

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

Regular Session

Tuesday

March 24, 2009

All Supervisors Present

Pledge of Allegiance to the Flag

Robert Stanford spoke regarding unregulated and illegal needle exchanges taking place in the community. He also spoke regarding squatters living in foreclosed homes. He requested that the County take action regarding these issues.

Chiesa/Grover unan. Adopted the consent calendar after removing from the agenda item **\*B5** Approval to Issue an Invitation to Bid for Mobile Data Terminals to Support Local Ambulance Providers, Funded through Homeland Security Grant Funds – Office of Emergency Services 2009-180

**\*A1** Approved the minutes of 03/10/09

**\*A2** Reappointed Nancy Fisher, Carol Shipley, Belinda Rollicheck, Rachelle Currie, Valrie Thompson, Colleen Garcia and John Palombi to the Stanislaus County Child Abuse Prevention Council 2009-156

**\*A3** Appointed Henry Galvan to the Westley Community Services District Board of Directors 2009-157

**\*A4a** Accepted the resignation of Arsenio Mataka from the Stanislaus County Planning Commission 2009-158

**\*A4b** Accepted the resignation of Robert A. Angell from the Stanislaus County Mental Health Board 2009-159

**\*A4c** Accepted the resignation of Dwain Sanders from the Western Hills Water District Board of Directors 2009-160

**\*A4d** Accepted the resignation of Laura Ochoa-Sanchez from the Stanislaus County Children's Council 2009-161

**\*A5** Appointed Carmen G. Millan to the Western Hills Water District Board of Directors 2009-162

**\*B1** Approved and authorized the Chairman to sign FY 2008-2009 contracts with the California Department of Food and Agriculture: Light Brown Apple Moth contract and amended Nematode Inspection contract; and, directed the Auditor-Controller to decrease appropriations and estimated revenue in the amount of \$8,204 as detailed in the Budget Journal Form – Agricultural Commissioner 2009-163

**\*B2** Set a public hearing for 04/21/2009, at 6:40 p.m., to introduce and waive the first reading of an ordinance to establish and amend Agricultural Registration Fees for the Department of Agriculture and Weights and Measures ORD-55-J-1 2009-164

**\*B3** Amended the South Modesto MAC Bylaws making minor administrative changes – CEO MAC-07-03 2009-165

**\*B4** Authorized the Chairman to sign the Grant Deed for conveyance of the Keyes Fire Station located at 5629 Seventh Street in Keyes, CA (APN 045-029-008) to the Keyes Fire Protection District; and, finds that the recommended actions are exempt from the provisions of CEQA – CEO DF-15-32 2009-166

**\*B6** Approved request from Boy Scout Troop No. 119 to have exclusive use of the Kiwanis Camp from Friday, 03/27/2009, beginning at noon to Sunday, 03/29/2009, ending at 5:00 p.m. for overnight camping activities; directed Boy Scout Troop No. 119 to adhere to the

