

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

Regular Session

Tuesday

July 29, 2008

All Supervisors Present

Pledge of Allegiance to the Flag

A moment of silence was held for Warren Brumley former founding member of the Empire MAC and member of the Stanislaus County Parks and Recreation Commission. Mr. Brumley was an advocate for the community of Empire.

Grover/DeMartini unan. Adopted the consent calendar

- \*A1 Approved the minutes of 07/22/08
- \*A2 Approved request from the Crows Landing Community Services District to remove Rachel Hicks from the Crows Landing Community Services District Board of Directors 2008-548
- \*B1 Approved the agreement with the National Council on Crime and Delinquency to provide Safe Measures®, a web-based reporting service, to Child and Family Services Programs; and, authorized the Director of the CSA, or her assistant Director Designee, to sign the agreement and any amendments not to exceed the total agreement amount of \$126,225 for the period 08/01/08 through 07/31/10- CSA 2008-549
- \*B2 Approved of contract renewals with the California Department of Education for the Administration of the Child Care and Development Block Grants; and, authorized the CSA Director, or her assistant Director Designee, to sign the contracts and any subsequent amendments to add services and payments for services – CSA 2008-550
- \*B3 Authorized the issuance of a RFP for real estate/county facility asset management evaluation and strategic planning services; and, authorized the CEO- Capital Projects Division to return to the Board with a recommendation to retain an expert team to assist the County in this effort – CEO 2008-551
- \*B4 Approved the CEO-OES to apply for the FY 2008 Homeland Security Grant Program; and, adopted the Governing Body Resolution authorizing participation in the 2008 Homeland Security Grant Program – OES 2008-552
- \*B5 Authorized the CEO-OES to accept the FY 2007 Public Safety Interoperable Communications Grant Program award of \$647,458 to enhance Countywide Emergency Response Communication Systems; authorized the CEO to sign the MOU with the City of Sacramento; and, authorized the Auditor-Controller to establish the budget as part of the award – OES 2008-553
- \*B6 Authorized the Director of DER, or her Designee, to apply for a U.S. Environmental Protection Agency Grant for Sustainability and Greenhouse Gas Management Projects for the Geer Road Landfill – DER 2008-554
- \*B7 Approved the list of Independent and Personal Services Contractor Agreements between HSA and various contractors for FY 2007-2008 and FY 2008-2009; and, authorized HSA Managing Director, or her Designee, to sign the agreements included in this agenda item; and, authorized the HSA Managing Director, her designee or successor, to negotiate and sign individual amendments to the agreements, not to exceed \$75,000 – HAS 2008-555
- \*B8 Declared County property located at 700 17<sup>th</sup> Street, Modesto, California as surplus; adopted a resolution by a two-thirds vote declaring the County's intent to sell the County-owned facility and property previously occupied by HSA and known as the Medical Arts Building

located at 700 17<sup>th</sup> Street, Modesto, the resolution shall further state: a. the minimum sale price shall be set at \$2.5 million; and b. sealed proposals to purchase the property will be received and considered at the CEO 1010 10<sup>th</sup> Street, Suite 6800, Modesto, California, on 12/02/08 at 1:00 p.m.; authorized staff to notify in writing the appropriate local agencies in accordance with legal requirements requiring the notification, announcing the availability of the surplus property and request that any local agency that has an interest in acquiring the property respond within 60 days; directed staff to return to the Board after the 60-day local agency notification period for consideration of local agency interest in acquiring the surplus property and to enter into negotiations with interested local agencies; directed staff to concurrently finalize the publication notice and any marketing materials to sell the surplus property to a private party in the event a local agency does not express an interest in purchasing the property within the allotted 60-day period; directed the Clerk of the Board to publish the adopted Resolution in accordance with Stanislaus County Code 4.24.030B and E regarding the sale of surplus real property; and, directed staff to submit to the Modesto Planning Commission for a finding of General Plan Consistency the Board's intentions of selling the Medical Arts Building – CEO 2008-556

