

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

Regular Session  
All Supervisors Present  
Pledge of Allegiance to the Flag

Tuesday

April 24, 2007

Sharon Burch spoke in opposition to negotiations with Equity Lifestyles regarding mobile home space rent. She noted that more people are selling their mobile homes at a loss, and that others are filing for bankruptcy. She announced that mobile home space renters plan to picket the Board members' places of business.

Mayfield/Grover unan. Adopted the consent calendar after removing from consent item **\*C3** Approval to Consider and Adopt a Resolution of Necessity to Acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 Widening Project, Parcel Owner Dolores Janet Zambruno, et al, APN: 136-033-013

- \*A1** Approved the minutes of 04/17/07
- \*A2** Accepted the resignation of Ken DeVore from the Advisory Board on Substance Abuse Programs 2007-277
- \*A3a** Proclaimed 05/1/07 as Law Day 2007-278
- \*A3b** Proclaimed May 2007 as Senior Citizen Month 2007-279
- \*A3c** Proclaimed May 2007 as Elder and Dependent Adult Abuse Awareness Month 2007-280
- \*A4** Set a public hearing on 5/15/07, at 6:40 p.m., to consider the appeal of the Planning Commission's Conditions of Approval Nos. 10, 11, 12, 43 and 44 for Use Permit #2006-36 – Fiscalini Cheese Company 2007-281
- \*B1** Approved the request from the El Solyo Water District to reduce the frequency from annual to biennial for the required financial audit report – Auditor-Controller  
DW-11-31 2007-282
- \*B2** Accepted the Stanislaus County Treasury Pool's March 2007 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 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 2007-283
- \*B3** Approved the 2007-2008 Megabyte Automated Property Tax System Maintenance Agreement with Megabyte Systems, Inc.; and, authorized the CEO upon recommendation by the Assessor, Auditor-Controller and Treasurer-Tax Collector to sign the 2007-2008 annual maintenance agreement with Megabyte Systems, Inc. – Assessor 2007-284
- \*B4** Approved a MOU with the City of Modesto Police Department for the Buckle Up Stanislaus Program from 10/01/06 through 9/30/08; authorized the Managing Director of HSA, or her Designee, to sign and execute the MOU; and, directed the Auditor-Controller to increase the appropriations and estimated revenue in the amount of \$28,775 – HSA 2007-285
- \*B5** Approved the contract 07-65135 with the State Department of Health Services for the Children's Dental Disease Prevention Program; and, authorized the Managing Director of HSA, or her Designee, to sign the contract and any amendments thereafter – HSA  
2007-286

