

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

August 28, 2007

The Rotary Club of Salida was recognized by the Board and the Department of Parks and Recreation for their work on the restoration of Broadway Park.

Mayfield/Grover unan. Adopted the consent calendar after removing from consent item ***C3** Approval to Award Contract to George Reed, Inc., of Modesto, California, for the 2007/2008 County Overlay Program and Increase Appropriations in the Project Account; and, after removing from the agenda item ***B6** Approval for the District Attorney to Accept a \$90,000 Seed Award from the United States Attorney's Office for Project Safe Neighborhoods, Add One Criminal Investigator II Position and Adjust the Budget

- *A1** Approved the minutes of 8/21/07
- *A2** Adopted and waived the second reading of Ordinance C.S. 1006 to amend §11.08.020 and §11.08.040 of the Stanislaus County Code, amending a no parking zone and adding a green curb marking (12 minute parking zone) on Mariposa Road in the Modesto area – PW
ORD-55-D-1 2007-655
- *A3a** Accepted the resignation of Sergeant Ronald Reid from the Advisory Board on Substance Abuse Programs 2007-656
- *A3b** Accepted the resignation of Lionel Miguel from the Stanislaus County Mental Health Board 2007-657
- *A3c** Accepted the resignation of Bev Hatcher from the Stanislaus County Equal Rights Commission 2007-658
- *A4a** Appointed Michael Brennan and Dr. Richard Rose to the Economic Development Action Committee 2007-659
- *A4b** Appointed David Johnson to the South Modesto Municipal Advisory Council 2007-660
- *A5** Reappointed Vicki Bauman and Manuela Paredes-Walsborn to the Children and Families Commission 2007-661
- *A6** Proclaimed October 5, 2007 as Arts Day in Stanislaus County 2007-662
- *B1** Approved the Master Agreement with Stearns, Conrad and Schmidt, Consulting Engineers, Inc., for environmental monitoring, testing, and reporting services, at the Fink Road and Geer Road Landfills, and operation monitoring and maintenance services at the Geer Road Landfill, at a cost not to exceed \$1,347,448 for fiscal years 2007-2010; authorized the Chairman to sign Master Agreement No. A00625; authorized the Director of DER, or her Designee, to sign additional individual Project Authorizations; and, authorized the Director of DER, or her Designee, to sign additional individual Project Authorizations during fiscal years 2007-2010, up to \$100,000 but not to exceed the total contract amount of \$1,347,448 – DER 2007-663
- *B2** Approved the application, acceptance, if awarded, and the administration of a grant from the State of California off-Highway Vehicle (OHV) Grant Program in the amount of \$365,000 for the operations and maintenance of the OHV area in Frank Raines and La Grange Regional Parks beginning January 2008 through March 2009; authorized the Director of the Department of Parks and Recreation to sign and submit the grant application to the

State of California Resources Agency; and, adopted a resolution to apply for the State of California Resources Agency Off-Highway Vehicle Grant Program - Parks and Recreation
2007-664

- *B3** Accepted the Stanislaus County Treasury Pool's July 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 that the report has been reviewed and accepted – T/TC 2007-665
- *B4** Accepted the Stanislaus County Treasury Pool's Compliance Audit for year ending 06/30/06 prepared by the Stanislaus County Auditor-Controller's Office and reviewed for conformity with State law by the Stanislaus County Treasury Oversight Committee; accepted the Annual Certificates of Compliance from the Treasury Oversight Committee members for year ending 12/31/05 and for year ending 12/31/06; and accepted the Stanislaus County Treasury Pool Investment Policy, to be effective 08/31/07 – T/TC 2007-666
- *B5** Authorized the Stanislaus Regional 911 Director to appoint Sarah Goman to the position of Application Specialist I (GIS Specialist) Stanislaus Regional 911 at the fifth step of the salary range or \$19.82 per hour, \$41,225.60 annually – SR 911 2007-667
- *B7** Accepted the response to the 2006-2007 Stanislaus County Civil Grand Jury Final Report without any modifications as it relates to the Office of the Public Guardian; authorized the Chairman to forward the response to the Presiding Judge of the Superior Court; and, directed the CEO to ensure that the recommended actions approved by the Board of Supervisors be followed and completed by each County Department and report back to the Board as appropriate – CEO M-39-K-7 2007-668
- *B8** Approved the Sliding Fee policy to apply discounts for primary medical services within the Health Services Agency clinics under the Federally Qualified Health Center Look-Alike designation; and, authorized the HSA Managing Director, or her Designee, to implement the Sliding Fee Policy as soon as practical following the receipt of the Federally Qualified Health Center Look-Alike designation – HSA 2007-669
- *B9** Approved the final completion and acceptance of a portion of Bid Package 6, Plaza, Electrical, and Site Work, for the Gallo Center for the Arts; approved the final contract with Collins Electric Company, Inc. of Modesto in the amount of \$140,200 (no Change Orders); 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 this contract – CEO 2007-670
- *B10** Authorized the CEO on behalf of the County and the 12th Street Condominium Association, to negotiate and execute revisions to the 12th Street Condominium Project Enabling Declaration, Condominium Plan, Grant Deeds, easements and related documents ("Condominium Documents") to correct a title issue and to clarify the definition of the common areas; authorized the CEO on behalf of the County and the 12th Street Condominium Association, to negotiate and execute revisions to the Condominium Documents to provide for an exclusive use area adjacent to the alley for Westland Development Co., the owner of the ground floor of the Condominium Project; authorized the CEO, on behalf of the County and the 12th Street Condominium Association, to negotiate and execute revisions to the Condominium Documents and the Parking License Agreement to add 33 years to the term of the Condominium Plan (from 66 to 99 years) in exchange for a payment over time of \$840,000 from Westland and \$420,000 from StanCERA; authorized the CEO, on behalf of the County and the 12th Street Condominium Association, to execute and record appropriate grant deeds and the