- \*B9 Approved request from Calvary Baptist Church to have exclusive use of Kiwanis Camp on Saturday, 08/16/08 from noon to 8:00 p.m. for their Summer Youth Outing; and, directed Calvary Baptist Church to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for the exclusive use of the Kiwanis Camp – Parks and Recreation 2008-557
- \*B10 Authorized the Director of the Department of Park and Recreation to sign the amendment to the agreement with the Stanislaus County Police Activities League for special youth programs through Fiscal Year 2008-2009; and, authorized the Director of Parks and Recreation, or her Designee, to sign all future amendments for the FY 2008-2009 to increase or decrease funds approved in the Final Budget as authorized by the Board – Parks and Recreation 2008-558
- \*B11 Approved contracts and/or agreements listed in cumulative amounts of \$100,000 or greater as of 07/01/03 for the Sheriff's Department for FY 2008-2009 – Sheriff 2008-559
- \*B12 Accepted the Stanislaus County Treasury Pool's June 2008 Monthly Investment Report, the report was 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 to sign on behalf of the Board that the report has been reviewed and accepted - Treasurer-Tax Collector 2008-560
- \*C1 Find that the subject ordinance is not subject to the California Environmental Quality Act (Public Resources Code, Sections 2100 et. seq.); introduced and waived the first reading of an ordinance amending Section 11.08.020 of the Stanislaus County Code, amending No Parking Zones on Toomes Road, Monte Vista Avenue, Latimer Avenue and Pecos Avenue in the various unincorporated Areas - PW (**note this ordinance is coming back to the Board for correction and resubmission therefore no C.S. number was assigned to the ordinance.**) ORD-55-H-7 2008-561
- \*C2 Find that all subdivision improvements required for the Tentative Parcel Map 2005-19, River Bluff Business Park, by the Subdivision Improvement Agreement, executed by Beard Land Improvement Company, and the Stanislaus County Board of Supervisors, on 06/27/06 have been constructed to the satisfaction of Stanislaus County; also, find that the said agreement was recorded on 07/13/06, as Instrument No. 06-104801, and filed with the Stanislaus County Clerk Recorders Office; accepted all streets, avenues, roads, and the drainage system within River Bluff Business Park for maintenance by Stanislaus County; pursuant to section 66499.7(a) of the Subdivision Map Act, authorize the release of

Performance Bond No. NZS573299 issued by Wells Fargo Bank, N.A. in the amount of \$33,418 for faithful performance of the Subdivision Improvement Agreement; and, pursuant to section 66499.7(b) of the Subdivision Map Act, upon receipt of a Mechanic's Lien Guarantee, authorized the release of Labor and Materials Letter of Credit No. NZS573300 issued by Wells Fargo Bank, N.A. in the amount of \$1,214,753 for payment of labor and materials, the Mechanic's Lien Guarantee must be dated a minimum of 61 days after the filing of the appropriate Notice of Completion; be in the amount of \$242,950.60; be prepared by a title company; be to the benefit of Stanislaus County; and state that there are no liens of record – PW 2008-562

**\*D1** Set a public hearing on 08/19/08 at 6:40 p.m. to consider the Planning Commission's recommendation for approval of General Plan Amendment #2007-03 and Rezone Application #2007-03, The Fruit Yard, a request to amend the General Plan designation from Agriculture to Planned Development and to rezone the property from A-2-40 (General Agriculture) to P-D (Planned Development) on a 45+/- acre site. This would authorize a Development Plan for the Fruit Yard which would include a 9,000 square foot banquet facility, relocation of the existing fueling facilities, construction of a 3,000 square foot retail shell building, a 322 space RV/Boat storage, a 66 space travel trailer park, a new facility for fruit packing, and a 2.00 acre site for retail tractor sales on property located at 7948 Yosemite Boulevard/Highway 132 east of the community of Empire and west of the City of Waterford and outdoor events and entertainment are proposed to be held on the park site – Planning ORD-55-H-8 2008-563

DeMartini/Monteith unan. **B13** Accepted the presentation of the 2007 Stanislaus County Agricultural Crop Report – Agricultural Commissioner-Sealer of Weights and Measurers 2008-564

DeMartini/Grover unan. **B14** Accepted the Second Annual Report on Strong Agricultural Economy/Heritage Goals and Performance Measures - CEO 2008-565

**Corr 1** Referred to the Sheriff and DA a letter from the State Department of Justice regarding the potential shifting of the cost for the use of the regional crime labs to the Counties.

**Corr 2** Acknowledged receipt of the Final Report 2007-2008 from the Stanislaus County Civil Grand Jury. M-39-L-3

**Corr 3** Referred to the Auditor-Controller the Independent Auditor's Report for Fiscal Year 2007 from the El Solyo Water District.

**Corr 4** Referred to the the Sheriff, the Health Services Agency and the Chief Executive Office-Capital Projects a notice of proposed amendments to Title 15 regarding Minimum Standards for Local Detention Facilities, California Code of Regulations and Title 24 regarding Minimum Standards for the Design and Construction of Local Detention Facilities from the State Corrections Standards Authority.

**Corr 5** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: AAA California Automobile Association-Ramirez, Donald J. Diltz, and Jesse Gomez.

Supervisor DeMartini voiced his opposition to Proposition 2 as it will have a negative impact on agricultural economy especially to the poultry industry in Stanislaus County. He request the Board to oppose this initiative.

The CEO spoke regarding Proposition 2 saying that this proposition potentially could negatively impact Stanislaus County. He noted that the State Senate has been called into session and that a vote on the budget was expected in the Senate today. Letters were sent to our State legislative members opposing the State taking funds from Proposition 1A; 10; and, 42 that normally went to Counties. He thanked Modesto Bee reporter Tim Moran on his excellent article in today's newspaper regarding the challenges Stanislaus County is facing because of the State budget crisis.

Adjourned to closed session at 9:39 a.m. for Conference with Legal Counsel - Anticipated Litigation: One Case. Government Code Section 54956.9 (c).

Adjourned at 10:29 a.m.

ATTESTED: CHRISTINE FERRARO TALLMAN, Clerk  
of the Board of Supervisors  
of the County of Stanislaus  
State of California

BY: CHRISTINE FERRARO TALLMAN, 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.)