

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

Special and Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

August 16, 2005

Special Session convened at 6:00 p.m.

Recessed to closed session at 6:01 p.m. Conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organization: SEIU. Government Code §54954.5(f)

Reconvened at 6:30 p.m. for Regular Session

Chairman Grover presented a commendation to Deputy Executive Officer Richard Jantz upon his retirement from Stanislaus County.

The Chairman presented resolutions honoring Stanislaus County residents, Army Private First Class Oscar Sanchez and Marine Corporal Michael D. Anderson, Jr., who lost their lives in Iraq while in the service of the United States of America.

Margaret Szczepaniak, Managing Director of HSA, gave an update regarding West Nile Virus in Stanislaus County. She reported that since last week, there are 4 additional human cases of the virus in the County, which brings the total number of cases in the County to 23. She noted that there have been 208 cases of the West Nile Virus statewide. Public Health is continuing to distribute educational materials to the public by utilizing radio call-in shows, press conferences, print media, and distribution of electronic information. In addition, information is being provided to churches and schools in the County. She noted that there is the potential for aerial spraying in Stanislaus County depending on the effectiveness of ground spraying.

Lloyd Douglass, Manager of the East Side Mosquito Abatement District, gave an update concerning mosquito abatement efforts. He noted that they have increased abatement efforts in response to West Nile Virus including additional ground spraying. He noted that if there is an increase in cases of the virus, they may go to evening aerial spraying in Stanislaus County.

Susan Robinson raised concerns regarding the implementation of the Animal Overpopulation ordinance, which was adopted in July 2005. Earlier this week, she contacted the Animal Services and requested a litter permit, and they were unable to provide one, and did not have information regarding the new ordinance. She requested the Board to work with the Animal Services Department to ensure that the new Animal Overpopulation ordinance requirements be enacted.

Debra Jeheber made the following recommendations to the Board concerning Animal Services: contact the Humane Society of the United States to bring in a shelter evaluation team; conduct a background check of any Director candidates; dissolve the Animal Advisory Board and develop a committee to watch dog the shelter and work with staff to create a vision for the future; and, that information be developed regarding the new ordinance.

Doug Basmajian, Chairman of the Animal Advisory Board, noted the diverse membership of the Animal Advisory Board. He voiced concerns regarding an e-mail sent by Debra Jeheber concerning the Animal Services Department and the Animal Advisory Board.

John Mataka, of the Grayson Neighborhood Council, voiced concerns regarding the potential of aerial spraying for mosquitoes without public notification.

