

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

Regular Session

Tuesday

June 26, 2007

All Supervisors Present

Pledge of Allegiance to the Flag

Ken Patterson, Director of CSA, gave a presentation regarding the week of 6/25/07 as Family Services Specialist Recognition Week in Stanislaus County.

Miguel Donoso spoke regarding an article which appeared in the Modesto Bee on 06/10/07 regarding agricultural workers and immigration.

Doug Moor, Deputy Administrator for UDW of America, spoke regarding the labor negotiations with the IHSS Public Authority of Stanislaus County. He noted the important work that IHSS employees provide. He spoke in support of an increased wage, and voiced concerns regarding the difficulty in obtaining information from the Public Authority.

Mayfield/Grover unan. Adopted the consent calendar after removing from consent items ***B6** Approval of the Expenditure in the Amount of \$5,000 for the Modesto Symphony Orchestra Association from the Community Support Budget as Part of the Fiscal Year 2007-2008 Proposed Budget; and, ***B14** Approval of Final Acceptance of the Paradise Medical Office Remodeling Project by Simile Construction Services, Inc., of Modesto, CA

***A1** Approved the minutes of 06/19/07

***A2a** Adopted and waived the second reading of Ordinance C.S. 999 to amend §11.04.040 of the Stanislaus County Code adding a speed zone on Tim Bell Road in the Waterford area - PW
ORD-55-C-3 2007-476

***A2b** Adopted and waived the second reading of Ordinance C.S. 1000 to amend §11.08.020 of the Stanislaus County Code adding a no parking zone on McClure Road in the Modesto area - PW
ORD-55-C-4 2007-477

***A3** Amended the 2007 Stanislaus County Board of Supervisors Committee Assignments to appoint Supervisor Monteith, as the alternate member, to the Crows Landing Air Facility Steering Committee replacing Supervisor Grover 2007-478

***A4a** Reappointed Mickey Peabody and Mary Jill Klajic to the Commission on Aging 2007-479

***A4b** Reappointed Lionel Miguel, Tyler Downing, Robert Angell, Catherine Szakmary and Chip Langman to the Mental Health Board 2007-480

