

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

Regular Session

Tuesday

December 4, 2007

All Supervisors Present

Pledge of Allegiance to the Flag

A moment of silence was observed in memory of Ceres City Councilmember Rob Phipps.

Jenny Bates and Janet Pollard of the Stanislaus County Citizens Against Substance Abuse presented awards for the Red Ribbon Week Best Decorated School Contest to 1st Place Winners: Waterford High School, Salida Middle School, Capistrano Elementary School and Fox Road Elementary School; 2nd Place Winners: Oakdale High School, Waterford Middle School and University Charter School; and, 3rd Place Winners: Thomas Downey High School, Teel Middle School and Walter Brown Elementary School.

Tom Changnon, Stanislaus County Superintendent of Schools, gave a presentation regarding the State of Our Schools.

Michael Holland read a letter from the Newman City Council regarding the redevelopment of the Crows Landing Air Facility.

Martha Montelongo voiced concerns regarding the California legislature and asked the Board to take a stand concerning Prop 93 and illegal immigration. Supervisor DeMartini responded that he has long opposed the fiscal policy of the State Legislature and redistricting.

Mayfield/Grover unan. Adopted the consent calendar after removing from consent item **\*C3** Approval to Award Contract to George Reed, Inc., of Modesto, California, for the Pirrone Road Improvement Project

**\*A1** Approved the minutes of 11/20/07

**\*A2** Adopted and waived the second reading of Ordinance C.S. 1018 to amend §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 2007-920

**\*A3a** Accepted the resignation of Dwight Bateman from the Stanislaus County Children's Council  
2007-921

**\*A3b** Accepted the resignation of Robert Hardie from the Stanislaus County Planning Commission  
2007-922

**\*A4a** Appointed Jeremy Page to the Knights Ferry MAC  
2007-923

**\*A4b** Appointed Harinder Grewal to the Keyes MAC  
2007-924

**\*A4c** Appointed Kenny Buehner to the Patterson Cemetery District Board of Directors  
2007-925

**\*A5** Reappointed Mervyn Crow, Clyde Peters and Earl Perez to the Orestimba Creek Flood Control District Board of Directors  
2007-926

**\*B1** Approved the allocation of funds received from the State Department of Transportation to various agencies: allocated \$7,593.05 for payment of possessory interest tax bill (ASMT 860-000-576) in accordance with Section 104.13(C) of the California Streets and Highways Code; allocated \$1,581.60 to the City of Modesto in accordance with Section 104.10 of the California Streets and Highways Code; allocated \$534.60 to the City of

- Ceres in accordance with Section 104.10 of the California Streets and Highways Code; and, allocated \$18,389.82 to the County Road Fund in accordance with Section 104.10 of the California Streets and Highways Code limiting its spending to mass transit or streets and highway purposes - Auditor-Controller 2007-927
- \*B2 Accepted the Stanislaus County Treasury Pool's October 2007 Monthly Investment Report as prepared by the 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 to sign on behalf of the Board of Supervisors that the report has been reviewed and accepted – T/TC 2007-928
  - \*B3 Approved the contracts and/or agreements for various services with cumulative totals over \$100,000 - CEO 2007-929
  - \*B4 Approved receiving additional funds in the amount of \$857 from the California Integrated Waste Management Board for the 13th Cycle Used Oil Block Grant; authorized the Director of DER, or her designee, to sign the 13th Cycle Used Oil Block Grant with the California Integrated Waste Management Board accepting the additional grant reimbursement amount, for a revised total grant amount of \$78,787; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$857 as detailed in the Budget Journal Form – DER 2007-930
  - \*B5 Approved the award of the bid to Vericor LLC for the purchase of the Alternate Care Site trailers and equipment; and, authorized the GSA Purchasing Agent to award the bid and issue the purchase order to Vericor LLC – OES 2007-931
  - \*B6 Authorized the expenditure of Public Facility Fees for the purchase of project management software for the Office of Emergency Services and Fire Warden's Office; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$13,000 from Public Facility Fees as detailed in the Budget Journal Form – OES  
M-64-H-3 2007-932
  - \*B7 Authorized the Sheriff and Chief Probation Officer to establish involuntary home detention programs for misdemeanor offenders committed to the County Jail or other County correctional facilities, granted probation, or inmates participating in a work furlough program; and, authorized the Sheriff and Chief Probation Officer to establish the rules and regulations under which the involuntary home detention program may operate - Sheriff and Probation 2007-933
  - \*B8 Authorized the Sheriff to finalize the agreement with the Superior Court for the Sheriff to provide Court Security Services for the Court; directed the Auditor-Controller to increase estimated revenue and expense appropriations in the amount of \$604,789, according to the budget journal; amended the Salary and Position Allocation Resolution to reflect the recommended changes as outlined in the staffing impacts, effective the start of the first pay period after Board approval; and, authorized the CEO and Sheriff to sign the agreement and any and all additional documents to implement this agreement – Sheriff 2007-934
  - \*B9 Approved the biennial revisions to the by-laws of the Stanislaus County Employees' Retirement Association (StanCERA) as approved by the Board of Retirement on 10/10/07  
BD-36-A-16 2007-935
  - \*B10 Accepted the Annual Reports for the County of Stanislaus Tobacco Endowment Funds - Series 2002 and Series 2006 for fiscal year ending 06/30/07; and, authorized the Chairman to sign on behalf of the Board that the reports have been reviewed and accepted - Treasurer-Tax Collector 2007-936
  - \*B11 Accepted the FY 2007-2008 Grant from the Department of Insurance for the District Attorney's Office Automobile Insurance Fraud Program totaling \$186,912; authorized the

