

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

December 18, 2007

A moment of silence was held in memory of Pam Olson from the Stanislaus County Sheriff's Office and Karin Nash from the Department of Child Support Services.

Mayfield/Grover unan. Adopted the consent calendar

- *A1 Approved the minutes of 12/11/07
- *A2 Adopted and waived the second reading of Ordinance C.S. 1021 creating a local vendor preference for purchase of services, supplies, materials and equipment – GSA
ORD-55-E-2 2007-969
- *A3a Appointed Tim Kerr to the Emergency Medical Services Committee 2007-970
- *A3b Appointed Karen Nancy Poppen to the Keyes MAC 2007-971
- *A3c Appointed Alfred J. Scheuber to the Storm Drain District #8 Board of Directors 2007-972
- *A3d Appointed Harald M. Junker to the Abuse Prevention Council 2007-973
- *A3e Appointed Valerie Mitchell to the In-Home Supportive Services Advisory Committee 2007-974
- *A3f Appointed Jack Stott to the Stanislaus County Housing Authority 2007-975
- *A4a Reappointed Nancy Smith, David Cerutti, Frankie Houck Bonifacio, Patricia Hitch and Marlene Wilson to the Animal Advisory Board 2007-976
- *A4b Reappointed Vickie E. Thayer and Donna Sesock-Miller to the Advisory Board on Substance Abuse Programs 2007-977
- *A4c Reappointed Newmon Fink to the Tuolumne River Regional Park Citizens Advisory Committee 2007-978
- *A4d Reappointed Allen Layman and Mike Navarro to the Planning Commission 2007-979
- *A4e Reappointed Ismael Saldana to the Parks and Recreation Commission 2007-980
- *A4f Reappointed Patrick Alves and Steve Amador to the Storm Drain District #8 Board of Directors 2007-981
- *A4g Reappointed Everett Souza, Jr. to the Turlock Mosquito Abatement District Board of Directors 2007-982
- *A4h Reappointed Walter Rae, Sr. and Bruce Thompson to the Patterson Cemetery District Board of Directors 2007-983
- *A4i Reappointed Vernon Seeley to the Assessment Appeals Board 2007-984
- *A4j Reappointed Paul Baxter, Karen P. Hall and Mary Ann Lee to the Emergency Medical Services Committee 2007-985
- *A4k Reappointed Bryan Nicholes and Timothy Ragsdale to the Fire Code Board of Appeals 2007-986
- *A4l Reappointed Wayne Pacheco to the Hazardous Waste Management Advisory Committee 2007-987
- *A4m Reappointed Joan Blackwell to the In-Home Supportive Services Advisory Committee 2007-988