***A4c** Reappointed Elizabeth Brichetto and LeRoy Gilton to the Oakdale Rural Fire Protection District Board 2007-481

***A4d** Reappointed Ray Prock to the Agricultural Advisory Board 2007-482

***A4e** Reappointed Stephen Qualls, Jeff Rowe and Charlene Speck to the Economic Development Action Committee 2007-483

***A4f** Reappointed Sam Barlett and Eddie Best to the Keyes Fire Protection District Board 2007-484

***A4g** Reappointed Margaret Bowen to the Stanislaus County Free Library Advisory Board 2007-485

***A4h** Reappointed Linda Kovacs, Richard Jacobs and Judy Kindle to the Stanislaus County Children's Council 2007-486

- *A4i Reappointed Jon Edward Maring and Steve Pedrazzi to the West Stanislaus Fire Protection District Board 2007-487
- *A4j Reappointed Michael Skinner to the Regional Advisory Committee of the Mountain-Valley Emergency Medical Services Agency 2007-488
- *A4k Reappointed Richard Rosa to the Stanislaus County Airport Land Use Commission 2007-489
- *A4l Reappointed Ron Martin to the Stanislaus County Employees Retirement Board 2007-490
- *A5 Proclaimed the week of 07/22-28/07 as Probation Services Week 2007-491
- *A6 Adopted the amendments to the Conflict of Interest Code for the Hughson Unified School District 2007-492
- *B1 Approved a resolution to revise the deadline to file appeals for property assessments made outside the regular assessment period – Assessor 2007-493
- *B2 Approved CEO-OES to apply for funds available through the FY 2007 Homeland Security Grant Program; and, approved the Governing Body Resolution – CEO/OES 2007-494
- *B3 Accepted the report of Multi-Department Contracts and Agreements for the period of July 2003 through June 2006 – GSA 2007-495
- *B4 Approved final acceptance of the Clerk-Recorder Tenant Improvements by Barham, Inc., of Ceres, CA; authorized the Project Manager, on behalf of the Board as the awarding authority, to sign and record the Notice of Completion and complete closeout activities, including release of retention; and, authorized the Auditor-Controller to transfer the balance of project fund to the Plant Acquisition budget once the close out of the project has been completed – CEO 2007-496
- *B5 Authorized the Chief Probation Officer to enter into agreements with Modesto City Schools and Riverbank Unified School District to provide prevention and intervention services; directed the Auditor-Controller to increase the appropriations and estimated revenue in the amount of \$103,926 as detailed in the Budget Journal Form; and, amended the Salary and Position Allocation Resolution to add one Deputy Probation Officer to Casework Services - Probation 2007-497
- *B7 Approved the provisions contained within the tentative labor agreement reached between the County and the Committee of Interns and Residents (CIR) representing the Resident Physician Bargaining Unit; amended the Salary and Position Allocation Resolution to reflect the changes included in the tentative agreement; and, authorized the Chairman of the Board and all parties to sign the agreement – CEO 2007-498
- *B8 Approved the provisions contained within the tentative labor agreement between the County and the Stanislaus County Group Supervisors’ Association representing the Group Supervisors’ Bargaining Unit; amended the Salary and Position Allocation Resolution to reflect the changes included in the tentative agreement; authorized the Chairman of the Board and all parties to sign the agreement; and, corrected a clerical error located in the second paragraph under Shift Differential on page 3 of the staff report to read as follows: “Changed eligibility to earn 7.5% shift differential from a majority of the work hours between 11:00 p.m. and 7:00 a.m. to 50% or more of the hours worked between 11:00 p.m. and 7:00 a.m.” – CEO 2007-499
- *B9 Authorized the CEO and the Auditor-Controller prior to year-end, to transfer existing appropriations in the County Match budget previously allocated to the District Attorney Vertical Prosecution Budget to the Real Estate Fraud Budget in an amount up to \$4,700 to provide sufficient revenue for this program to ensure it ends the year in a positive position; authorized the CEO and the Auditor-Controller prior to year-end to increase appropriations and estimated revenue in the Victim Services budget in an amount up to \$4,000 and the Victims Compensation budget up to \$3,000 through a transfer of existing appropriations in the County Match budget from the funds previously allocated to the District Attorney

Vertical Prosecution Budget; and, authorized the CEO and the Auditor-Controller to increase appropriations in the DA's Criminal Budget at year-end funded through a reduction to the County Match Budget contribution for the Vertical Prosecution Program up to an additional \$33,700 – DA 2007-500

