

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

March 21, 2006

Presentation of the Flag by Girl Scout Troop #460 and Pledge of Allegiance to the Flag

The Chairman presented a resolution proclaiming March 12-18, 2006 as Girl Scout Week to Girl Scout Troop #460.

Vanessa Czopek, Librarian, presented the results of the 2005 Stanislaus County Employee United Way Campaign.

The CEO introduced Julie Mefferd as the new Director of the County General Services Agency.

Sally Studer, who rents a space at the Morningside Mobile Home Park on Claribel Road, voiced concerns regarding mobile home park owners rapidly raising space rent. She noted that people are losing their homes and that there is a shortage of low income housing in the County. State law allows the space rent at these parks to increase every 6 months with no limit. She asked the Board for their assistance with this issue.

Jan Busby, who lives at Morningside Mobile Home Park, provided information and copies of a petition to the Board concerning mobile home parks raising space rent. She noted that 76 residents between the ages of 60 and 93 years are already losing their homes, and another 146 will lose their homes with the next rent increase.

Linda Rigby, who lives at Glenwood Mobile Home Park, spoke regarding the escalating space rent at mobile home parks. She reviewed the current rent amount of various mobile home park spaces in the County.

Susan Turner, from Morningside Mobile Home Park, spoke regarding the need for a rent stabilization ordinance in the County. She noted that mobile home owners are taxpayers that contribute to the local economy, and that many of the park owners live out of the area.

Sandra Cadinha referred to a letter that she received from her property management company notifying her that she would not be able to sell her mobile home to a third party since the mobile home was over 20 years old. She contacted the Golden State Mobile Home Association and was able to arrange for a health and safety inspection of her home, which allows it to be sold to a third party. She expressed her difficulty in selling her home, and noted that the individuals being affected by the increasing space rent are on a low-income or fixed income, and are primarily senior citizens.

Allen Dunkin of Riverbank also voiced concerns regarding the increasing space rent at mobile home parks. He noted that in the last eight years his mobile home space rent has doubled.

Randy Lundgren, who lives at Quail Meadows Mobile Home Park in Riverbank, noted that in the past three years his space rent has increased more than 10 percent a year. The price of moving a mobile home

out of the park is prohibitive, and there is no place that they can place the home. He stated that most of the tenants in the park are elderly or disabled, and they are being priced right out of their homes. He expressed the need for rent control.

Donna Maddern, who also lives at Quail Meadows Mobile Home Park, spoke regarding mobile home park space rent increasing an average of over 18 percent in the last year. She stated that some families are doubling up in mobile homes, and others are abandoning their homes because of the difficulty in selling the homes due to the high rent. She noted the need for a County ordinance for rent stabilization.

Toni Hector spoke on behalf of her mother who lives at Morningside Mobile Home Park. She voiced concerns regarding the accelerated space rent increases, and noted that they are facing another rent increase in June 2006. Her mother is facing eviction, along with others, and her utilities are in danger of being shut off.

Thomas Eddings also voiced concerns regarding the increasing cost of space rent at mobile home parks.

Sharon Burch spoke regarding Equity Lifestyle Properties, the company that owns many of the mobile home parks in the area. She noted that the City of Riverbank has set up an ad hoc committee to try to resolve the problems with Equity Lifestyle Properties, and she would like to involve the Board of Supervisors in this process.

Cornelius Miller raised concerns regarding the treatment of his wife who is in custody at the Public Safety Center and who has special dietary and medical needs. He stated that they took away the mattresses of all the inmates in C Block for 29 hours, and that during a 19-day lock-down his wife lost 8 pounds because she was not allowed to buy food from the commissary.