Condominium Documents to effect the recommended changes and corrections to the project documents; authorized the CEO, on behalf of the County, to negotiate and execute modifications to the Parking License Agreement to allow the County to utilize a portion of Westland's parking spaces and to allow the construction of improvements to the parking garage to provide for secured parking for Westland's bankruptcy court tenant; and, authorized an increase in the purchase order to Kier and Wright Engineers by an amount not to exceed \$15,000 for appropriate revisions to the Condominium Plan to be funded by the parties to this partnership – CEO 2007-671

***B11** Authorized the CEO to negotiate and execute agreements with the Gallo Center for the Arts for parking, telephone services, maintenance services and landscape services in accordance with the original agreement with the Central Valley Center for the Arts (CVCA); and, the contracts for services purchased from the County will be at the expense of the CVCA, the operator of the Gallo Center for the Arts – CEO 2007-672

***C1** Considered and adopted a Resolution of Necessity to acquire real property or interest in real property by eminent domain for the Hatch Road Widening – Phase 1 – Turn Lanes Project, parcel owners Ronald D. Borges and Lisa Borges, APN: 018-001-020; finds the public interest and necessity require the proposed project; finds 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 the subject 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 owners of record of the property to be acquired; and, authorized County Counsel to initiate eminent domain proceedings to acquire the subject property – PW 2007-673

***C2** Considered and adopted a Resolution of Necessity to acquire real property or interest in real property by eminent domain for the Hatch Road Widening – Phase 1 – Turn Lanes Project, parcel owner Harold O. Miller & Sons, a California Limited Partnership, APN: 018-062-002; finds the public interest and necessity require the proposed project; finds 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 the subject 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 owners of record of the property to be acquired; and, authorized County Counsel to initiate eminent domain proceedings to acquire the subject property – PW 2007-674

***C4** Finds that the Stanislaus County Intersection Improvements at Geer Road at Santa Fe Avenue and Hatch Road at Santa Fe Avenue Project is consistent with the overall goals and policies of the Stanislaus County General Plan; adopted the Mitigated Negative Declaration pursuant to CEQA Guidelines §15074(B), by finding on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis; ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code §21125 and CEQA Guidelines §15075; approved the purchase agreements to acquire road right-of-way for the Geer Road at Santa Fe Avenue Intersection Project; authorized the Chairman to execute the agreements; directed the Auditor-Controller to increase appropriations and estimated revenue for the Geer Road at Santa Fe Avenue Intersection Improvement Project by \$48,893 per the financial transaction sheet; and, directed the Auditor-Controller to issue a warrant in the total amount of \$48,893, payable to Fidelity National Title Company, for the purchase amounts of \$27,693 and \$18,200 and \$3,000 for estimated escrow fees and title insurance – PW 2007-675

- *C5 Finds that the Final Map for the Pirrone Business Center Subdivision (in Salida) is in substantial compliance with the previously approved vesting tentative map; finds that Stanislaus County has adopted an approved planned development 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; authorized the Chairman of the Board to sign the final map for TM 2006-04; and, authorized the final map to be filed and recorded as presented – PW 2007-676
- *D1 Authorized the release of the 2006-2007 Draft Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Block Grant Program for a public review to end on 09/25/07; and, set a public hearing on 09/25/07 at 9:15 a.m. to consider adoption of the CDBG FY 2006-2007 Consolidated Annual Performance Evaluation (CAPER) – Planning 2007-677

Mayfield/Monteith (4-0)(Grover abstained) *C3 Awarded a contract in the amount of \$1,569,831 to George Reed, Inc., of Modesto, CA, for the construction of the 2007/2008 County Overlay Program; authorized the GSA Director/Purchasing Agent to execute a contract in the amount of \$1,569,831 with George Reed, Inc; directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet; authorized the Director of Public Works to execute change orders in accordance with Public Contract Code §20142; and, upon project completion, authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities - PW 2007-678

