

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

Special and Regular Sessions
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

November 20, 2007

Special Session convened at 5:30 p.m.

Recessed to Closed Session at 5:31 p.m. for conference with Legal Counsel: Existing Litigation: Clark & Sullivan Builders, Inc. vs. County of Stanislaus, Stanislaus County Superior Court Case No. 612057. Government Code §54956.9. Public Employee Performance Evaluation – Stanislaus County Agricultural Commissioner and Sealer of Weights and Measures. Government Code §54957(b)(1).

Reconvened at 6:30 p.m. for Regular Session

A moment of silence was held in memory of Lorena Perry, an employee of Community Services Agency since 1970.

Constance Robinson, a member of Stanislaus Outdoor Venue Association (SOVA), spoke in support of the outdoor events in agricultural areas. She feels as though the event coordinators are being treated unfairly.

Linda Lytle spoke regarding her experience in creating a wedding event site. She noted the potential revenue generated from these events. She noted that the proposed planning restrictions on the wedding event sites will be too difficult for the event owners to meet.

Joanna Butler said she would like to hold her wedding at Sadako, the wedding sanctuary owned by Denise Seymour. She asked the Board for help with this issue.

Sally Studer, who lives at Morningside Mobile Home Park, requested mobile home space rent stabilization for Stanislaus County. She noted that there are a number of mobile home parks that are being impacted by the unfair mobile home owner practices.

Linda Rigney noted that she resides in Glenwood Modesto Park which is protected by the City of Modesto's MOU. She spoke in support of mobile home space rent stabilization in Stanislaus County, and voiced concerns that affordable housing is being lost.

Carolyn Wallick noted that she resides in Quail Meadows Mobile Home Park in Riverbank which is owned by ELS. She encouraged the Board to join the cities in approving a MOU regarding mobile home space rent stabilization

Jill Klajic, from the Stanislaus County Commission on Aging and the former Mayor of Santa Clarita, spoke in support of mobile home rent control. She noted that the rent control ordinance adopted in Santa Clarita worked well for the residents there. She requested that the Board bring the mobile home rent ordinance back for consideration.

Karen Mosser spoke in support of a more modest animal shelter and increasing spay and neuter programs, rather than a \$10 million shelter. Chairman O'Brien noted that the animal shelter project is currently out for design, and that the designer will bring two different options to the Board for consideration in the future.

Joseph Wright, an attorney that is working with SOVA, spoke in support of outdoor venues and in favor of property rights. He voiced concerns that there has been unequal enforcement of the laws concerning these venues.

Vickie Gurule also spoke regarding Denise Seymour's Sadako property and encouraged the Board to allow Ms. Seymour to have outdoor weddings.

Joy Bloomingcamp voiced her disappointment in the County's proposed ordinance regarding outdoor wedding venues. She noted that none of the members of the SOVA can meet the conditions within the proposed ordinance as it is currently written. She asked that the County create a new ordinance.

Amy Erwin, of Erwinshire Garden Estate and Jonathan's Catering, asked that the Board delete the text within the proposed outdoor wedding venue ordinance which states "a permit will be needed if they host a family party".

Olive Harms, Denise Seymour's mother, spoke regarding the Sadako property and spoke in support of outdoor weddings.

Denise Seymour, a member of the SOVA, noted that she will soon be homeless due to the County not allowing wedding venues to occur on her property. She voiced concerns regarding the proposed Outdoor Venue Ordinance.

Dan Park spoke on behalf of Denise Seymour. He noted that he has attended an event at her property and felt that it was very organized and clean. He asked the Board to find a solution which would allow weddings in agricultural areas while protecting agriculture.

Mayfield/Grover unan. Adopted the consent calendar after removing from consent item ***D2** Approval to Rescind All or a Portion of Williamson Act Contract No. 1974-1752 (W. Service Road, West of Jennings Road, in the Modesto Area) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2007-35 - DeMartini/Blom; and, removing from the agenda item **B6** Declaration of Impasse and Approval to Implement the Last, Best and Final Offer From the County to the Lieutenant and Custodial Lieutenant Bargaining Unit Represented by the Stanislaus County Sheriff's Management Association 2007-919

***A1** Approved the minutes of 11/6/07

***A2a** Appointed Mary Ann Lee to the Children and Families Commission 2007-885

***A2b** Appointed Joe S. Nunes and David D. Sundy, Jr. to the Westport Fire Protection District Board of Directors 2007-886

