

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

Regular Session  
Supervisors Mayfield and Simon Absent  
Pledge of Allegiance to the Flag

Tuesday

September 27, 2005

A moment of silence was held in memory of Department of Public Works employee Doug Taylor.

Employee Service Award for thirty years of service was given to John Turner - CSA. Employee Service Awards for those honored for twenty-five years of service were given to Robert Presto - CSA; Liana Mahn - CSA; James R. Bolt - Auditor-Controller's Office; Larry D. Haugh - Auditor-Controller's Office; Ron Grider - Public Works; William Jones - Public Works; and, James S. Duval - Planning.

Legislative Update was given by Don Peterson, of Peterson Consulting, Inc., Stanislaus County's Legislative Advocate.

Miguel Donoso thanked Jim Duval, Assistant Director of the Redevelopment Agency, for his work in the Shackelford neighborhood. He asked when this neighborhood would be connected to sewer services. George Stillman, Director of Public Works, stated that they are two weeks away from connecting the Shackelford area to the City of Modesto sewer system, and that an informational letter will be sent to residents in this area. Jim Duval also noted that included in the letter, would be information regarding a financial assistance program for homeowners to connect to the sewer system.

Supervisor DeMartini noted item **\*B6** on today's agenda, and acknowledged the generous land donation valued at \$515,000 from Helen M. Gerber to Stanislaus County for the addition to Frank Raines Regional Park in Del Puerto Canyon.

O'Brien/DeMartini (3-0)(Mayfield and Simon absent) Adopted the consent calendar after removing from consent items **\*B12** Approval to Award a Contract for Theatrical Equipment for the Gallo Center for the Arts to Pook, Diemont & Ohl, Inc., and **\*B13** Approval of Change Order to Clark & Sullivan for Unforeseen Site Conditions Work and Extension of Contract for the Gallo Center for the Arts Project

- \*A1** Approved the minutes of 9/20/05
- \*A2** Approved a commendation for Captain Charles Winn upon his retirement as Commander of the Modesto California Highway Patrol Office 2005-742
- \*A3** Proclaimed October 2005 as Family Domestic Violence Awareness Month 2005-743
- \*A4** Accepted the resignations of Jim Van Heukelem and Bruce Coughlin from the Crows Landing Air Facility Steering Committee 2005-744
- \*A5** Appointed Norman Crow and Robert Phillips to the Crows Landing Air Facility Steering Committee 2005-745
- \*A6a** Appointed, in-lieu of election where no candidates filed, for Newman Drainage District Board of Directors 2005-746
- \*A6b** Appointed, in-lieu of election where no candidates filed, for Knights Ferry Community Services District Board of Directors 2005-747
- \*A6c** Appointed, in-lieu of election where no candidates filed, for Crows Landing Community Services District Board of Directors 2005-748

- \***A6d** Appointed, in-lieu of election where no candidates filed, for Hickman Municipal Advisory Council 2005-749
- \***A6e** Appointed, in-lieu of election where no candidates filed, for West Stanislaus Irrigation District Board of Directors 2005-750
- \***A6f** Appointed, in-lieu of election where no candidates filed, for Central California Irrigation District Board of Directors 2005-751
- \***A7a** Appointed, in-lieu of election and vacancies, Janet Cuiriz, Jose Sanchez and Trina Miller to the Empire Sanitary District Board of Directors 2005-752
- \***A7b** Appointed, in-lieu of election and vacancies, Calvin Hess and Earl Glenn to the Industrial Fire Protection District Board of Directors 2005-753
- \***A7c** Appointed, in-lieu of election and vacancies, Kathryn Gabrielson and Pamela Hillar to the Burbank-Paradise Fire Protection District Board of Directors 2005-754
- \***A7d** Appointed, in-lieu of election and vacancies, Ida Tucker to the Westley Community Services District Board of Directors 2005-755
- \***A7e** Appointed, in-lieu of election and vacancies, Grady Jordan, Sr. and Shirley Martinez to the Monterey Park Tract Community Services District Board of Directors 2005-756
- \***A7f** Appointed, in-lieu of election and vacancies, Henry Benavides to the Keyes Community Services District Board of Directors 2005-757
- \***A7g** Appointed, in-lieu of election and vacancies, Shavon Haskell to the Knights Ferry Municipal Advisory Council 2005-758
- \***A7h** Appointed, in-lieu of election and vacancies, Curtis Erickson and Kathaleen Allen to the Empire Municipal Advisory Council 2005-759
- \***A7i** Appointed, in-lieu of election and vacancies, Kathryn Holloway and Mark Salsia to the Denair Municipal Advisory Council 2005-760
- \***A8a** Appointed, in-lieu of election, Edward Amador and Martin Avila to the Westport Fire Protection District Board of Directors 2005-761
- \***A8b** Appointed, in-lieu of election, Thomas Burns, Ralph Becker and Dwaine Heinrich to the Salida Fire Protection District Board of Directors 2005-762
- \***A8c** Appointed, in-lieu of election, Robert Rensted to the Ceres Fire Protection District Board of Directors 2005-763
- \***A8d** Appointed, in-lieu of election, Donald Davis, Mario Jiminez, Herbert Davis, Dixielee Swatman and Kelland Murphy to the Riverdale Park Tract Community Services District Board of Directors 2005-764
- \***A8e** Appointed, in-lieu of election, Angela Alvarado, Rosenda Mataka and Helen Pulido to the Grayson Community Services District Board of Directors 2005-765
- \***A8f** Appointed, in-lieu of election, Holman King and Donald Smith to the Denair Community Services District Board of Directors 2005-766
- \***A8g** Appointed, in-lieu of election, Donald Murphy, Brad Johnson, Thomas Reeves and John Clawson to the Salida Municipal Advisory Council 2005-767
- \***A8h** Appointed, in-lieu of election, Jonathan Landers and Jason Helton to the Keyes Municipal Advisory Council 2005-768
- \***A8i** Appointed, in-lieu of election, Charles Fernandes and Randy Fiorini to the Turlock Irrigation District Board of Directors 2005-769
- \***A8j** Appointed, in-lieu of election, Alfred Scheuber, David Reichmuth, David Fantozzi and Steve Prevostini to the Patterson Irrigation District Board of Directors 2005-770
- \***A8k** Appointed, in-lieu of election, Tom Van Groningen and Paul Warda to the Modesto Irrigation District Board of Directors 2005-771