Grover/Mayfield unan. Adopted the consent calendar after removing from the agenda item ***B2b** Approval to Adopt the Recommendations of the Nuisance Abatement Hearing Board Regarding 2769 W. Whitmore Avenue, Modesto, California (CE No. 05-2507); item ***B2d** Approval to Adopt the Recommendations of the Nuisance Abatement Hearing Board Regarding 2030 Claribel Road / 5000 Oakdale Road, Modesto, California (CE No. 05-2734); and, item ***B9** Approval for the Assistant Sheriff to Enter into Contracts to Purchase and Retire Departmental Canines for the Sheriff's Department Canine Unit

- *A1** Approved the minutes of 3/7/06
- *A2a** Accepted the resignation of Richard Breshears from the Advisory Board on Substance Abuse Programs 2006-170
- *A2b** Accepted the resignation of Michael Loeffler from the Assessment Appeals Board 2006-171
- *A2c** Accepted the resignation of Marc Letendre from the Stanislaus Economic Development and Workforce Alliance 2006-172
- *A3a** Appointed Mary Ann Lee to the Emergency Medical Services Committee 2006-173
- *A3b** Appointed Andrew Souza and Arsenio Mataka to the Crows Landing Air Facility Steering Committee 2006-174
- *A3c** Appointed Karla Rivera-Trejo to the Stanislaus County Children's Council 2006-175
- *A4** Reappointed Arie Rose Martin and Ora Scruggs to the In-Home Supportive Services Advisory Committee 2006-176
- *A5** Consolidated the Oakdale Joint Unified School District Bond Election with the 6/6/06 Gubernatorial Primary Election 2006-177
- *A6** Approved a commendation for Darleen Newlin upon her retirement from the Stanislaus County Probation Department 2006-178
- *A7** Proclaimed 4/8/06 as Modesto Junior College (MJC) Alumni Day 2006-179

- *B1 Approved an agreement for federal government relations with Pillsbury Winthrop Shaw Pittman, L.L.P 2006-180
- *B2a Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 3500 S. Walnut Road, Turlock, California (CE No. 05-2967) 2006-181
- *B2c Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 1221 Main Street, Modesto, California (CE No. 05-3050) 2006-182
- *B3 Adopted the recommendations of the Nuisance Abatement Hearing Board regarding the approval of the administrative civil citation to abate the nuisance at 4913 Sun Valley Drive, Salida, California (CE No. 05-2862) – DER 2006-183
- *B4 Approved the Master Agreement, through the year 2010, with Risk-Based Decisions Incorporated (RBDI) for the soil and groundwater investigation and clean-up of four contaminated properties in Stanislaus County at a cost not to exceed \$600,000; and, authorized the Purchasing Agent to sign specific project agreements not to exceed \$100,000 – DER 2006-184
- *B5 Authorized the Purchasing Agent to enter into an agreement with MSE Environmental for removal and disposal of hazardous waste at the Household Hazardous Waste Collection Facility at a cost not to exceed \$110,000 for the first year; and, authorized the Purchasing Agent to extend the term of the contract, upon mutual agreement for an additional two years or through FY 2008/09 at a cost not to exceed \$110,000 per fiscal year – DER 2006-185
- *B6 Adopted a resolution authorizing the Director of Parks and Recreation to apply for the 2005/06 Green Trees for the Golden State Grant from the California Department of Forestry and Fire Protection, Urban Forestry Program for \$16,432.50 to plant trees at the Riverdale Park and Fishing Access and Modesto Reservoir Regional Park; authorized the Director of Parks and Recreation to sign and forward all applicable documentation to submit the grant application; and, authorized the Director of Parks and Recreation to sign and forward all applicable documentation to accept the grant funding upon award – Parks and Recreation 2006-186
- *B7 Declared the following office furniture as surplus: 2 work tables, 2 metal bookcases, 1 wood desk with matching credenza, 2 task chairs, and 1 wood end table; and, authorized the Purchasing Agent to donate this furniture to the Arthritis Foundation, Modesto Branch 2006-187
- *B8 Approved the participation in the California Connected by 25 Initiative, an expansion of the Foster Youth Transitions-Connected for Life Project; authorized the acceptance of a grant from the San Francisco Foundation Community Initiative Funds for California Connected by 25 Initiative (CC25I) in Stanislaus County; and, authorized the CSA Director, or his Assistant Director Designee, to sign the agreement not to exceed the total contract amount of \$150,000 for the period of 2/27/06 through 6/30/08 – CSA 2006-188
- *B10 Approved the independent contractor agreement with Sage Associates for performance and completion of a coding and billing compliance audit of medical records, including follow-up provider training at HSA; and, authorized the HSA Interim Managing Director, or her Designee, to sign the agreement – HSA 2006-189
- *B11 Approved the amendment to the Medi-Cal Managed Care Program Participating Physician Agreement with Blue Cross of California to be effective 3/1/06; and, authorized the HSA Interim Managing Director, or her designee, to sign the amendment with Blue Cross of California – HSA 2006-190
- *B12 Set a public hearing on 4/18/06, at 6:50 p.m., to consider the introduction and waive the first reading of an ordinance to increase existing fees and establish new fees for Clerk Recorder services – Clerk-Recorder ORD-54-Y-15 2006-191