- *A4n Reappointed Michael Krausnick, Jeffery R. Olson and Bruce Ramsey to the Law Library Board of Trustees 2007-989
- *A4o Reappointed John Sims to the Children’s Council 2007-990
- *A4p Reappointed Jeremiah Williams to the Equal Rights Commission 2007-991
- *A4q Reappointed Juan Quijano to the Local Task Force on Solid Waste Management 2007-992
- *B1 Approved the agreements with service providers for mental health and alcohol and drug services for calendar year 2008 included in this agenda item; approved an amendment with Sodexo to extend the agreement for food services for the Stanislaus Recovery Center; approved an amendment with Global Medical Staffing, Ltd., to increase the agreement maximum for locum tenens; approved the Mental Health Services Act agreement between BHRS and the State Department of Mental Health to incorporate funds for FYs 2004-2005 through 2007-2008; authorized the BHRS Director, or her Designee, to sign the agreements and amendment included in this agenda item; authorized the BHRS Director, or her Designee, to negotiate and sign amendments to all agreements included in this agenda item, to add services and payment for services up to \$50,000 per agreement, budget permitting, throughout calendar year 2008; and, authorized the BHRS Director, or her Designee, to sign amendments to the Mental Health Services Act agreement with the State Department of Mental Health for throughout FY 2007-2008 – BHRS 2007-993
- *B2 Authorized the Stanislaus County Clerk-Recorder to negotiate all contracts for the acquisition and installation of two computer hard disk storage systems, consulting services, backup systems, software and associated hardware and software; authorized the GSA Purchasing Department to issue all applicable purchase orders for the total project (cost of project not to exceed \$300,000); directed the Auditor-Controller to increase the 2007-2008 Clerk-Recorder Modernization Budget by \$150,000 to support the purchase of two computer hard disk storage systems and associated hardware and software consistent with the budget journal; and, directed the Auditor-Controller to transfer existing funds of \$95,000 budgeted in various accounts in the Clerk-Recorder FY 2007-2008 Modernization Budget to the fixed asset accounts as detailed in the budget journal – Clerk-Recorder 2007-994
- *B3 Approved a change in the effective date for a previously approved 4% salary increase for the Clerical/Community Aid I/II classifications from 1/5/08 to 12/22/07 in response to the 1/1/08 increase in the State of California Minimum Wage – CEO 2007-995
- *B4 Approved and authorized the Chairman to sign the FY 2007-2008 Pest Detection Contract with the California Department of Food and Agriculture – Agricultural Commissioner 2007-996
- *B5 Accepted the Auditor-Controller's Report on Stanislaus County's Revolving Funds as of 6/30/07 - Auditor-Controller 2007-997
- *B6 Authorized the Director of DER, or her Designee, to enter into a professional services agreement for an amount not to exceed \$120,000 with the California State University, Fresno Foundation for a Food Processing By-Product Research Project; authorized DER to contribute \$46,704.56 of funding to the Food Processing By-Product Research Project; and, directed the Auditor-Controller to increase appropriations in the amount of \$50,000 per the budget journal form – DER 2007-998
- *B7 Accepted the triennial update on the status of groundwater conditions, management, and protection in Stanislaus County – DER 2007-999
- *B8 Authorized the Chief Probation Officer to enter into a contract with Ceres Unified School District to provide prevention and intervention services; and, directed the Auditor-Controller to increase the appropriations and estimated revenue in the amount of \$27,500 in the Probation Field Services Budget – Probation 2007-1000

- *B9 Accepted the 2007 charitable contribution in the amount of \$1,500 to the Stanislaus County Sheriff's Department for the support of identity theft prevention in the Detectives Unit, Community Relations Program; recognized Target Community Relations for their generous charitable contribution; and, directed the Auditor-Controller to increase appropriations and estimated revenue by \$1,500 consistent with the budget journal
- Sheriff 2007-1001
- *B10 Accepted a bequest in the amount of \$24,894.72 to the Sheriff's Department from the estate of Florence M. Couse for police services in Waterford; and, recognized the Florence M. Couse Estate for the generous donation – Sheriff 2007-1002
- *B11 Authorized staff to issue a RFP from the pre-qualified construction firms for Design - Build Services for the Empire Pool Project; authorized staff to review the proposals and return to the Board of Supervisors for final selection; and, authorized the Project Manger to negotiate and sign agreements for other professional services required such as code review, estimating, labor compliance, and construction management, as long as they are within budget – CEO 2007-1003
- *B12 Approved HSA to act as the local fiscal agent responsible for managing the Hospital Preparedness Program (HPP) cooperative agreement with the California Department of Public Health (CDPH); authorized HSA to submit an application to CDPH outlining the plans for spending allocated funds; authorized the HSA Managing Director, or her Designee, to sign the agreement and accept these funds; and, authorized the Chairman to sign the Non-Supplantation Certification Form, Exhibit E – HSA 2007-1004
- *C1 Approved the City of Tracy fueling their compressed natural gas vehicles at the Stanislaus County Compressed Natural Gas Fueling Station; and, authorized the Director of Public Works to execute the agreement with the City of Tracy – PW 2007-1005
- *C2 Authorized the County's Transit Manager to enter into an agreement with DaimlerChrysler Commercial Buses North America, Inc., to purchase three compressed natural gas (CNG) Orion VII transit buses and to execute all documents necessary to complete the purchase; and, authorized the GSA/Purchasing Division to issue a purchase order for the purchase of the three buses – PW 2007-1006
- *C3 Established a project budget for the McHenry Avenue Widening Project, Phase I from Ladd Road to Hogue Road located in the Del Rio area; awarded a consulting contract for design services to Associated Engineering Group, Inc., not to exceed \$67,165; awarded a consulting contract for right-of-way services to Overland Pacific & Cutler, Inc., not to exceed \$60,000, for the McHenry Avenue Widening Project, Phase 1 from Ladd Road to Hogue Road; authorized the Director of Public Works to execute a contract with Associated Engineering Group, Inc., not to exceed \$67,165 and with Overland Pacific & Cutler, Inc., not to exceed \$60,000, and to sign necessary documents; and, directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet – PW 2007-1007
- *C4 Adopted plans and specifications for the Albers Road at Milnes Road Intersection Project; corrected the typographical error for the bid opening date in Staff Recommendations Nos. 1 and 2 to read as “January 30, 2008”; set the bid opening date and time for 1/30/08, 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 1/30/08, 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 a notice inviting bids to trade journals as required by law – PW 2007-1008