- \*B1 Approved the Area Agency on Aging’s FY 2004/05 Area Plan Year-End Report on the 2001-2005 Planning and Service (PSA) Plan and authorized the Chairman to sign the Report Transmittal Letter to the California Department of Aging – Aging & Veterans 2005-772
- \*B2 Approved the amendment to an agreement between Doctors Medical Center Foundation and Stanislaus County HSA for Ryan White Title II Grant Funding for HIV/AIDS Intervention; and, authorized the HSA Managing Director, or her Designee, to sign the amended agreement – HSA 2005-773
- \*B3 Approved the agreements with Toyon Associates, Inc., for retroactive appeal of Medicare disproportionate share hospital payments for the cost reporting periods beginning with FY 1985/1986 through FY 2004/05; and, authorized the HSA Managing Director, or her Designee, to sign the agreements – HSA 2005-774
- \*B4a Adopted the decision of the Nuisance Abatement Hearing Board regarding the nuisances at 3430 Moore Road, Ceres, CA (CE No. 04-2713) – DER 2005-775
- \*B4b Adopted the decision of the Nuisance Abatement Hearing Board regarding the nuisances at 13837 Horseshoe Road, Oakdale, CA (CE No. 04-3181) – DER 2005-776
- \*B4c Adopted the decision of the Nuisance Abatement Hearing Board regarding the nuisances at 5859 Milnes Road, Modesto, CA (CE No. 04-3637) – DER 2005-777
- \*B4d Adopted the decision of the Nuisance Abatement Hearing Board regarding the nuisances at 913 Wheatley Avenue, Modesto, CA (CE No. 05-236) – DER 2005-778
- \*B4e Adopted the decision of the Nuisance Abatement Hearing Board regarding the nuisances at 4818 Zinfandel Avenue, Salida, CA (CE No. 05-663) – DER 2005-779
- \*B4f Adopted the decision of the Nuisance Abatement Hearing Board regarding the nuisances at 2330 Torrid Avenue, Modesto, CA (CE No. 05-1395) – DER 2005-780
- \*B4g Adopted the decision of the Nuisance Abatement Hearing Board regarding the nuisances at 4204 Warda Avenue, Keyes, CA (CE No 05-1762) – DER 2005-781
- \*B4h Adopted the decision of the Nuisance Abatement Hearing Board regarding the nuisances at 4342 Geer Road, Hughson, CA (CE No. 05-1854) – DER 2005-782
- \*B5 Approved entering into agreements with AMP Racing Promotions L.L.C., California Motorcycle Association, and Mutant Motorsports for use of the LaGrange Off-Highway Vehicle Park Motocross Track on several weekends in the 2005/06 fiscal year; authorized the Interim Purchasing Agent to sign the agreements with each race promoter; approved waiver of the Day Use Fee for participants and spectators in consideration for the promoter paying the daily Exclusive Use Fee and ten percent of gross revenue; and, approved waiver of the Camping Fee for participants and spectators in consideration for the promoter paying a flat rate of \$1,500 – Parks & Recreation 2005-783
- \*B6 Accepted an 180-acre land donation valued at \$515,000 from Helen M. Gerber to Stanislaus County for addition to Frank Raines Regional Park; authorized staff to take all necessary steps to transfer title to Stanislaus County; finds and determines that the acceptance of this donation of land for park purposes is exempt from CEQA (Public Resources Code §2100 et seq.) pursuant to California Code of Regulations §15316; authorized the Department of Parks and Recreation to file Notice of Exemption with the Clerk Recorder’s office; and, directed the Department of Parks and Recreation to send a letter to Helen M. Gerber in appreciation of her contribution to the Stanislaus County Parks System – Parks & Recreation 2005-784
- \*B7 Approved the MOU for FY 2005/06 with the Stanislaus Economic Development and Workforce Alliance regarding the implementation of County-wide economic development activities including business attraction; and, authorized the CEO, or his Designee, to sign the MOU in the amount of \$124,630 for FY 2005/06 2005-785