- ***B13** Set a Public Hearing on 4/18/06, at 6:50 p.m., to introduce and waive the first reading of an ordinance to adopt the Department of Planning and Community Development 2006 Fee Schedule ORD-54-Y-16 2006-192
- ***B14** Authorized the Auditor-Controller to increase the temporary advance to Oakdale Rural Fire District for operational expenses under Government Code, §23010 in an amount not to exceed \$1,286,825 or 85% of anticipated revenue – Auditor-Controller 2006-193
- ***B15** Approved the emergency replacement of the boiler system in the Courthouse pursuant to Public Contract Code, §22050; finds that the sudden loss of the boiler system at the Courthouse on 3/15/06 resulted in the inability to heat the Courthouse; finds that the replacement of the boiler system is necessary to permit the continued conduct of essential County operations or services; finds that the emergency will not allow for a delay which would result if the project were competitively bid, and that the action to immediately replace the boiler system on an emergency basis is necessary; delegated to the CEO the authority to order any action appropriate to replace the boiler system, and to take any directly related and immediate action required by that emergency, and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts; directed the CEO to report to the Board on the status of the emergency project in 14 days, as required by the Public Contract Code; and, directed the Auditor-Controller to transfer \$130,170 of General Fund appropriations and cash to the Courthouse Construction Fund budget unit consistent with the budget journal 2006-194
- ***B16** Authorized the CEO, or his Designee, to execute a contract for services with Gaffney Displays for the fixed amount of \$7,000 for the design, construction, and installation of the Stanislaus County Exhibit at the 2006 California State Fair 2006-195
- ***B17** Authorized the CEO and the Auditor-Controller to establish estimated revenue and appropriations in an amount between \$700,000 and \$1,300,000 and establish the necessary budgetary accounts to reimburse the City of Modesto for investigative services provided to the County for the People vs. Peterson Case; and, authorized the CEO to finalize and sign an agreement with the City of Modesto regarding reimbursement of costs associated with services provided to the County 2006-196
- ***C1** Approved the purchase agreements to acquire road right-of-way for the Albers/Geer/State Route 132 (Yosemite Boulevard) Intersection Improvements Project; authorized the Chairman to execute the agreements; directed the Auditor-Controller to increase appropriations and estimated revenue for the Albers/Geer/SR 132 Intersection Improvement project by \$26,040; and, directed the Auditor-Controller to issue a warrant in the amount of \$26,040, payable to First American Title Company for the purchase amount of \$24,040 and \$2,000 for estimated escrow fees and title insurance – PW 2006-197
- ***C2** Approved the purchase agreement for the to acquire road right-of-way for the Albers Road/Geer Road Intersection Improvements at Geer Road and Service Road; authorized the Chairman to execute the agreement; directed the Auditor-Controller to increase appropriations and estimated revenue for the Geer Road and Service Road Intersection Improvement project by \$74,000; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$73,000, payable to Fidelity National Title Company – PW 2006-198
- ***C3** Approved the purchase agreement to acquire road right-of-way for the Albers Road and Milnes Road Intersection Improvement project (Project No. 9701); authorized the Chairman to execute the agreement; directed the Auditor-Controller to increase appropriations and estimated revenue for the Albers at Milnes signal project by \$36,900; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$35,900 payable to Fidelity National Title Company – PW 2006-199