- *C5 Approved the purchase agreement to acquire road right-of-way for the Geer Road at Whitmore Avenue Intersection Project (parcel owner Grace B. Rexin Trusts, APN: 018-026-006); authorized the Chairman of the Board to execute the agreement; directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet; and, directed the Auditor-Controller to issue a warrant in the total amount of \$88,500, payable to Fidelity National Title Company, for the purchase amount of \$87,000 and \$1,500 for estimated escrow fees and title insurance – PW 2007-1009
- *C6 Adopted a resolution ordering the formation of the Salida Boulevard Landscape and Lighting District; and, directed the Department of Public Works to prepare and file the required Engineer's Report – PW DLA-01-01 2007-1010
- *D1 Set a public hearing on 01/08/08, at 9:20 a.m., to consider Rezone Application #2007-01, Santa Fe Crossing, a request to change the zoning designation of 14.25 acres from PD (Planned Development) to a new Planned Development to allow a commercial project to be developed in three phases and adopt a development schedule; Phase 1 consists of 435 mini storage units, 50 storage container units, and storage for up to 52 RVs; Phase 2 consists of a gas station and a 5,065 square foot mini market with a drive through coffee shop; Phase 3 consists of a 19,250 square foot commercial building/car wash; and, the project is located at 4306 Santa Fe Avenue, at the northwest corner of Geer Road and Santa Fe Avenue, southeast of the City of Hughson - Planning ORD-55-E-3 2007-1011

Monteith/Grover unan. **B13** Accepted an anonymous donation of \$7,000 to pay for a modular activity center, grooming table with back splash and telescoping ramp, and two SergiVet pulse oximeters – Animal Services 2007-1012

Recessed at 8:03 p.m.

Reconvened at 8:13 p.m.

Amended item B14 Approval to Accept Quarter Three Status Report and Recommendations for the 12-Month Exclusive Negotiation with PCCP West Park, a Master Developer Preparing a Reuse Project Description and Proposal at the Former Crows Landing Air Facility and Adjacent Properties Located on the West Side of Stanislaus County, to take **two votes as follows:** 2007-1013

First Vote: Grover/Mayfield unan. Approved Staff Recommendation No. 2 as follows: the Board reviewed and adopted the recommendation of the Ad Hoc committee to approve general land use alternatives consistent with future general aviation activities, and directed staff and West Park team to coordinate with the City of Patterson and the City of Newman to prepare a final list of allowable land uses

Second Vote: Monteith/Grover (3-2)(DeMartini and O'Brien opposed) Approved Staff Recommendation Nos. 1, 3, 4 and 5 as follows: accepted the Quarter Three Status Report and project update for the 12-month exclusive negotiation with PCCP West Park, a Master Developer preparing a reuse project description and proposal at the Former Crows Landing Air Facility and adjacent properties located on the West Side of Stanislaus County; approved approximately 170 acres of former air facility land as in-kind match for Inland Port Infrastructure Bond Applications; authorized the amendment of Board Resolution #2007-200 dated 3/20/07 to reflect 170 acre in-kind match support consistent with the Infrastructure Bond Applications; and, authorized the Chairman to sign a letter of conceptual support for short haul rail - CEO

DeMartini/Monteith unan. **6:40 pm** Based upon the staff report and comments by staff, the Board **denied** GPA Application #2006-07 and Rezone Application #2006-11, Belaski Repair Shop and approved Recommendations Nos. 1-3 as set forth on pages 1 and 2 of the staff report to the Board as follows: based on the Initial Study and other project amendments and information submitted by the applicant and commenting agencies, the Board finds that a Negative Declaration is appropriate for 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 involves 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); finds that the proposed GPA is not consistent with the overall goals and policies of the Land Use Element of the County General Plan and the overall General Plan; and, denied GPA Application #2006-07 and Rezone Application #2006-11, Belaski Repair Shop – Planning ORD-55-D-15 2007-1014

Recessed at 9:34 p.m.