***A2c** Appointed Mike Dompe to the Newman Drainage District Board of Directors 2007-887

***A2d** Appointed Robert Woolley to the Hickman Municipal Advisory Council 2007-888

***A2e** Appointed Lori Buendia to the Stanislaus County Children's Council 2007-889

***A2f** Appointed Anthony Smith to the Stanislaus County Local Task Force on Solid Waste Management 2007-890

***A3a** Reappointed William P. Cerutti and Doug Lucas to the Newman Drainage District Board of Directors 2007-891

- ***A3b** Reappointed C. Bruce Orvis and Roy J. Orlando to the Rock Creek Water District Board of Directors 2007-892
- ***A3c** Reappointed Nora Gonzales, Flora Carter and Christy Streit to the Empire Sanitary District Board of Directors 2007-893
- ***A3d** Reappointed Tony Bravo and Don Grischott to the Westley Community Services District Board of Directors 2007-894
- ***A3e** Reappointed Aaron Trott to the Reclamation District #2091 Board of Directors 2007-895
- ***A3f** Reappointed Judith Perez to the Empire Municipal Advisory Council 2007-896
- ***A4** Approved the consolidation of the Measure Relating to the Amendment of the City of Modesto Charter Election with the Presidential Primary Election on 2/5/08 2007-897
- ***A5** Approved request from Friends of Patrick McGill for Use of Woodward Reservoir Park area for a bike ride on Saturday, 11/24/07 2007-898
- ***A6** Approved rescinding the consolidation of the City of Oakdale Transient Occupancy Tax Ballot Measure with the Presidential Primary Election on 2/5/08 2007-899
- ***A7** Proclaimed December 2007 as Drunk and Drugged Driving (3D) Prevention Month 2007-900
- ***A8** Approved request from the City of Modesto for use of the Courthouse lawn on 2/19/08 and 2/20/08 for the Stage Three Start of the Amgen Tour of California Bicycle Race 2007-901
- ***B1** Approved the Total Appropriations/Budgetary Limit for FY 2007/2008; approved a General Operating Limit of \$266,483,894 using the population and inflation methodology; and, approved limits for applicable lighting districts governed by the Board of Supervisors per Attachment "A" of the report - Auditor-Controller 2007-902
- ***B2a** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 3707 E. Monte Vista Avenue, Ceres, CA (CE No. 07-265) – DER 2007-903
- ***B2b** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 527 Leon Avenue, Modesto, CA (CE No. 07-225) – DER 2007-904
- ***B2c** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 523 Leon Avenue, Modesto, CA (CE No. 07-244) – DER 2007-905
- ***B3** Authorized the BHRS Director to accept Mental Health Services Act Prevention and Early Intervention Community Program Planning funds; authorized the BHRS Director, or her Designee, to sign the subsequent amendment to the agreement with the State Department of Mental Health for the provision of mental health services pursuant to the Mental Health Services Act Community Program Planning; authorized the BHRS Director, or her Designee, to negotiate and sign the subsequent agreement with Stacie Bradford for consulting services; and, directed the Auditor-Controller to increase appropriations and estimated revenue to the Mental Health Services Act budget unit (1507) in the amount of \$294,300 as detailed in the Budget Journal form – BHRS 2007-906
- ***B4** Approved final completion and acceptance of Security Fencing for the Paradise Medical Office Employee Parking Area at 401 Paradise Road, Modesto, CA; approved the final contract with Carter Commercial Construction of Merced, CA as follows: original contract in the amount of \$63,936, total change orders in the amount of \$552, for a final contract cost of \$64,488; and, authorized the Project Manager, on behalf of the Board of Supervisors as the Awarding Authority, to sign the completion documents, record the Notice of Completion, release retention, and process all remaining close out activities for the contract work completed – CEO 2007-907
- ***B5** Approved closing out contracts with PCD (Audio-Visual), Fluoresco Lighting & Signs Maintenance Corp., Inc. (Signage), STC General Building Contractor, Inc.(Concessions), Keller Group (Furnishings), ISEC, Inc. (Interior Finishes), and AB Construction 1, Inc. (Floors and Wall Covering); approved and accepted the final contract with PCD of Santa

Rosa, CA as follows: original contract in the amount of \$847,262.00, total change orders in the amount of \$15,281.00, for a final contract cost of \$862,543.00; approved and accepted the final contract with Fluoresco Lighting & Signs Maintenance Corp., Inc. of Fresno, CA as follows: original contract in the amount of \$65,784.39, total change orders in the amount of \$9,149.00, for a final contract cost of \$74,933.39; approved and accepted the final contract with STC General Building Contractor, Inc. of Fresno, CA as follows: original contract in the amount of \$75,000.00, total change orders in the amount of \$26,854.00, for a final contract cost of \$101,854.00; approved and accepted the final contract with Keller Group of Modesto, CA as follows: original and final contract in the amount of \$175,000.00, with no change orders; approved and accepted the final contract with ISEC, Inc. of Fremont, CA as follows: original contract in the amount of \$1,924,731.00, total change orders in the amount of \$303,991.00 for a final contract cost of \$2,228,722.00; approved and accepted the final contract with AB Construction 1, Inc. of Sacramento, CA as follows: original contract in the amount of \$469,999.00, total change orders in the amount of \$40,813.00, for a final contract cost of \$510,812.00; authorized the filing of Notice of Completion for Clark & Sullivan Builders, Inc. for the Gallo Center for the Arts Project; and, authorized the Project Manager to sign, and staff to record the necessary Notices of Completion – CEO 2007-908