- *C4 Approved the summary abandonment of a 10.00 foot portion of Wells Avenue as dedicated for road purposes and described in that certain document recorded 6/21/55, as a Grant Deed, in Volume 1299 at Page 266, as Instrument No. 17936 Stanislaus County Records; approved the summary abandonment of a 60.00 foot strip, known as Detroit Lane, as dedicated for road purposes and described in that certain instrument recorded 1/29/97, as a Road Deed Easement, Instrument No. 97-0006874 Stanislaus County Records; and, authorized the Chairman to sign the Grant Deed submitted, conveying the fee title portion of Wells Avenue to the adjoining landowner, provide a certified copy of the abandonment and Exhibits, along with the original signed Grant Deed to the Department of Public Works for recordation – PW 2006-200
- *C5 Adopted a resolution to reconvey lots 1, 2, 3, and 4 to the subdivider, Valley Investment Properties, LLC, as offered to the public for dedication and acceptance for storm drainage purposes in Volume 41 of Maps at Page 55, recorded on 3/11/04, and identified as Victoria Park Subdivision; and, authorized the Director of Public Works to record a certified copy of this resolution and Exhibit A with the Clerk-Recorder's Office – PW 2006-201
- *C6 Approved the Subdivision Improvement Agreement for Diablo Grande, The Vineyards I Subdivision; finds that the final map is in substantial compliance with the previously approved tentative map; finds that Stanislaus County has adopted a specific plan covering the area proposed to be included within the final map; finds that the final map, together with the provisions for its design and improvement, is consistent with the specific plan for the area; rejected all roads, highways, avenues, alleys, courts, ways, lanes, places and all other street dedications; authorized the Chairman to sign the final map and the Subdivision Improvement Agreement; and, authorized the final map to be filed and recorded as presented – PW 2006-202
- *C7 Approved the Subdivision Improvement Agreement for Diablo Grande, The Cottages Subdivision; finds that the final map is in substantial compliance with the previously approved tentative map; finds that Stanislaus County has adopted a specific plan covering the area proposed to be included within the final map; finds that the final map, together with the provisions for its design and improvement, is consistent with the specific plan for the area; rejected all roads, highways, avenues, alleys, courts, ways, lanes, places and all other street dedications; authorized the Chairman to sign the final map and the Subdivision Improvement Agreement; and, authorized the final map to be filed and recorded as presented – PW 2006-203
- *D1 Set a public hearing on 4/18/06 at 6:45 p.m. to consider GPA Application #2004-03, The Focused General Plan Update of the Stanislaus County Circulation Element and Final Environmental Impact Report – Planning 2006-204
- *D2 Approved the Draft Annual Action Plan that includes the \$2,543,000 Community Development Block Grant (CDBG); and the \$108,840 Emergency Shelter Grant (ESG); for a total of \$2,652,488 for FY 2006/07; released the Draft Plan for the required 30-Day Public Comment Period; and, set a public hearing for 5/2/06 at 9:25 a.m. to close the Public Comment Period and consider adoption of the Final Annual Action Plan for FY 2006/07 – Planning 2006-205

O'Brien/Grover (4-0)(Mayfield abstained) **6:40 p.m.** Adopted a resolution of necessity relating to the condemnation of certain real property for construction of the Albers Road and Geer Road intersection improvements at Geer Road and Fox Road; finds that public interest and necessity require the proposed project; finds that the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; finds that the property described in the resolution is necessary for the proposed project; finds that the offer required by §7267.2 of the Government Code has been made to the owner of record of the property to be acquired; finds that

pursuant to Government Code §51292 that the location of the road is not based primarily on a condition of the lower costs of acquired land in an agricultural preserve and locate the public improvement; and, authorized County Counsel, in cooperation with the Public Works Department, to initiate eminent domain proceedings to acquire the affected properties and to give notice to the affected property owners Thomas and Anita Mayfield (APN: 018-009-015) pursuant to Code of Civil Procedure §1245.235 for construction of Albers Road/Geer Road Intersection Improvements at Geer Road and Fox Road