Simon/Mayfield unan. Adopted the consent calendar

- *A1 Approved the minutes of 8/9/05
- *A2 Accepted the resignation of Mike Burns from the Stanislaus County Local Task Force on Solid Waste Management 2005-614
- *A3a Appointed Charmaine Lazar to the Hazardous Waste Management Advisory Committee 2005-615
- *A3b Appointed Brad de la Cruz to the Mental Health Board 2005-616
- *A3c Appointed Zena Gilbert to the Stanislaus County Local Task Force on Solid Waste Management as the Representative for the City of Waterford 2005-617
- *A3d Appointed Armando Garcia to the Stanislaus Consolidated Fire Protection District Board of Directors as the City of Waterford's Representative 2005-618
- *A4a Approved the consolidation of the City of Waterford's Sales Tax Proposition Election with the Special Statewide Consolidated Election to be held on 11/8/05 2005-619
- *A4b Approved the consolidation of the Riverbank Unified School District's Issuance of School Bonds Election with the Special Statewide Consolidated Election to be held on 11/8/05 2005-620
- *A4c Approved the consolidation of the Newman-Crows Landing Unified School District's Issuance of School Bonds Election with the Special Statewide Consolidated Election to be held on 11/8/05 2005-621
- *A4d Approved the consolidation of the Hughson Fire Protection District's Election to increase the membership of their Board of Directors with the Special Statewide Consolidated Election to be held on 11/8/05 DF-4-32 2005-622
- *B1 Approved and authorized the Chairman to sign the FY 2004/05 Amended Egg Quality contract with the California Department of Food and Agriculture – Agricultural Commissioner 2005-623
- *B2 Approved and authorized the Chairman to sign the FY 2005/06 Wildlife Services contract with the US Department of Agriculture – Agricultural Commissioner 2005-624
- *B3 Approved and authorized the Chairman to sign the following FY 2005/06 contracts with the California Department of Food and Agriculture: Pest Detection, Organic, Red Imported Fire Ant, Weighmaster, Petroleum, and Egg Quality; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$50,214 – Agricultural Commissioner 2005-625
- *B4 Approved and authorized the Chairman to sign the FY 2005/06 Cantaloupe Surveillance contract with the California Cantaloupe Advisory Board – Agricultural Commissioner 2005-626
- *B5 Approved and authorized the Chairman to sign the FY 2005/06 Pesticide Use Reporting contract with the California Department of Pesticide Regulation – Agricultural Commissioner 2005-627
- *B6 Authorized CSA to renew the FY 2005/06 agreement with the University of California, Davis for staff training and authorized the Director of CSA, or his Assistant Director Designee, to sign the agreement and any amendments not to exceed the total agreement amount of \$91,800 for FY 2005/06 – CSA 2005-628
- *B7 Approved the agreement with Haven Women's Center of Stanislaus for the provision of domestic violence services and authorized the Director of CSA, or his Assistant Director Designee, to sign the agreement and any amendments not to exceed the total agreement amount of \$30,750 for FY 2005/06 – CSA 2005-629

- *B8 Approved the replacement of Debbie Hiebert with Harrison James as the second alternate employee member, and adding Jeffrey R. Olson as an alternate attorney chairperson, to the 2005 Discipline/Equal Employment Opportunity (EEO) Grievance Appeals Board
2005-630
- *B9 Authorized the Director of Parks and Recreation to compensate the Deputy Director of Parks and Recreation Candidate Tarry L. Smith above the mid-point of Management Pay Band E – Parks & Recreation
2005-631
- *B10 Approved temporarily closing Frank Raines Off-Highway Vehicle Park during the high and extreme fire danger season – Parks & Recreation
2005-632
- *B11 Approved proceeding with the Woodward Reservoir Saddle Dam Project; authorized the transfer of funds in the amount of \$585,811 from Appropriations for Contingencies for the project; authorized the Auditor-Controller to establish a new Parks Project Fund for the Woodward Reservoir Saddle Dam Project; directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$585,811; approved the project budget and schedule; relieved On-Grade Contracting of its bid; approved the award of the contract to T. L. Peterson of Cottonwood, CA in the amount of \$557,300; and, authorized the Interim Purchasing Agent to establish a contract with T.L. Peterson for the contract amount – Parks & Recreation
2005-633
- *B12 Approved proceeding with the Woodward Reservoir Improvement Project to install twelve (12) double vaulted chemical restrooms; approved the use of up to \$475,000 of public facilities fees for the project; directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$475,000; approved the project budget and schedule; approved the award of the construction contract to Cunningham and Sons, Inc., of Oakdale, CA; and, authorized the Interim Purchasing Agent to establish a contract with Cunningham and Sons, Inc. for the contract amount – Parks & Recreation
M-64-D-8 2005-634
- *B13 Approved entering into a new agreement with the Stanislaus County Children and Families Commission for the provision of medical services and benefits coverage assistance for Healthy Cubs beneficiaries; and, authorized the Managing Director, or her Designee, to execute the agreement – HSA
2005-635
- *C1 Adopted a resolution to summarily vacate a 15-Foot irrigation easement in the Sierra Sunset Subdivision east of Oakdale – PW
2005-636
- *C2 Approved Agreement No. LF-2005-02 with Kleinfelder, Inc., for environmental monitoring at the closed Geer Road Landfill for FY 2005/06; and, authorized the Interim Purchasing Agent to establish an agreement with Kleinfelder, Inc., of Sacramento, CA, for the amount of \$160,755 – PW
2005-637
- *C3 Approved an agreement with SCS Field Services for non-routine landfill repair/engineering consulting support services and operation, monitoring, and maintenance at the closed Geer Road landfill for FY 2005/06; and, authorized the Interim Purchasing Agent to establish an agreement with SCS Field Services of Long Beach, CA, for the amount of \$95,000 – PW
2005-638
- *C4 Approved Agreement No. LF-2005-03 with SCS Field Services for non-routine landfill repair/engineering consulting support services at the Fink Road landfill for FY 2005/06; and, authorized the Interim Purchasing Agent to establish an agreement with SCS Field Services of Long Beach, CA, for the amount of \$15,000 – PW
2005-639
- *C5 Authorized the institution of the proceedings for the formation of CSA No. 21 – Riopel (in Denair) to provide the extended county service of storm drainage control and landscape maintenance within the storm drain basin; approved the Engineer’s Report prepared by the County Engineer for CSA No. 21 – Riopel; authorized an assessment ballot procedure in conformation with Proposition 218 for the proposed method for calculating the annual assessment for CSA No. 21 – Riopel; set a public hearing on 10/11/05, at 9:25 a.m.,