Grover/DeMartini unan. B12 Authorized the Director of BHRS to accept Mental Health Services Act Community Services and Supports Growth Funds in the amount of \$1,523,232 effective 08/10/07; directed the Auditor-Controller to increase appropriations and estimated revenue to the Mental Health Services Act budget unit in the amount of \$1,523,232 as detailed in the Budget Journal form; authorized the Director of BHRS, or her Designee, to sign the subsequent amendment to the agreement with the State Department of Mental Health for the provision of mental health services pursuant to the Mental Health Services Act Community Services and Supports Plan; authorized the Director of BHRS, or her Designee, to sign amendments to agreements with Telecare Corporation, Turning Point Community Programs, Inc., The Catholic Council for the Spanish Speaking of the Diocese of Stockton, aka El Concilio, and Stanislaus Multi-Cultural Community Health Coalition-West Modesto/King Kennedy Neighborhood Collaborative for the provision of mental health services pursuant to the Mental Health Services Act Community Services and Supports Plan; accepted the report on progress and outcomes related to the first year of implementation of the Mental Health Services Act Community Services and Supports Programs; and, amended the Salary and Position Allocation Resolution to add two Behavioral Health Specialist I/II positions, one Clinical Services Technician I/II position and to transfer one Family Services Specialist II position to the Mental Health Services Act budget unit, effective the first full pay period following Board approval – BHRS 2007-679

Recessed to sit as the Stanislaus County Redevelopment Agency at 9:24 a.m.

Grover/Mayfield unan. 9:15am Approved the consent calendar

9:15am *III-A Approved the minutes of 06/26/07

9:15am *V-A Approved the agreement with Computer Tutor to provide a Workforce Development Training Program to the Redevelopment Area with \$20,000 from the 2007-08 Budget; and, authorized the Executive Director to sign and negotiate on behalf of the Agency

2007-682

Monteith/Grover unan. **9:15am V-B** Authorized the expenditure of \$240,000 of Housing Set-Aside funds for the purchase of three single-family residential lots in the Airport Neighborhood Redevelopment sub-area 2007-683

Reconvened as the Stanislaus County Board of Supervisors at 9:27 a.m.

Mayfield/Monteith unan. **B13** Accepted the Internal Audit Reports prepared by the Internal Audit Division of the Auditor-Controller's Office 2007-680

Recessed at 10:54 a.m.

Reconvened at 11:03 a.m.

Mayfield/Monteith unan. **B14** Accepted the Second Quarter Status Report concerning the 12-month exclusive negotiation with PCCP West Park, a Master Developer preparing a Reuse Project Description and Proposal at the former Crows Landing Air Facility and adjacent properties located on the West Side of Stanislaus County; reviewed and adopted the recommendation of the Ad Hoc Committee to retain ownership of County properties at the former Crows Landing Air Facility; and, considered an Update of the General Land Use Alternatives/development footprint, the Public Meeting Outreach Plan, and Preliminary/Draft Studies on water systems, sewer, storm drainage, dry utilities, traffic circulation planning, and environmental reconnaissance – CEO 2007-681

Corr 1 Referred to DER, a copy of Form 10-Q for the Quarter ended 06/30/07 from Covanta Energy Corporation.

Corr 2 Referred to DER, Stanislaus Regional 911, and the CEO, a letter from the State Department of Water Resources regarding their upcoming helicopter survey flights to evaluate flood control levees.

Corr 3 Referred to the CEO-OES and the Agricultural Commissioner and Sealer of Weights and Measures, four letters from the Governor's Office of Emergency Services regarding the U.S. Department of Agriculture and the U.S. Small Business Administration declaration of Stanislaus County and other counties as disaster areas due to agriculture losses caused by drought that occurred 10/01/06 and 01/01/07 and continuing.

Corr 4 Referred to DER, Planning and Community Development, and the Agricultural Commissioner and Sealer of Weights and Measures, a Notice of Preparation of a Draft Program Environmental Impact Statement/EIR for the San Joaquin River Restoration Program from the State Department of Water Resources.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Bruce Donald Hammerstrom; Brexton Torres; Myron Smallin; Brian Strelow; Raymond Strelow; Walter Strelow; and, Charles Strelow.

Supervisor DeMartini noted that there will be a West Side Health Care Taskforce meeting next week on 09/06/07 in Newman.

The CEO reported that the State budget has passed with more than \$700 million in cuts by the Governor. County staff is analyzing the State budget to determine the impact to Stanislaus County.

The Chairman announced that there will be a public dedication and ribbon cutting ceremony for the Gallo Center for the Arts on Monday, 10/10/07 at 6:00 p.m., at 1000 I Street in Modesto.

Adjourned at 11:31 a.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.)