DA to sign the grant award agreement including any extensions or amendments; and, approved a formal resolution as required by the State to receive this grant funding – DA  
2007-937

- \*B12** Authorized the Chairman to sign letters of support to secure funding for the Dos Rios Ranch Land Protection and Habitat Restoration Project at the confluence of the lower Tuolumne River and the San Joaquin River, and to support the expansion of the San Joaquin River National Wildlife Refuge to include the Dos Rios Ranch – CEO  
2007-938
- \*B13** Approved the closure of County Offices on 12/24/07 for the full day rather than the half-day provided for in County Ordinance 3.48.010; and, approved for employees, not otherwise required to work to fulfill State Mandate responsibilities, the provision of essential local services, or other exigent circumstances, to be given the option to work in their assigned duties, take vacation or compensatory time off on 12/24/07, for the half-day period – CEO  
2007-939
- \*B14** Authorized staff to issue a RFQ-P for Code Review Services relating to Capital Projects; authorized staff to issue a RFQ-P for Estimating Services relating to Capital Projects; and, directed the staff to return to the Board of Supervisors for final contract recommendations for these two services – CEO  
2007-940
- \*C1** Approved the purchase agreement to acquire road right-of-way for the Geer Road at Whitmore Avenue Intersection Project, parcel owners Roxie & Gwyneth R. Bavaro, APN: 018-055-002; authorized the Chairman to execute the agreement; directed the Auditor-Controller to increase appropriations and estimated revenue for the Geer Road at Whitmore Avenue Intersection Improvement Project by \$16,500 per the financial transaction sheet; and, directed the Auditor-Controller to issue a warrant in the total amount of \$16,500, payable to Fidelity National Title Company, for the purchase amount of \$15,000 and \$1,500 for estimated escrow fees and title insurance – PW  
2007-941
- \*C2** Approved the purchase agreement to acquire road right-of-way for the Geer Road at Whitmore Avenue Intersection Improvement Project, parcel owner Turlock Irrigation District, APN: 018-010-024; authorized the Chairman to execute the agreement; directed the Auditor-Controller to increase appropriations and estimated revenue for the Geer Road at Whitmore Avenue Intersection Improvement Project by \$67,500 per the financial transaction sheet; and, directed the Auditor-Controller to issue a warrant in the total amount of \$67,500, payable to Fidelity National Title Company, for the purchase amount of \$66,000 and \$1,500 for estimated escrow fees and title insurance – PW  
2007-942
- \*D1** Set a public hearing on 12/18/07, at 6:45 p.m., to consider GPA #2007-01 and the introduction, waiving of the reading and adoption of Ordinance Amendment Application #2007-02 - Agricultural Element Update of the Stanislaus County General Plan; and, Stanislaus County Williamson Act Uniform Rules Update, a request to consider a recommendation to the Board of Supervisors for adoption of an update of the Agricultural Element of the Stanislaus County General Plan, an ordinance amendment to the Stanislaus County Zoning Ordinance, and an update to the Stanislaus County Williamson Act Uniform Rules; the purpose of the Agricultural Element is to promote and protect local agriculture through the adoption of policies designed to achieve three main goals: 1) strengthen the agricultural sector of our economy, 2) conserve our agricultural lands for agricultural use, and 3) protect the natural resources to sustain agriculture in Stanislaus County. The update to the Agricultural Element focuses on the need to address impacts to agricultural land and the natural resources needed to support local agriculture and changes which have occurred as a result of the policies adopted in the current element; the update includes an amendment to Chapter 21.12 - Definitions, Chapter 21.20 - General Agriculture District (A-2), and Chapter 21.100 - Staff Approval Permits of the Stanislaus County Zoning Ordinance; the ordinance amendment will serve to primarily implement the

