

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

July 26, 2005

A moment of silence was held in memory of County employee Vickie Stevens, from the Department of Employment and Training.

Employee Service Award for thirty years of service was given to Charmaine Morad-Daniel from the Sheriff's Department. Employee Service Awards for those honored for twenty-five years of service were given to Lydell Wall, Patrick Kelly and Captain Raul DeLeon from the Sheriff's Department; Connie Ruth McIlroy from Stanislaus Regional 9-1-1; and, L. Denton Hoeh from DER. Employee Service Award for twenty years of service was given to DA James C. Brazelton, and he was also presented with a gift and a resolution upon his retirement from Stanislaus County.

Frank Johnston, Past President of Associated Students of Modesto Junior College, presented a plaque to the Board for their continued support of MJC. He also voiced concerns regarding a locked restroom at the Family Practice Clinic that is only available for public use if they surrender their ID, which is then photocopied.

Warren Brumley noted that a community clean-up effort took place in Empire on 7/16/05. He thanked Supervisor O'Brien and the following employees for their efforts in making this clean-up a success: Bill Houk, Raul Mendez, Jim Duval and Janice McClendon. He also thanked the deputies from the Sheriff's Empire Community Sub Station who assisted with the clean-up, and who made individuals from the work release program available to help. In addition, a representative from the CHP, Kathaleen Allen of the Empire MAC, the Empire 4-H, and waste disposal truck drivers were present and contributed to this event.

Dan Hodnett of the Cornerstone Theatre Company, invited everyone to attend the performances of Boda De Luna Nueva (New Moon Wedding) on 8/4/05, 8/5/05, and 8/6/05 at the United Community Center and Park in Grayson, and he thanked the Board for use of the facility.

Simon/Mayfield unan. Adopted the consent calendar after removing from consent item ***A5** Approval to Cancel the Board of Supervisors' Meetings Scheduled for August 30, 2005 and October 4, 2005; and, after removing from the agenda items ***B5** Approval for the Sheriff to Enter into a Sublease Agreement with Air Methods Corporation-Medi-Flight of Northern California for Hangar No. 5 at Sky Trek Aviation, and ***B6** Approval to Replace a Member of the 2005 Discipline/Equal Employment Opportunity (EEO) Grievance Appeals Board 2005-576 & 2005-577

***A1** Approved the minutes of 7/19/05

***A2** Adopted and waived the second reading of Ordinance C.S. 930 amending Title 11 of the Stanislaus County Code, adding a speed zone on Crawford Road

ORD-54-W-13 2005-562

***A3a** Appointed Dan Souza to the Children and Families Commission (Proposition 10) 2005-563

***A3b** Appointed Timothy Rhiney to the Hazardous Waste Management Advisory Committee 2005-564

***A3c** Appointed Marlene Katsufrakis to the Animal Court 2005-565

- *A4 Proclaimed August 2005 as Child Support Awareness Month 2005-566
- *B1 Approved the Local Workforce Investment Area (WIA) Strategic Five-Year Local Plan Modification 5, Program Year 2005/06 Extension and authorized the Chairman to sign the Plan – Employment & Training 2005-567
- *B2 Adopted the decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 228 H Street, Turlock, CA (CE No. 04-05) and authorized the Treasurer/Tax-Collector to recover the costs by special assessment and a lien if the property owner fails to pay for the cost of this abatement, pursuant to County Code – DER 2005-568
- *B3a Adopted the decision of the Nuisance Abatement Hearing Board regarding the nuisances at 2345 Ridge Road, Modesto, CA (CE No. 05-958) – DER 2005-569
- *B3b Adopted the decision of the Nuisance Abatement Hearing Board regarding the nuisances at 2369 Regal Road, Modesto, CA (CE No. 05-633) – DER 2005-570
- *B3c Adopted the decision of the Nuisance Abatement Hearing Board regarding the nuisances at 818 Souza Avenue, Modesto, CA (CE No. 05-723) – DER 2005-571
- *B4 Approved the State Department of Health Services contract for the continuation of the Immunization Assistance Program for the period 7/1/05 through 6/30/06 and authorized the HSA Managing Director, or her Designee, to sign and execute the contract 2005-572
- *B7 Accepted a contribution from the City of Patterson in the amount of \$549,934 for the Baldwin Road Reconstruction Project and authorized a transfer of funds from the Baldwin Road Budget to the Sperry Road Utility Under Grounding Project M-64-D-7 2005-573
- *C1 Approved the request by the Salida Civic Association to hold the 6th Annual Salida Town & Country Parade & Festival on 8/20/05, on County roads and in Salida Park on Broadway Avenue; authorized the Director of Public Works to issue an encroachment permit for the event; waived the Public Works \$25.00 permit fee and the Parks Department \$90.00 exclusive use fee; approved the required conditions of approval as set forth in the Department of Parks and Recreation memorandum, dated 7/18/05; and, denied the request by Robert Chance on behalf of Chance’s Country Diner to hold a car show (Salida’s 2nd Car Show) on 8/20/05, on Magnolia Street which will be used for festival activities on the same day – PW 2005-574