- *B10** Approved the change in hours of operation of the HSA's Outpatient Pharmacy at 830 Scenic Drive in Modesto; and, authorized the Managing Director of HSA, or her Designee, to carry out the operational activities to implement the change in hours effective on or about 07/07/07 – HSA 2007-501
- *B11** Approved the MOU between HSA and the HSA Foundation to provide naming opportunities to support a fund raising campaign for the benefit of the Family Medicine Residency Program; and, authorized the Managing Director of HSA, or her Designee, to sign the MOU and any amendments thereafter – HSA 2007-502
- *B12** Authorized the HSA to expand the contract with Atlas Public Health to provide additional Health Insurance Portability and Accountability Act (HIPAA) compliancy requirements to the computerized integrated Public Health System; and, authorized the Managing Director of HSA, or her Designee, to sign an expanded contract with Atlas Public Health – HSA 2007-503
- *B13** Authorized the Director of Parks and Recreation to sign enter into a Reimbursable Services Agency Agreement with the CHP and required documentation from the California Highway Patrol to provide traffic control for the July 4th Twelfth Annual Fireworks Event on 07/04/07, at Woodward Reservoir Regional Park - Parks and Recreation 2007-504
- *B15** Accepted the Stanislaus County Treasury Pool's May 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 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 2007-505
- *C1** Finds that all subdivision improvements for Bonita Ranch Unit 3 subdivision by the Subdivision Improvement Agreement, executed by Bright Development and the Stanislaus County Board of Supervisors on 05/16/06, have been constructed to the satisfaction of Stanislaus County; finds that said agreement was recorded on 05/19/06, as Document No. 2006-0076094-00, and filed with the Stanislaus County Clerk Recorder's Office; accepted all streets, avenues, roads, and the drainage system within Bonita Ranch Unit 3 subdivision for maintenance by Stanislaus County; pursuant to §66499.7(a) of the Subdivision Map Act, authorized the release of Performance Bond No. 0418278, issued by International Insurance Company in the amount of \$501,451.41 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. 0418278, issued by International Insurance Company in the amount of \$501,451.41 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 \$501,451.41; and, be prepared by a title company, be to the benefit of Stanislaus County, and state that there are no liens of record – PW 2007-506
- *C2** Adopted plans and specifications for the Fink Road Landfill Fence Replacement project; approved the bid opening date and time for 8/8/07, at 2:00 p.m.; directed the Clerk of the Board to publish notice inviting bids for the project as required by law; set 8/8/07 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 2007-507

- ***C3** Pursuant to the Street and Highway Codes §8331, 8334 and 8335: finds, based on the reasons stated in this report, that the southern half of the easterly end of 3rd Street, in the town of Empire is not required for street and highway purposes; finds there are no in-place public utility facilities that are in the abandonment area that will be affected by the abandonment; and, adopted a resolution vacating the southern 37' feet of 3rd Street, West of the A.T. & S.F. Railroad described therein – PW 2007-508
- ***C4** Approved the Cooperative Agreement for the McHenry Avenue and Stanislaus River Bridge (38C-032) Replacement Project, between the Counties of Stanislaus and San Joaquin; authorized the Chairman to execute the agreement; directed the Auditor-Controller to increase appropriations and estimated revenue by \$370,000 in the project account per the financial sheet; and, directed the Auditor-Controller to issue a warrant in the amount of \$62,040.45 to San Joaquin County for reimbursement on services provided for this project - PW 2007-509
- ***C5** Accepted the Summary Report for Sperry Avenue Improvements Phase One, Utility Undergrounding; directed the GSA Director/Purchasing Agent to increase the contract amount with Teichert & Son, Inc., in the amount of \$61,211.75; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the project account per the financial transaction sheet – PW 2007-510
- ***D1** Received and adopted the Stanislaus Housing and Support Services Collaborative “10-Year Plan to End Long-Term Homelessness” – Planning 2007-511

Grover/Monteith (4-0)(DeMartini abstained) ***B6** Approved the expenditure of \$5,000 for the Modesto Symphony Orchestra Association from the Community Support Budget as part of the FY 2007-2008 Proposed Budget – CEO 2007-512

Mayfield/Monteith (4-0)(Grover abstained) ***B14** Approved final completion and acceptance of the Paradise Medical Office Remodeling Project; approved the final contract with Simile Construction Services, Inc., of Modesto, California as follows: the original contract cost of \$423,311, total change orders in the amount of \$42,465 for a final contract cost of \$465,776; and, authorized the Project Manager, on behalf of the Board of Supervisors as the awarding authority, to sign the completion documents, record the Notice of Completion, release retention and process all remaining closeout activities for the contracts – CEO 2007-513

Grover/DeMartini unan. **9:20am** Approved the proposed increases in the AB939 and Household Hazardous Waste Program Fees at the Stanislaus Resource Recovery Facility 2007-518