- \***B6** Authorized HSA to extend the agreement with the California Department of Health Services for Medi-Cal Targeted Case Management (TCM) Provider Participation Agreement with the State Department of Health Services for TCM services for the term of 7/1/2007 until 6/30/2012 – HSA 2007-287
- \***B7** Approved entering into a contract with Southwest Fence and Supply Company to furnish and install non-climb fencing at the Frank Raines Regional Off-Highway Vehicle (OHV) Park; and, authorized the GSA Director/Purchasing Agent to sign the contract in an amount not to exceed \$131,325 – Parks and Recreation 2007-288
- \***B8** Authorized the Director of Parks and Recreation to sign a letter of permission for the installation of a livestock watering facility and associated pipeline at Modesto Reservoir – Parks and Recreation 2007-289
- \***B9** Approved the final completion and acceptance of a portion of Bid Package 6, Plaza and Sitework for the Gallo Center for the Arts; approved the final contract with Concrete Innovations by Hallack of Turlock, CA as follows: original contract amount of \$107,707 plus total change orders in the amount of \$2,310 for a final contract cost of \$110,017; approved the final contract with Central Valley Landscape Services, Inc. of Modesto, CA as follows: original contract amount of \$99,500 for a final contract cost of \$99,500; and, authorized the Project Manager, on behalf of the Board of Supervisors as the Awarding Authority, to sign the completion documents, record the Notices of Completion, release retention and process all remaining close out activities for the above contracts – CEO 2007-290
- \***B10** Awarded a contract for furnishings to the Keller Group in an amount not to exceed \$187,000 for furnishings and \$32,313 for Box Seats; awarded a contract for audio visual equipment to PCD, of Santa Rosa, CA in an amount not to exceed \$850,000; awarded a contract for low voltage wiring to Net Logic Solutions in an amount not to exceed \$88,789; awarded a contract for concession work to Scott Trotter Construction of Fresno, CA in an amount not to exceed \$75,000; awarded a contract for floor and wall coverings and finishes to AB Construction 1, Inc. of Sacramento, CA in an amount not to exceed \$469,999; authorized the issuance of a purchase order to Kevin Rucker General Contractor for the construction of the entry arbor element in an amount not to exceed \$18,740; authorized the transfer of interest earnings in the \$407,000 within the County budget to support ongoing project close out costs, litigation costs and related professional and clerical services; authorized the deposit of \$3,324,707 from the Central Valley Center for the Arts (CVCA) and added said funds to the project budget for funding of portions of the next phases of the project; and, authorized the Auditor-Controller to make the necessary budget adjustments to implement these actions – CEO 2007-291
- \***B11** Directed the County Fire Warden to implement the actions included in the Special Operations Plan recommended by the Fire Authority and take all necessary actions to fulfill the responsibilities and functions therein; approved the allocation of County Fire Services Funding to support this plan; and, amended the Salary and Position Allocation Resolution to add one Manager III (safety) position to the County Fire Service Fund budget to be effective 04/28/07 – CEO/OES 2007-292
- \***C1** Approved the request from the Ciccarelli Enterprises to hold a bike race on several County roads in Salida on 05/20/07; and, authorized the Director of Public Works to issue a permit for said event – PW 2007-293
- \***C2** Considered and adopted a Resolution of Necessity to acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 widening project, parcel owner H. L. and Ward B. Rumble, Incorporated, a California Corporation, for APN: 135-044-001, and made the findings contained therein – PW 2007-294

- \*C4 Considered and adopted a Resolution of Necessity to acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 widening project, parcel owner John R. Regusci, et ux, for APN: 136-033-029, and made the findings contained therein – PW  
2007-295
- \*C5 Finds that all subdivision improvements for Hillsborough Estates Subdivision by the Subdivision Improvement Agreement, executed by California Associates Limited and the Stanislaus County Board of Supervisors on 6/5/01, have been constructed to the satisfaction of Stanislaus County; finds that said agreement was recorded on 6/6/01 as Document #2001-0060748-00, and filed with the Stanislaus County Clerk Recorder’s Office; accepted all streets, avenues, courts, roads, and the storm drainage system within Hillsborough Estates Subdivision for maintenance by Stanislaus County; pursuant to §66499.7(a) of the Subdivision Map Act, authorized the release of Performance Bond #063SB103325111BCM, issued by Travelers Property Casualty, in the amount of \$749,500 for faithful performance of the Subdivision Improvement Agreement; pursuant to §66499.7(b) of the Subdivision Map Act, upon receipt of a Mechanic’s Lien Guarantee, authorized the release of Labor and Materials Bond No. 063SB103325111BCM, issued by Travelers Property Casualty, in the amount of \$684,050 for payment of labor and materials; and, 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 \$684,050, be prepared by a title company, be to the benefit of Stanislaus County; and state that there are no liens of record – PW  
2007-296
- \*C6 Adopted a resolution to summarily vacate lot 17 as offered for dedication to the public for storm drainage purposes in Volume 39 of Maps at page 67, recorded on 6/6/01, identified as Hillsborough Estates Subdivision; and, directed the Clerk to provide a certified copy of this resolution and Exhibit “A” and “B” to the Department of Public Works for recording – PW  
2007-297
- \*C7 Adopted plans and specifications for the Carver Road Realignment at Ladd Road Project; directed the Clerk of the Board to publish notice inviting bids for the project as required by law, and set 6/6/07, prior to 2:30 p.m., as the deadline for submission of bids; directed the Public Works Department staff to mail notice inviting bids to trade journals as required by law; and, directed the Auditor-Controller to increase appropriations in the project account by \$5,000, per the financial transaction sheet, to cover reproduction and advertisement costs associated with development of the project incurred during the design/bidding phase – PW  
M-64-G-1 2007-298
- \*C8 Approved the purchase agreement for the subject acquisition; authorized the Chairman to execute the agreement; directed the Auditor-Controller to increase appropriations and estimated revenue for the PFF Left Turn Channelization Project by \$55,800 per the financial transaction sheet; and, directed the Auditor-Controller to issue a warrant in the amount of \$55,800 payable to Fidelity National Title Company for the purchase amount of \$54,300 and \$1,500 for escrow fees and title insurance – PW  
M-64-G-2 2007-299
- \*C9 Adopted plans and specifications for the 2007 Rubberized Chip Seal Program; directed the Clerk of the Board to publish notice inviting bids for the project as required by law, and set 06/13/07, prior to 2:00 p.m., as the deadline for submission of bids; and, directed the Public Works Department staff to mail notice inviting bids to trade journals as required by law – PW  
2007-300
- \*C10 Considered and adopted a resolution to authorized the Public Works Director to execute Program Supplement funding agreements on behalf of Stanislaus County for projects funded by the Federal Highway Administration (FHWA) and the California Department of Transportation (Caltrans) – PW  
2007-301