- *C1 Finds that Ordinance C.S. 1018 is not subject to CEQA (Public Resources Code, §2100 et. seq.); and, introduced and waived the first reading of Ordinance C.S. 1018 amending §11.04.050 of the Stanislaus County Code by adding a 40 miles-per-hour speed zone on Blossom Road in the Waterford Area - PW ORD-55-D-14 2007-909
- *C2 Approved Amendment One to the State Route 99/165 MOU with the City of Turlock, Stanislaus Council of Governments (StanCOG), County of Merced, and Merced County Association of Governments; authorized the Chairman of the Board to sign the Amendment; and, adopted the proposed resolution approving Amendment One to the State Route 99/165 Memorandum of Understanding – PW 2007-910
- *C3 Approved the increase to the construction budget for the Sperry Avenue Reconstruction Project (Rogers Road to Baldwin Road); and, directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet – PW 2007-911
- *D1 Introduced and waived the first reading of Ordinance C.S. 1017 amending Title 16 of the Stanislaus County Code, and adopting by reference the California Code of Regulations Title 24, 2007 Edition of the California Building Standards Code; set a public hearing on 12/11/07, at 9:20 a.m., and canceled the original public hearing date of 12/4/07, at 9:20 a.m., regarding the proposed ordinance; ordered the Clerk of the Board to give notice of the hearing as required by Government Code §50022.6, 6066 and to publish the ordinance in accordance with Government Code §25124(b); and, finds that the proposed ordinance is exempt under the provision of CEQA pursuant to State Guidelines §15061(b)(3) – Planning ORD-55-D-13 2007-912
- *E1 Approved a revised employment agreement between Stanislaus County and Chief Executive Officer Richard W. Robinson for the new term of 2008-2011 and authorized the Auditor-Controller to implement the revised terms of the employment agreement – County Counsel 2007-913

Monteith/Grover (4-0)(DeMartini abstained) *D2 Rescinded all or a portion of Williamson Act Contract #1974-1752 (W. Service Road, West of Jennings Road, in the Modesto Area); approved a New Contract Pursuant to Minor Lot Line Adjustment 2007-35 – DeMartini/Blom 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 Section 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 2007-914

Grover/Monteith unan. **6:40 pm** Conducted the public hearing to receive public comment and input on the District Attorney and Sheriff’s Department Expenditure Plans for State Supplemental Law Enforcement Services Fund (SLESF); accepted and approved the recommendation to increase appropriations and revenue in the amount of \$169,718 for the Sheriff’s Adult Detention and \$221,204 for the Sheriff’s Operations Legal Budget Units; and, directed the Auditor-Controller to increase appropriations and estimated revenue by \$390,922 consistent with the budget journal – Sheriff 2007-917

Grover/Mayfield unan. **A9** Accepted the Clerk-Recorder’s Certified Statement of the Results of the Consolidated District Election held Tuesday, 11/6/07; and, declared the results pursuant to the Certified Statement 2007-915

Monteith/Grover unan. **B7** Authorized the Chief Executive Office to implement a Student Internship Program – CEO 2007-916

Corr 1 Referred to DER, a copy of Form 10-Q for the quarter ended 9/30/07 for the Covanta Energy Corporation per the sublease agreement between Stanislaus Waste-to-Energy Financing Agency and Covanta Stanislaus, Inc.

Corr 2 Referred to the Auditor-Controller and County Counsel, a letter from John Chiang, California State Controller, regarding litigation against the United States Secretary of the Department of Interior concerning the legality of certain provisions of its 2002 guidelines purportedly applicable to oil, gas and mineral royalty audits performed by the State.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Patricia Bettencourt; Roberto Lopez; Estate of Byran (Brayan) Armenta Lopez; Roberto Lopez Valenzuela; Aida Lopez Verdugo; Jesus Andres Villareal; Brenda Lopez; Atilano (Aguilano) Armenta Lopez; Aracely Lopez; Rosario Verdugo; Estate of Diana Julissa Villareal; Estate of Ramona Lopez Verdugo; Michael Rossini, Jr.; Estate of Maricruz Corral deceased, Estate of Ivan Corral, Estate of Lucio A Corral and Lucio Rodriguez individually and as a successor in interest to Maricruz Corral, Ivan A. Corral and Lucio A. Corral; Daryl Ryan Gibson; and Frankie Haney.

Supervisor DeMartini noted that the Agricultural Element is finished and is scheduled to go before the Planning Commission on 12/6/07 and before the Board of Supervisors by the end of the year.

Supervisor Grover noted that he represented the Board at the CSAC annual meeting last week.

Monteith/O’Brien unan. **Legislative A.** Approved support for increased funding for county libraries through the Public Library Foundation – CEO 2007-918

Adjourned at 8:26 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.)