DeMartini/Grover unan. **9:25am** Based upon testimony received, board comments, and staff report, the Board upheld the Planning Commission’s decision and **denied** the appeal of the Planning Commission’s decision to deny Variance Application No. 2006-03 and Lot Line Adjustment Application No. 2006-47, Hardister, for the reasons set forth on pages 5 and 6 of the Planning Commission Staff Report as follows: 1) The applicant has failed to provide sufficient evidence required to support the findings for approval of the variance; 2) The only justification for the lot line adjustment and variance provided by the applicant would be to align parcel boundaries to allow for residential development on the higher ground overlooking Orange Blossom Road. There are no agricultural reasons for adjusting the parcel boundaries as proposed; 3) Approving the Variance would result in encroachment of additional residential development into an existing viable grazing parcel in the A-2-40 zoning district. One of the existing parcels (2.7 acres) is currently allowed a single house, the 0.05 acre parcel cannot be built upon, and the 608.75 acre parcel is allowed 2 houses. The current configuration of the parcels allows for three residences. With approval of the application as proposed, each 5 acre parcel would be allowed a single residence, and the 603 acre parcel would still be allowed two residences, for a total of four residences.

Two additional residences would be allowed to be constructed in the A-2-40 zone, and would encroach upon viable grazing land rather than in an area identified as suitable for smaller parcels; 4) A Lot Line Adjustment, approved in 2003, re-aligned one of the existing parcels (2.7 acres) specifically to allow for development of the parcel and an adjacent 2.8 acre parcel to the east - both with access off of Orange Blossom Road. The Adjustment was approved assuming that the site could be and would be built upon with the current configuration consistent with the A-2-5 zone; 5) Staff believes that approval of the Variance would provide a special privilege for this landowner as both existing parcels are in the exact configuration they were in when the applicant purchased the property in 2006. (The zoning is the same, and the ability to construct or build improvements is the same.); 6) The size, topography and location of the properties are the same as they were when purchased, and no substantial property rights enjoyed by other properties in the vicinity and under the same A-2-5 zoning classification are being deprived. The existing 2.7 acre parcel can be built upon similar to others in the area, and other 0.05 acre parcels zoned A-2-5 (or A-2-3, A-2-10, A-2-20, A-2-40, or A-2-160), if there are any, would likely not be able to be built upon either and would be limited in their development possibilities. The existing property rights that existed in 2006 when the parcels were purchased are preserved, and a variance is not necessary for the preservation or enjoyment of those rights; and, 7) The Tulloch Lateral is owned in fee title by the Oakdale Irrigation District (OID) and bisects the two proposed smaller parcels. Portions of each parcel would be located both to the north and to the south of the separate OID Tulloch Lateral parcel. Although OID in their letter dated 03/19/07 has no objections to the lot line adjustment, Staff is not in the habit of approving lot line adjustments that result in parcels bisected by other fee title parcels, and does not recommend doing so in this case – Planning 2007-519

Recessed to sit as the Stanislaus County Redevelopment Agency at 10:12 a.m.

Grover/Monteith unan. **9:30am** Approved the consent calendar

9:30am *III-A Approved the minutes of 5/15/07

9:30am *VI-A Approved the Agreement with the Housing Authority of Stanislaus County to continue the Sewer Connection Program; authorized the allocation of \$290,000 from prior year Housing Set-Aside fund and \$50,000 from the FY 2007-08 Budget; and, authorized the Executive Director to sign and negotiate on behalf of the Agency 2007-520

9:30am *VI-B Approved the Agreement with the Housing Authority of Stanislaus County to continue the Major Home Repair Program; authorized the reallocation of the balance of \$44,500 of unexpended funds from the FY 2006-07 contract and \$50,000 from the FY 2007-08 Budget to the Major Home Repair Program; and, authorized the Executive Director to sign and negotiate on behalf of the Agency 2007-521

9:30am *VI-C Approved the Agreement with the Housing Authority of Stanislaus County to continue the Minor Home Repair Program; authorized the allocation of \$50,000 of Housing Set-Aside funds from FY 2007-08 Budget to continue the Minor Home Repair Program; and, authorized the Executive Director to sign and negotiate on behalf of the Agency 2007-522