- \*C11 Approved the Master Agreement with the Department of Transportation (Caltrans) as the Administrating State Agency for Federal-aid projects; and, authorized the Chairman to sign the agreement – PW 2007-302
- \*C12 Adopted plans and specifications for the Albers Road at Dusty Lane Intersection Project; directed the Clerk of the Board to publish notice inviting bids for the project as required by law, and set 06/06/07, prior to 2:00 P.M., as the deadline for submission of bids; directed the Public Works Department staff to mail notice inviting bids to trade journals as required by law; and, directed the Auditor-Controller to increase appropriations in the project account by \$5,000, per the financial transaction sheet, to cover reproduction and advertisement costs associated with development of the project incurred during the design/bidding phase – PW M-64-G-3 2007-303
- \*D1 Rescinded all or a portion of Williamson Act Contract #1969-0428 and 1971-0244 (Milton Road, north of Oakdale) and approved a new contract pursuant to Minor Lot Line Adjustment 2007-06 (VanVliet-Howell) and authorized the Planning Director to execute new contracts; finds the new contract or contracts 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; 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 2007-304

Grover/DeMartini (4-0)(Mayfield abstained)\*C3 Considered and adopted a Resolution of Necessity to acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 widening project, parcel owner Dolores Janet Zambruno, et al, for APN: 136-033-013, and made the findings contained therein – PW 2007-305

Grover/Mayfield unan. D2 Approved Amendment No.1 to the Salida Community Plan Update and Specific Plan Processing Guidance Package and Cost Recovery Agreement; approved Amendment No.5 for the Goodwin Consulting Contract for Financial Services as defined in the attached scope of work, and authorized the Auditor to establish estimated revenues and appropriations in the amount of \$130,000; and, authorized the Director of Planning and Community Development to negotiate, sign and execute a contract with EMC Planning for Planning Services related to the Salida Community Plan Update as defined in the attached scope of work for an amount not to exceed \$371,155, and authorized the Auditor to establish estimated revenues and appropriations in the amount of \$371,155 – Planning 2007-306

Grover/DeMartini unan. 9:20 a.m. A. Introduced and waived the first reading of Ordinance C.S. 986 to amend existing fees for the Coroner’s Office in the Sheriff’s Department ORD-55-B-2 2007-307

Grover/DeMartini unan. 9:20 a.m. B. Introduced and waived the first reading of Ordinance C.S. 987 to establish fees relating to Vehicle Releases in the Sheriff’s Department ORD-55-B-3 2007-308