- regarding the formation of CSA No. 21 and the proposed method for calculating the annual assessment for CSA No. 21 – Riopel; and, ordered that notice of the public hearing be given by mail pursuant to Government Code §53753(b) – PW CSA-21-1 2005-640
- *C6 Approved plans and specifications for the 2005 County Road Resurfacing – Phase 1 Project and approved 8/31/05 at 2:00 p.m. as the bid opening date; directed the Clerk of the Board to publish notice inviting bids for the project as required by law, and set 8/31/05, prior to 2:00 p.m., as the deadline for submission of bids; directed the Public Works staff to mail notice inviting bids to trade journals as required by law; and, directed the Auditor-Controller to increase appropriations by \$3,000 in the project account, to cover reproduction costs and advertisement costs associated with the development of the project incurred during the design phase – PW 2005-641
 - *D1 Set a Public Hearing on 8/23/05, at 9:25 a.m., to consider Rezone Application #2005-06 - Woods Furniture, Inc. – Planning ORD-54-X-3 2005-642
 - *D2 Set a Public Hearing for 9/20/05 at 6:40 p.m. to consider the approval of the 2004-2005 Community Development Block Grant Draft Consolidated Annual Performance Evaluation Report (CAPER) – Planning 2005-643
 - *D3 Authorized the release of the 2004/05 Draft Consolidated Annual Performance Evaluation Report for the Community Development Block Grant Program for a thirty (30) day review to end on 9/20/05 – Planning 2005-644
 - *E1 Granted the claim presented by the Fleur de Ville Homeowners Association dated 5/18/05 for a refund of \$2,305.30 in assessments, penalties and fees levied by the Salida Highway Lighting District in 1998, 1999 and 2000 against five non-residential parcels; pursuant to R&T Code §5096.1, finds that the City of Modesto inadvertently neglected to commence proceedings to detach the Fleur de Ville subdivision from the Salida Highway Lighting District in a timely manner; and, ordered the Auditor-Controller to pay the refund to the Fleur de Ville Homeowners Association upon available funds on account for the Salida Highway Lighting District, or in the event such funds are insufficient, then out of funds subsequently accruing to the District and on deposit in the County Treasury – County Counsel 2005-645

