned to closed session at 12:01 p.m. for conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organization: Stanislaus County Sheriff's Management Association (SCSMA). Government Code §54957.6

Adjourned at 12:30 p.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.)