Reconvened at 9:45 p.m.

DeMartini/Mayfield (2-3)(O'Brien, Monteith and Grover opposed) **6:45 pm** The **motion failed** to approve GPA #2007-01 - Update of the Stanislaus County Agricultural Element of the General Plan and to approve the proposed update to the Stanislaus County Williamson Act Uniform Rules

Grover/DeMartini (3-2)(O'Brien and Monteith opposed) **6:45 pm** Based upon the staff report, all comments and testimony received during the public hearing, and all materials that were provided to the Board, the Board approved Recommendations Nos.1 through 6, as **amended** as follows: adopted the 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 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; finds the project is consistent with the overall goals and policies of the Stanislaus County General Plan; approved GPA #2007-01, Agricultural Element Update of the Stanislaus County General Plan with the following **amendments**: (1) change the mitigation requirement of 1 to 1 to apply only to residential properties and direct staff to make all appropriate changes in the draft Agricultural Element including Appendices; (2) direct staff to reconsider the 1 to 1 ratio on non-residential land to be considered by the Board at a future date; and (3) direct staff to review these changes and how they impact Enterprise Zone 40, and to meet with appropriate parties on this matter, including the State Department of Housing and Community Development and other interested parties; and introduced, waived the reading and adopted Ordinance C.S. 1020 (Ordinance Amendment #2007-02) Agricultural Element Update to the Stanislaus County Zoning Ordinance; and, approved the proposed update to the Stanislaus County Williamson Act Uniform Rules – Planning ORD-55-E-1; 2007-1015 & 2007-1016

Corr 1 Referred to the CEO-Office of Emergency Services, a letter from the City of Lake Forest thanking the Stanislaus County Fire Department for their tireless efforts in fighting the Santiago Fire and for protecting their city.

Corr 2 Referred to the CEO-Economic Development, a letter from the California Infrastructure and Economic Development Bank requesting public comment on the proposed amendments to the Criteria, Priorities and Guidelines for the Infrastructure State Revolving Fund (ISRF) Program.

Corr 3 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 final group of employees scheduled to be laid off on or about February 15, 2008 in connection with the transfer of the production lines to other facilities, per the Worker Adjustment and Retraining Notification Act (WARN Act).

Corr 4 Referred to the CEO-Economic Development, a letter from WS-PACE.org opposing the submission of the West Park bond application.

Corr 5 Referred to the CEO, a letter from Senator Barbara Boxer requesting information regarding the subprime mortgage crisis and the related increase in real estate foreclosures impacts on Stanislaus County.

Corr 6 Acknowledged receipt of the fourth annual Williams Settlement Report from the Stanislaus County Office of Education.

Corr 7 Referred to the Department of Parks and Recreation and the Fish and Wildlife Committee, a letter from the State Department of Fish and Game regarding the J-18 Pacific-Railroad Flat Junior Either-Sex Deer Hunt in the Stanislaus County area.

Corr 8 Accepted the Stanislaus County Employees' Retirement Association (StanCERA) Comprehensive Annual Financial Report for the FY Ended 06/30/07.

Corr 9 Referred to the CEO, a letter from the California State Association of Counties regarding the Homeowners Protection Act and the California Property Owners and Farmland Protection Act initiatives that may be on the June 2008 ballot.

Corr 10 Acknowledged receipt of a letter from Dennis Gudgel, Agricultural Commissioner and Sealer of Weights and Measures, notifying the Board of his intent to retire on 03/28/08.

Corr 11 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Barbara McFaddin; Francisco Diaz Munoz and, Maria Limon de Diaz.

Chairman O'Brien thanked the Board for the opportunity to serve as Chairman of the Board of Supervisors for 2007.

Adjourned at 11:06 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.)