policies and implementation measures of the Updated Agricultural Element; the ordinance amendment will also modify the permit requirement for development of a single-family dwelling on parcels less than 20-acres in size in the A-2-40 and -160 (General Agriculture) zoning district and add 'shelling' to the list of Tier One uses in the A-2 zoning district; and, the update to the Williamson Act Uniform Rules reflects the overall revisions and modifications, which have been identified as part of the Agricultural Element Update process – Planning

ORD-55-E-1 2007-943

**\*D2** Set a public hearing on 12/18/07, at 6:40 p.m., to consider GPA #2006-07 and Rezone Application #2006-11, Belaski Repair Shop, a request to rezone and amend the General Plan on a 1.54 acre parcel from A-2-40 (General Agriculture) to PD (Planned Development) to authorize and legalize an existing, non-permitted, vehicle repair shop and approval of a conversion of an existing 2,400 square foot agricultural shop/building for the purposes of conducting full-service vehicle repair, located at 2306 Gondring Road, east of Central Avenue, in the Ceres area (APN: 041-014-028) – Planning

ORD-55-D-15 2007-944

**\*D3** Approved the 2008 Williamson Act Contracts; authorized the Chairman to sign contracts; and directed the Clerk of the Board to forward the contracts to the Clerk-Recorder's Office prior to 1/1/08 for recording – Planning

2007-945

Mayfield/Monteith (4-0)(Grover abstained) **\*C3** Awarded contract in the amount of \$449,982.95 to George Reed, Inc., of Modesto, CA, for the construction of the Pirrone Road Improvement Project; authorized the Director of Public Works to execute a contract with George Reed, Inc., for \$449,982.95 and to sign necessary documents; authorized the Director of Public Works to execute change orders in accordance with Public Contract Code, §20142; and, upon project completion, authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities - PW

2007-946

Grover/Mayfield unan. **B15** Approved the County's FY 2007-2008 Preliminary Capital Improvement Plan; directed staff to submit the Preliminary Capital Improvement Plan to the County Planning Commission for findings of General Plan consistency; and, authorized staff to proceed with all the steps necessary to prepare the Preliminary Capital Improvement Plan for the Board's final consideration and adoption – CEO

2007-947

**Corr 1** Referred to the Department of Parks and Recreation and the Fish and Wildlife Committee, a letter from the State of California Fish and Game Commission regarding the continuation notice of proposed regulatory action relative to the methods authorized for taking big game and methods of take for nongame birds and nongame mammals per Sections 353 and 475 of Title 14, California Code of Regulations.

**Corr 2** Referred to the CEO and the Crows Land Air Facility Steering Committee, a letter from the City of Newman regarding the plans for the Crows Landing Air Base.

**Corr 3** Authorized the Chairman to send a letter to Modesto City Schools supporting their request in designating the new Joseph A. Gregori High School and surrounding properties as "Salida, CA 95368".

**Corr 4** Referred to the CEO-Risk Management Division, a copy of the California State Association of Counties Excess Insurance Authority Annual Report 2007.

**Corr 5** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Cynthia Darmstandler; David Tubera; Bobby Joe Stanfill; Adelmo Calderon; Daniel Gregory Pereira; and, Kelly Muniz.

Supervisor DeMartini spoke regarding the letter the Board received from City of Newman concerning the West Park Development at the Crows Landing Air Facility. He urged to the Board to heed the surrounding communities when the West Park proposal comes before them.

Adjourned to closed session at 10:10 a.m. for conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organizations: Stanislaus County Sheriff's Management Association (SCSMA). Government Code §54957.6; and, 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.

Adjourned at 11:36 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.)