Grover/DeMartini unan. **9:20 a.m. C.** Introduced and waived the first reading of Ordinance C.S. 988 to establish fees for the Jail Alternatives Program in the Sheriff's Department      ORD-55-B-4 2007-309

Mayfield/DeMartini unan. **9:25 a.m. A** Introduced and waived the first reading of Ordinance C.S. 989 establishing fees relating to the areas of agricultural registration and notification and vertebrate pest control for the Department of Agriculture and Weights and Measures      ORD-55-B-5 2007-310

Mayfield/DeMartini unan. **9:25 a.m. B** Introduced and waived the first reading of Ordinance C.S. 990 adding and increasing existing fees for the Department of Agricultural and Weights and Measures      ORD-55-B-6 2007-311

Mayfield/DeMartini unan. **9:25 a.m. C** Introduced and waived the first reading of Ordinance C.S. 991 amending Chapter 9.82 "Applied Labor Rate" of the Stanislaus County Code based on commercial and non-commercial device testing fees for the Department of Agriculture and Weights and Measures      ORD-55-B-7 2007-312

Mayfield/Grover (4-0)(DeMartini abstained) **9:30 a.m.** Based upon the staff report, comments by staff and testimony received at the public hearing, the Board denied the appeal of the Planning Commission's decision of denial thereby denying Tentative Parcel Map Application #2006-47 and Variance Application #2006-04, Grewal Parcel Map – Planning      2007-313

**Recessed at 10:27 a.m.**

**Reconvened at 10:37 a.m.**

Grover/Mayfield unan. **9:35 a.m.** Conducted a public hearing pursuant to §1442.5 of the Health and Safety Code; approved the negotiation and sale of Stanislaus Behavioral Health Center (SBHC), including the operations, real property, improvements and equipment, and potential service level changes for County-operated acute psychiatric inpatient services; authorized the CEO, Director of BHRS and all other officers, employees and agents of the County to take all actions necessary to implement the recommendations; adopted a resolution of intention to consider proposals for the sale of SBHC property and operations pursuant to Government Code §25515; authorized staff to issue a RFP for the sale of SBHC property and operations pursuant to Government Code §25515; directed staff to request a finding of General Plan Consistency regarding the sale of SBHC, from the City of Modesto Planning Commission; authorized staff to receive proposals by no later than 06/26/07 at 2:00 p.m., and to open and review the proposals; directed staff to return to the Board on 7/10/07 with recommendations concerning the proposals received; finds that the proposed transfer of SBHC property is exempt from CEQA pursuant to California Code of Regulations §15312 – sale of county property without significant value for wildlife habitat or other environmental purposes; and, finds that the proposed sale of the property will result in economic benefits to the county – CEO      2007-314

**Corr 1** Referred to the DER, Department of Parks and Recreation and the Fish and Wildlife Committee, a notice from the California State Department of Fish and Game requesting proposals for projects that benefit sport fish populations, sport fish opportunities or anglers within the Bay-Delta Sport Fishing Enhancement Stamp Program geographic range.

**Corr 2** Referred to the Sheriff, Chief Probation Officer, BHRS, HSA and the DER, a letter from the State Department of Corrections Standards Authority requesting input on the review of the Minimum Standards for Local Adult Detention Facilities in Titles 15 and 24 of the California Code of Regulations.

**Corr 3** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Susan Marie Smith and Gurman Bal.

Supervisor Grover noted that he represented the Board at a Remote Access Funding meeting concerning mobile fingerprinting ID.

Supervisor DeMartini noted that the first meeting of the West Side Health Care Task Force will be on Thursday in the City of Newman.

Adjourned to closed session at 11:13 a.m. for conference with Legal Counsel – Existing Litigation: Committee Concerning Community Improvement, et al. vs. County of Stanislaus, et al. Case No. United States District Court, Eastern District California, SIV F 04-6121 LJO DLB. Government Code §54956.9. Conference with Labor Negotiator: Agency Negotiator: Richard Robinson. Labor Organization: Stanislaus County Group Supervisors' Association. Government Code §54957.6.

Adjourned at 12:22 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.)