- requirements set forth by the Department; and, waived the fees for the exclusive use and reservation of the Kiwanis Camp – Parks and Recreation 2009-167
- \*B7** Approved the use of \$64,120 of the Community Development Fund to partially fund the North Martin Luther King Jr. Drive Sidewalk Project; and, directed the Auditor-Controller to make the necessary budget adjustments, per the financial transaction sheet – Public Works 2009-168
- \*B8** Accepted the Stanislaus County Treasury Pool’s February 2009 Monthly Investment Report as 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 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 2009-169
- \*B9** Set a public hearing on 04/28/2009, at 9:15 a.m., to introduce and waive the first reading of an ordinance to amend existing fees in the Probation Department ORD-55-J-2 2009-170
- \*B10** Set a public hearing on 04/21/2009, at 6:40 p.m., to introduce and waive the first reading of an ordinance to amend existing fees for DER ORD-55-J-3 2009-171
- \*B11** Set a public hearing on 04/28/2009, at 9:15 a.m., to introduce and waive the first reading of an ordinance to amend Stanislaus County Code §7.32.110 Voluntary Surrender and to adopt the 2009 fee schedule in accordance with Stanislaus County Code Chapter 7.50 Animal Services Fees ORD-55-J-4 2009-172
- \*B12** Awarded the construction contract to improve and upgrade the electronic security and fire alarm systems at the Juvenile Justice Center to the lowest responsible bidder, Premises Systems, Inc., of Montclair, CA, for the lump sum of \$599,800; authorized the Project Manager to issue a notice to proceed contingent upon receipt of proper insurance and bonds; authorized the Project Manager to negotiate and sign contracts and work authorizations necessary to manage the construction phase including construction management, professional services, and other project related expenses as necessary to manage the project as long as the costs are within the project budget as approved by the Board of Supervisors; authorized the Auditor-Controller to transfer \$212,756 from the Probation-Administration budget to the Electronic Security and Fire Alarm System Capital Project budget, as detailed in the attached Budget Journal form; and, authorized the Auditor-Controller to transfer existing appropriations of \$608,417 in the CEO Plant Acquisition budget to the Electronic Security and Fire Alarm System Capital Project budget as detailed in the attached Budget Journal form – CEO 2009-173
- \*C1** Awarded a contract in the amount of \$204,850.38 to Pape Machinery for the purchase of one 2009 John Deere 670 G Motor Grader; and, authorized the Purchasing Agent to sign the contract with Pape Machinery – PW 2009-174
- \*C2** Approved Amendment No. 1 to the Traffic Signal Agreement with Associated Engineering Group, Inc., to add additional engineering service for the Las Palmas Avenue at Elm Avenue and Las Palmas Avenue at Sycamore Avenue Improvement Projects; authorized the Director of Public Works to execute the amendment for an amount not to exceed \$10,000; and, directed the Auditor-Controller to make the necessary budget adjustments, per the financial transaction sheet – PW 2009-175
- \*D1** Rescinded all of Williamson Act Contract No. 77-2530, (located on McDonald Avenue, west of Modesto) and approved new contract pursuant to Minor Lot Line Adjustment 2009-01 – Vermeulen-Storer; authorized the Planning Director to execute a new contract; finds the new contract 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 2009-176

- \*D2** Set a public hearing for 04/21/2009, at 6:45 p.m., to consider GPA Application #2007-08, Rezone Application #2007-11, and Vesting Tentative Parcel Map Application #2007-32, Kiernan Court Office Park, a request to amend the General Plan and rezone from HCPD (Highway Commercial Planned Development) / A-2-40 (General Agriculture) to Planned Development and create three (3) parcels measuring 1.07, 1.01, and 0.98 acres from a 3.06-acre parcel; the project proposes development of a three story, 69,531 square foot office building located at 5049 Kiernan Court, northeast of Kiernan Avenue, east of State Highway 99, in the Salida area – Planning ORD-55-I-9 2009-177

Grover/O'Brien unan. **B13** Corrected Staff Recommendation No. 1 to read as follows: “approve the issuance of a note ‘secured’ from the Tobacco Securitization Fund in an amount not to exceed \$11,140,050 for the payment of the County’s share of funds recently recouped by the Centers for Medicare and Medicaid Services (CMS) for reimbursement of Family Practice Residency Costs from 2001 to 06/30/2008 to Doctors Medical Center (DMC) and the County’s share of Residency program costs for the 2008-2009 and 2009-2010 fiscal years and authorize the CEO to finalize the amount of the note prior to issuance”; approved Staff Recommendations Nos. 1-5 as corrected; approved the issuance of a note secured from the Tobacco Securitization Fund in an amount not to exceed \$11,140,050 for the payment of the County’s share of funds recently recouped by the Centers for Medicare and Medicaid Services (CMS) for reimbursement of Family Practice Residency Costs from 2001 to 06/30/2008 to DMC and the County’s share of Residency program costs for the 2008-2009 and 2009-2010 fiscal years and authorize the Chief Executive Officer to finalize the amount of the note prior to issuance; authorized the Treasurer-Tax Collector and Chairman of the Board of Supervisors to sign the loan agreement; authorized the payment to DMC in the amount not to exceed \$9,637,050 million for Graduate Medical Education for the Family Medicine Residency Program for Fiscal Years 2000-2001 through 2007-2008; supports all efforts to appeal the Federal recoupment of Graduate Medical Education funding from DMC for the Stanislaus Family Medicine Residency program; and, direct the CEO and Health Services Agency Managing Director to continue master planning efforts for the Family Medicine Residency Program and other Graduate Medical Education programs as may benefit the community – CEO 2009-178