M-64-E-3 2006-206

DeMartini/Grover unan. **6:45 p.m.** Based on the staff report, testimony from staff and comments received during this hearing, the Board upheld the Planning Commission's and staff's decision, and denied the appeal of the Planning Commission's decision to uphold staff's determination regarding the use of a structure at 6137 McCracken Road, Westley as a second dwelling; the Board finds that the subject property was not a legally-established single-family dwelling, but rather a bunkhouse/office; the Board finds that there is no record that a building permit was obtained and the structure's status as a single-family dwelling is considered non-permitted; the Board finds that there was no documentation or sufficient evidence to support that a kitchen had been legally established; the Board finds that the Assessor's office reviewed the property in 1960, 1961, 1962, and 1975 and that the Assessor's office records show that the structure was classified as an accessory building and not a residential structure and was identified as a bunkhouse; the Board finds that any alteration from the original state including the addition of a kitchen between 1960 to present is considered a non-permitted use; and, the Board finds that granting this request would be inconsistent with the County's current ordinance and would be a grant of special privilege – Planning 2006-207

Mayfield/O'Brien unan. **B18** Approved the expansion of the community services in Turlock and authorized the Purchasing Agent to negotiate and enter into a lease with the United Samaritans Foundation based on the Letter of Intent – CSA 2006-208

DeMartini/Grover unan. **B19** Approved awarding a contract for services to ESA Airports for the preparation of Master Planning, Airport Planning and associated Environmental Impact Analysis of the Crows Landing Air Facility in Accordance with CEQA standards for a not to exceed amount of \$499,740; and, authorized the CEO to sign all contractual agreements including the Notice to Proceed 2006-209

Grover/O'Brien unan. **B20** Approved changing the name of the Inter-City Road Fee component of the County Public Facility Fee Program to Regional Transportation Impact Fee (RTIF) consistent with the purpose of the fee component; and, authorized the CEO, or his Designee, to prepare and enter into an Administrative Agreement with StanCOG as the formal administrative authority for the RTIF fees

M-64-E-2 2006-210

Mayfield/DeMartini unan. **B21** Approved the recommended plan for final phases of construction, improvement and equipment for the 12th Street Office Building project and recommended funding plan; authorized the CEO to execute an agreement for professional services with Kier and Wright Civil Engineers, Inc., to finalize the engineering plans to create condominium units for the 12th Street Office Building, in an amount not to exceed \$20,000; authorized the CEO staff to implement the Master Agreement by preparing and recording a condominium plan to create six condominium units (one for each floor) as required by the Master Agreement approved by the Board of Supervisors on 10/16/02; authorized the CEO to complete and execute a condominium enabling declaration, bylaws, a ground lease, a lot line adjustment deed, easements, and all documents necessary to create a condominium plan in accordance with the Master Agreement approved by the Board of Supervisors on 10/16/02, and the 12th Street Condominium Plan; authorized the Project Manager to implement the final phases of construction and equipment as recommended in this report, including approval to contract the design and the preparation of specifications for the security improvements, changes to the building contract with J.L.

Bray for limited additional construction in accordance with the Change Order Policy for Capital Projects, amendments to contracts for professional services for Construction Management and Inspection services for the final phases, and acquire equipment and services needed to construct and install the improvements consistent with the recommended project budget; a portion of this approval will be conditioned upon final approval of the Retirement Board for the changes to the area for the Retirement Association; and, approved the recommended budget transfers on the budget journal form 2006-211

Corr 1 Referred to Agricultural Commissioner/Sealer of Weights and Measures and CEO-OES, a letter from the Governor's Office of Emergency Services regarding President Bush's major disaster declaration on 2/3/06 which will allow the processing of U.S Department of Agriculture Farm Service Agency Emergency loans for the physical and production losses for twenty-nine counties and the counties that are contiguous to them including Stanislaus County.

Corr 2 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Paul Michael Ruiz; Kenneth and Michelle Hall; Michael Abuan; Cheryie Tomiello; Deyn Roberts; and, Michael Wiesner.

Supervisor Grover reported that the Stanislaus County contingent, including representatives from the cities, the County, StanCOG and the Alliance, traveled to Washington D.C. last week to work on specific federal legislation. They were notified while there, that the Weed and Seed Program has been fully funded for the next 5 years.

The CEO reported that the specific projects that were discussed in Washington D.C. were Weed and Seed, Regional Interoperability for Public Safety Communications, Orestimba Creek, and the Tuolumne River Regional Park.

Adjourned at 8:50 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.)