DeMartini/O’Brien unan. **B14** Authorized staff to solicit proposals from qualified tenants to lease a portion of the Crows Landing Air Facility; authorized the CEO to execute an agreement with Shaw Environmental to prepare a Munitions Guidance Document; authorized the CEO to execute an agreement with Mead & Hunt to conduct a survey in order to determine the potential user demand of aircraft owners, for an amount not to exceed \$15,000; and, accepted staff’s update of activities relating to reuse planning of the Crows Landing Air Facility 2005-646

O’Brien/Mayfield (2-2) (Simon and DeMartini opposed) (Grover abstained) **6:40pm** The motion to deny GPA #2005-06 and Rezone #2005-07 - Larry Turner failed, no action was taken because a majority of a quorum did not vote affirmatively to approve the project – Planning ORD-54-X-2 2005-648

Recessed to sit as the Stanislaus County Redevelopment Agency at 8:06 p.m.

Mayfield/Simon unan. Approved the consent calendar
6:45pm (*III-A) Approved the minutes of 5/24/05

Mayfield/Simon unan. **6:45pm (VI-A)** Accepted 7/21/05 Fiscal Report prepared by Urban Analytics; authorized Executive Director to take next steps toward the issuance of approximately \$12,570,000 in tax allocation bonds, which includes the execution of agreements between the Agency, the Financial Advisor, Underwriter, Disclosure Counsel, Bond Counsel, Trustee, and Printer; and, directed Agency staff to return to the Agency prior to its issuance, and; **amended** the item to direct Agency staff to also provide

documentation attached to the agreements that supports the cost justification for fees charged by bond and disclosure counsel 2005-649

Reconvened to sit as the Stanislaus County Board of Supervisors at 8:31 p.m.

Simon/DeMartini unan. **C7** Authorized the investigation for the potential development of a recycling center at the Fink Road Landfill, an investigation of the expansion of the Household Hazardous Waste Program at both the Morgan Shop and Fink Road Landfill; and, authorized the application to become an authorized collector of e-waste and the development of an e-waste program at the Morgan Shop – PW 2005-647

Corr 1 Referred to the Agricultural Commissioner and Sealer of Weights and Measures and the Office of Emergency Services, a letter from the Governor’s Office of Emergency Services regarding the U.S. Department of Agriculture’s granting of a Secretarial disaster designation for the counties of Fresno, Kern, Madera, Merced, and Tulare, and the contiguous counties of Inyo, Kings, Los Angeles, Mariposa, Mono, Monterey, San Benito, San Bernardino, San Luis Obispo, Santa Barbara, Santa Clara, Stanislaus, Tuolumne, and Ventura due to agriculture losses caused by rain and hailstorms that occurred from April 28, 2005, and ending on May 9, 2005.

Corr 2 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Terri and William Veneman; and, Erica Inacio.

Legislative A. The verbal update on the West Nile Virus was given during the Public Comment portion of the Board meeting

Simon/O’Brien unan. **Authorization for an Item Too Late for the Agenda** - Approved the need for Board action on a matter too late for the agenda regarding the approval to award an emergency contract to SCS Field Services to repair the methane gas collection system at the Geer Road Landfill, as meeting the criteria for an item too late for the agenda 2005-650

O’Brien/Mayfield unan. **Item Too Late for the Agenda** – Finds that an emergency exists due to wildland fire that destroyed the methane gas collection system at the Geer Road Landfill which will not permit a delay resulting from competitive selection for bids; pursuant to Public Contract Code §22035, authorized the repair of the methane gas collection system at the Geer Road Landfill without adopting plans, specifications or working details for the work because of emergency circumstances; authorized the Purchasing Agent to establish a contract with SCS Field Services to repair the Geer Road Landfill methane collection system, and to procure the necessary equipment, services, and supplies to repair the system without giving notice for bids to let a contract; and, finds and determines that the proposed replacement of the Geer Road Landfill methane gas collection system is exempt from CEQA pursuant to Guidelines §15269 (emergency projects) and §15301 (replacement or reconstruction of existing structures or facilities) 2005-651

Adjourned at 9:00 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.)