

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

Regular Session

Tuesday

September 25, 2007

All Supervisors Present

Pledge of Allegiance to the Flag

Denise Seymour from the Stanislaus Outdoor Venue Association (SOVA) asked the Board for permission for SOVA to book weddings for the 2008 wedding season. She noted that she has a rezone application filed with the Planning Department for her property. She noted that she went to Tulare, Fresno and San Joaquin Counties, which allow outdoor venues in agricultural areas, and brought back information for County staff.

Constance Robinson, a member of the Stanislaus Outdoor Venue Association (SOVA), spoke in support of agritourism in Stanislaus County. She read a letter regarding agritourism from Desmond Jolly, Agricultural Economist from UC Davis Department of Agricultural and Resource Economics and Director of the UC Small Farm Center.

Mayfield/Grover unan. Adopted the consent calendar after removing from consent item ***C2** Approval to Award Contract to George Reed, Inc., of Modesto, California, for the Federal Regional Surface Transportation Road Resurfacing Program for Fiscal Year 2006/2007, Federal Aid Project No. STPL-5938(144), City of Newman Overlays – (RSTP Road Resurfacing Program FY 06/07) and Increase Appropriations in the Project Account

***A1** Approved the minutes of 09/18/07

***A2a** Adopted and waived the second reading of Ordinance C.S. 1008 amending §10.13.010 C. of the Stanislaus County Code regarding card room regulations – County Counsel
ORD-55-D-4 2007-760

***A2b** Adopted and waived the second reading of Ordinance C.S. 1009 amending §11.08.120 of the Stanislaus County Code, adding a no truck parking zone on Lander Avenue in the Turlock area – PW
ORD-55-D-5 2007-761

***A2c** Adopted and waived the second reading of Ordinance C.S. 1010 amending §11.16.030 of the Stanislaus County Code, adding a fourteen thousand pound weight limit on Sonora Avenue in the Modesto area – PW
ORD-55-D-6 2007-762

***A3** Accepted the resignations of Keith Schneider and Fran Lightly from the Western Hills Water District
2007-763

***A4** Appointed Arturo Flores to the Stanislaus County Children's Council
2007-764

***A5a** Proclaimed 09/15/07 through 10/15/07 as Hispanic Heritage Month
2007-765

***A5b** Proclaimed the week of 10/13/07-10/21/07 as Binational Health Week
2007-766

***A6** Approved request from the Stanislaus County Department of Aging and Veterans Services for use of the Courthouse Lawn on 11/11/07 for Veterans Day activities
2007-767

***B1** Approved the closure of the Riverbank Library on Saturday, 10/13/07, during the 31st Annual Riverbank Cheese and Wine Exposition – Library
2007-768

***B2** Approved the Public Wireless Internet Access Policy for the Stanislaus County Library System
2007-769

***B3** Authorized BHRS to submit a grant application to the State Department of Alcohol and Drug Programs to receive Substance Abuse Offender Treatment Program funds to enhance substance abuse treatment services; authorized the BHRS Director to accept the subsequent

- funding award; and, authorized the BHRS Director, or her Designee, to sign subsequent agreements and any amendments to agreements with the State Department of Alcohol and Drug Programs related to the Substance Abuse Offender Treatment Program funding during FY 2007-2008 – BHRS 2007-770
- *B4 Authorized the GSA Director-Purchasing Agent to negotiate and enter into an agreement with Macro Corporation for radio communication engineering consultant services to provide future direction for the Regional Interoperable Communication Project - CEO/OES 2007-771
 - *B5 Adopted plans, specifications and working details for the Woodward Reservoir Water Well and Water Filtration System Project; directed the Department of Parks and Recreation staff to mail “notice inviting bids” to trade journals as required by law; and, directed the Clerk of the Board to publish “Invitation to Bidders” for the project as required by law and set the deadline for submission of the bids as 10/24/07 at 2:30 p.m. – Parks and Recreation 2007-772
 - *B6 Authorized the Director of Environmental Resources to execute an amendment to the Fink Road Farm Lease Agreement with Lent Burden Farming, Inc., LBFI I-5 Lease, L.P., to extend the lease through 11/03/09 – DER 2007-773
 - *C1 Approved the request from Shadowchase Running Club to hold the Riverbank Cheese and Wine Run on several County roads on 10/13/07; and, authorized the Director of Public Works to issue a permit for said event – PW 2007-774
 - *C3 Awarded contract in the amount of \$682,630.40 to Valley Slurry Seal Company dba VSS Emultech, of West Sacramento, California, for the 2007 Chip Seal Program (Asphalt Emulsion); authorized the GSA Director/Purchasing Agent to execute a contract in the amount of \$682,630.40 with Valley Slurry Seal Company dba VSS Emultech; and, upon project completion, authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities – PW 2007-775
 - *D1 Rescinded all or a portion of Williamson Act Contract #1972-0505 and #1972-0580 (Merriam Road, north of E. Taylor Road, in the Denair area) and approved a new contract pursuant to Minor Lot Line Adjustment 2007-14 - Joseph and Belinda Silva and authorized the Planning Director to execute a new contract; 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; 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 2007-776
 - *D2 Rescinded all or a portion of Williamson Act Contract #1975-1866 and #73-1520 (Moran Road, Crows Landing Area) and approved a new contract pursuant to Minor Lot Line Adjustment 2007-05 – Hansen-Escobar and authorized the Planning Director to execute a new contract; 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; 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

2007-777

- *D3** Rescinded all or a portion of Williamson Act Contract #1974-1780 (Frank Cox Road, east of Highway 33, Westley area) and approved a new contract pursuant to Minor Lot Line Adjustment 2006-58 – Westside Hulling Association and authorized the Planning Director to execute a new contract; 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; 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

2007-778

Mayfield/Monteith (4-0)(Grover abstained) ***C2** Awarded contract in the amount of \$1,445,881 to George Reed, Inc., of Modesto, CA, for the construction of the Federal Regional Surface Transportation Road Resurfacing Program for FY 2006/2007, Federal Aid Project No. STPL-5938(144), City of Newman Overlays - (RSTP Road Resurfacing Program FY 2006/2007); authorized the General Service Agency Director/Purchasing Agent to execute a contract in the amount of \$1,445,881 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

2007-779

Corr 1 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Steve P. Orlando; Sheri A. Rooney; and, Mary Caton.

The CEO reported that the County has received an indirect notification that the County qualifies for the Federally Qualified Health Center (FQHC) Look Alike Designation, with an anticipated effective date of 9/20/07. He noted that this is a significant accomplishment for the HSA Clinic Systems and will make a

remarkable difference in the County's ability to meet budget targets. He also reported that the Legislature will go into session during the next several weeks to address health care reform and water issues.

Recessed at 9:11 a.m.

Reconvened at 9:15 a.m.

Grover/DeMartini unan. **9:15 am** Conducted the required public hearing and adopted the 2006-2007 Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Block Grant Program 2007-780

Adjourned to closed session at 9:23 a.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 9:54 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.)