Simon/Mayfield (3-2)(O’Brien and DeMartini opposed) *A5 Canceled the Board of Supervisors’ meetings scheduled for 8/30/05 and 10/4/05 2005-575

Simon/Mayfield unan. B9 The Board discussed the potential options concerning the upcoming Sheriff vacancy and adopted Option No. 1 to take no action and not appoint a person to fill the Sheriff vacancy 2005-579

Mayfield/O’Brien unan. B8 Accepted the update on groundwater management activities in the Turlock Groundwater Sub-Basin from the Turlock Groundwater Association – DER 2005-578

DeMartini/Mayfield unan. 9:25 am Finds that notice of the public hearing was published in compliance with Government Code §6066; conducted a public hearing to receive comments regarding the 2005/06 annual assessments and set the 2005/06 annual assessments as shown on Exhibits “A” through “D” for the following CSAs and landscape and lighting district: CSA No. 10 - Salida, CSA No. 17 - Sunray Estates (Keys), CSA No. 19 - Tuolumne-Gratton (Denair), and Howard/McCracken Landscape and Lighting District (Westley); made the Engineer’s Reports a part of the record of this proceeding; and, authorized the Auditor-Controller to add the annual assessments to the 2005/06 Tax Roll – DER 2005-582

DeMartini/Simon unan. 9:30 am Based upon the Board comments, staff report, comments made by staff, and staff recommendations, the Board finds the project inconsistent with the General Plan and was unable

to make all the required variance findings; and, denied the appeal of the Planning Commission decision for Parcel Map Application #2005-02 and Variance Application #2005-01, Rifenburg Ranch, a request to create parcels of 12.2 and 3.9 acres in the A-2-40 (General Agriculture) zoning district for property located at 1118 Bent Road, Modesto/Empire area – Planning 2005-583

Simon/O'Brien unan. **B10** Approved Amendment No. 1 to the MOU with the California Statewide Automated Welfare System Consortium IV, a Joint Powers Authority and authorized the Chairman to sign the amended MOU – CSA 2005-580

Mayfield/Simon unan. **C2** Adopted the results of the ballot procedure (support votes: 86; protest votes: 14; incomplete ballots: 9), for the formation of the Bystrum Landscape and Lighting District in compliance with Proposition 218; finds that all of the parcels within the Bystrum Landscape and Lighting District will receive equal benefit from the formation of the District; formed the Bystrum Landscape and Lighting District and confirmed the boundary of the district as being those described on Exhibits "A" and "B", which are made a part hereof; directed the Department of Public Works to file the formation with the California State Board of Equalization; ordered the installation of street lights; confirmed and approved the method for calculating the amount of the annual assessment that will be used to pay for street lighting service; set the 2005/06 annual assessment at \$36.06 per parcel, the parcels are subject to the annual assessment as shown on Exhibit "C", which is made a part hereof; authorized the Auditor-Controller to add the annual assessment to the 2005/06 tax roll; authorized the Auditor-Controller to establish a fund for the Bystrum Landscape and Lighting District; and, made the Engineer's Report a part of the record of this proceeding – PW DLA-2-2 2005-581

Corr 1 Referred to the Auditor-Controller, a copy of the FY 2005/06 Annual Budget for the East Side Mosquito Abatement District.

Corr 2 Referred to the DER, a letter from the California Regional Water Quality Control Board regarding the transfer of the Regional Water Board's regulatory activities in Stanislaus County to the Sacramento Main Office.

Simon/DeMartini unan. **Corr 3** Adopted a resolution, as recommended by the San Joaquin Valley Rail Committee, requesting that Congress provide funding for California's Amtrak services 2005-584

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Roy Fennell; Terry Brent Johnson; Justin Roberts; and, Robert Benyamini.

Recessed to closed session at 11:08 a.m. for conference with labor negotiator - Agency Negotiator: Rick Robinson. Labor Organization: SEIU (Service Employees' International Union). Government Code §54954.5(f).

Adjourned at 12:50 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.)