**Recessed at 10:48 a.m.**

**Reconvened at 10:56 a.m.**

O'Brien/Chiesa unan. **9:15 am** Based upon the staff report, presentations by staff, including PowerPoint presentations, all comments and testimony received during the public hearing, and all materials that were supplied to the Board and were taken into consideration in making the decision, the Board denied the appeal and upheld the Planning Commission’s decision of denial of Vesting Tentative Subdivision Map Application #2006-06 and Exception Application #2008-02, Knights Ferry Overlook; the Board finds and determines the following: (a) pursuant to Stanislaus County Code §20.12.140 that the project site is not

physically suitable for the proposed development in that the project would create split zoning, and that the project would result in septic systems that are close to an existing OID canal and an existing pond, which would result in water quality problems; and, (b) finds pursuant to Stanislaus County Code §20.64.030 that the \$100,000 expense of extending OID water to the site is not a special circumstance or condition that warrants granting an exception – Planning 2009-179

**Corr 1** Referred to the Department of Planning and Community Development, a letter from the U.S. Department of Housing and Urban Development regarding funding available to Stanislaus County through the American Recovery and Reinvestment Act of 2009.

**Corr 2** Referred to the Department of Public Works and the CEO-Public Facility Fees Committee, a letter from the law office of Petrulakis Jensen and Friedrich, LLP protesting the Facility Fees imposed on Modesto & Empire Traction Company.

**Corr 3** Referred to the Department of Public Works and the CEO - Public Facility Fees Committee, a letter from J.B. Anderson Land Use Planning regarding the Facility Fees imposed on Modesto & Empire Traction Company.

**Corr 4** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Chris Pombo; Salvador Rodriguez; Alfred Matthews Inc.; California State Automobile Association /Sharma; Gordon & Lorraine Nicholson; Paul Brum; Kim Thor Pang; and, Thomas D. Boyle.

Supervisor Grover gave an update to the Board regarding the Stanislaus County delegation's trip to Washington D.C. last week and noted that he will distribute a booklet to each Supervisor summarizing the delegation's priorities that were presented to our federal representatives. He commented that the Modesto Bee's article last week did not fully explain the County's request concerning the educational DVD that could be distributed to school children in Stanislaus County as part of gang suppression education.

Supervisor O'Brien reported that he also participated in the delegation to Washington D.C. last week. He spoke regarding the importance of gang suppression education in our community and expressed the need for finding an out-of-the-box approach to prevent gang violence. He noted that the delegation addressed four key projects in addition to the Physician Residency Program issue. Overall, the trip went very well.

Chairman DeMartini reported that the Westley Triangle Business Group will have their second meeting on 3/30/2009, at 6:00 p.m., at the Westley Hotel. This group is developing a plan to make improvements in the Westley area and to attract more businesses.

Supervisor Grover and Chairman DeMartini spoke regarding the lack of federal grants for high tech crime taskforce equipment.

The CEO reported that the delegation to Washington D.C. focused on the following four project areas: gang suppression, public safety interoperability, Tuolumne River Regional Park, and the Orestimba Creek Flood Control Project. He also spoke regarding the federal economic stimulus package and the potential funding for public safety.

Adjourned to closed session at 11:46 a.m. for Conference with Legal Counsel - Existing Litigation: One Case: Moscozo, C, et al. v. County of Stanislaus, et al., Stanislaus County Superior Court Case No. 623432. Government Code §54956.9(a). Conference with Legal Counsel - Anticipated Litigation: One Case. Government Code §54956.9(c). Conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organizations: Stanislaus County Sheriff's Management Association. Government Code

§54957.6. Conference with Real Property Negotiator: Property: Stanislaus Waste-to-Energy Facility, 4040 Crows Landing Road, Crows Landing, California. Agency Negotiator: Richard Robinson. Owner Negotiator: Covanta Stanislaus, Inc. Under Negotiation: Both Lease Terms and Price. Government Code §54956.8.

Adjourned at 1:00 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.)