9:30am IV-A Acknowledged receipt of correspondence dated 6/14/07 from Nancy C. Miller, Miller, Owen & Trost regarding their new hourly rates for legal services

Mayfield/Grover unan. **9:30am VI-D** Approved the MOU between the Keyes Community Services District and the Agency regarding the relocation of sanitary sewer and water lines as part of the Agency’s Keyes Improvement Project; accepted \$879,200 from the Keyes Community Services District for the proposed additional work to the Keyes Storm Drain Project; and authorized the Executive Director to sign and negotiate on behalf of the Agency 2007-523

Reconvened as the Stanislaus County Board of Supervisors at 10:15 a.m.

Mayfield/Grover unan. **B16** Adopted the Stanislaus County's Final Capital Improvement Plan for FY 2006-2007 – CEO 2007-514

Grover/Mayfield unan. **B17** Adopted Stanislaus County's Debt Capacity Review; and, directed County staff to prepare future borrowings consistent with the economic and financial factors identified in the Debt Capacity Review – CEO 2007-515

Recessed at 10:51 a.m.

Reconvened at 11:01 a.m.

Mayfield/Grover unan. **B18** Accepted the Jail Needs Assessment and Public Safety Services Master Plan for the Sheriff's Public Safety Center and Coroner Facilities and other Public Safety Facilities; authorized the staff to develop an overall implementation strategy which will include the development of phasing options, funding options, and professional programming services; and, authorized the use of professional services to assist the staff to update the Report on the Stanislaus County Juvenile Justice System for juvenile detention facility needs – CEO 2007-516

Grover/Mayfield unan. **B19** Approved actions to fund the operating deficit in the 2006-2007 HSA Clinics and Ancillary Services budget; authorized the undesignation of funds for the HSA Strategic Plan to be transferred to the HSA Clinics and Ancillary Services budget unit; authorized the undesignation of funds from the Tobacco Settlement Fund to be transferred to the HSA Clinics and Ancillary Services budget unit; authorized the undesignation of funds from the Public Health Special Revenue Fund balance to be transferred to the HSA Clinics and Ancillary Services budget unit; authorized the Auditor-Controller to make the necessary budget changes as described in the report; and, authorized the CEO and the Auditor-Controller to take all necessary actions to ensure the 2006-2007 Clinics and Ancillary Services budget closes in a positive fiscal position – CEO 2007-517

Corr 1 Referred to the CEO and BHRS, a portion of the 2007 Civil Grand Jury Report regarding the Stanislaus County Office of Public Guardian. M-39-K-4

Corr 2 Referred to Planning and Community Development, a letter from the City of Hughson regarding the newly approved and adopted 2007 amendment to the Redevelopment Plan to the Hughson Redevelopment Project.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Juan Orozo Gabriel; Charles Anderson, Froylan Blanco, and, Alexander B. McKeon.

Supervisor DeMartini spoke regarding the Retirement Board investments and reported that the Retirement Board balance is \$1,463 million. He gave an update regarding AB 844 Berryhill concerning junk dealers and recyclers, and explained the need for all the cities within Stanislaus County to adopt an ordinance regarding this issue before January 2008.

Supervisor Grover asked that an agenda item be brought before the Board formally requesting that the cities adopt a junk dealer ordinance. CEO Robinson responded that he would bring an item before the board regarding this issue at the next Board meeting.

Adjourned to closed session at 12:01 p.m. for conference with Real Property Negotiator: Property: Stanislaus Behavioral Health Center, 1501 Claus Rd., Modesto; Negotiating Parties: County (Richard

Robinson, Negotiator); Under Negotiation: Instructions to negotiator will concern price and terms of sale. Government Code §54954.5(b).

Adjourned at 12:14 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.)