- \*B8 Approved the design documents for the Clerk-Recorder Tenant Improvements Project at 1021 I Street; authorized the Project Manager to advertise and issue Invitations to Bid; set the bid opening date for 11/2/05 no later than 2:00 p.m.; authorized staff to open bids and recommend award; and, authorized the Project Manager to negotiate and execute agreements for professional services required for the management of the Project as long as they are within the project budget 2005-786
- \*B9 Authorized the CEO to sign an agreement with the Stanislaus County Superior Court to provide Alternate Certification Review/Medical Capacity Hearing Officer services through a professional services agreement; authorized the County Counsel to finalize and enter into an agreement for legal services to provide Alternate Certification Review/Medical Capacity Hearing Officer services; directed the Auditor-Controller to increase appropriations and anticipated revenue in the County Counsel's office; and, authorized the Auditor-Controller to either carry any excess funds over to the following fiscal year or reimburse the Court the excess upon receipt of a written request from County Counsel's Office 2005-787
- \*B10 Set a public hearing on 10/25/05, at 9:30 a.m., to consider approval of the Stanislaus County District Attorney and Stanislaus County Sheriff's Department FY 2005/06 expenditure plans for the State Supplemental Law Enforcement Services Fund (SLESF) – Sheriff 2005-788
- \*B11 Appointed Cynthia Thomlison as the Veterans Services Officer for the Department of Aging and Veterans' Services 2005-789
- \*B14 Authorized the CEO to appoint David Jones to the position of Manager IV (Communications Manager) in the Chief Executive Office at a Salary of \$38.50 per hour, which exceeds the mid-point of Band D 2005-790
- \*B15 Authorized the Registrar of Voters to receive and spend Federal Help America Vote Act (HAVA) grant funds for election assistance for individuals with disabilities (EAID), including the negotiation, award and execution of all corresponding contracts; authorized the Clerk Recorder to expend funds and seek reimbursement from the EAID grant for expenditures currently within the Elections Unit approved budget; and, authorized the Auditor-Controller to make the necessary budget adjustments – Clerk-Recorder 2005-791
- \*C1 Approved the purchase agreement to acquire road right-of-way for the Albers/Geer/SR 132 Intersection Improvement Project; authorized the Chairman to execute the agreement; directed the Auditor-Controller to issue a warrant for the purchase amount of \$41,325 payable to First American Title Company; and, authorized the Public Works Director to transfer this road right-of-way to the State of California upon completion of construction – PW 2005-792
- \*C2 Adopted a resolution to summarily vacate a portion of the alley in block one of the Townsite of Gilman, adjacent to lots 13, 14, 15, 16 and 17 – PW 2005-793
- \*C3 Finds the project to be "De Minimis" for the purposes of collection of Fish and Game fees pursuant to California Code of Regulations §753.3, by adopting the findings of fact contained in the attached Certificate of Fee Exemption, those findings being based on the analysis presented in the initial study; ordered the filing of the Certificate of Fee Exemption with the Stanislaus County Clerk-Recorder's Office; finds the 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 that on the basis of the whole record, including the Initial Study and any comments received, 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 §21152 and CEQA Guidelines

§15075; approved plans and specifications for the intersection improvements at Geer Road and Hatch Road; directed the Clerk of the Board to publish notice inviting bids for the project, as required by law; set the deadline for submission of bids as 11/2/05, prior to 2:30 p.m.; directed the Public Works Department staff to mail the notice inviting bids to trade journals as required by law; approved the purchase agreement to acquire road right-of-way for the Geer Road/Hatch Road Intersection Improvement Project; authorized the Chairman to execute the purchase agreement; directed the Auditor-Controller to increase appropriations by \$15,500 in the project account; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$15,500 payable to Fidelity National Title Company – PW 2005-794

- \*C4 Awarded the contract for the Sperry Avenue Utility Undergrounding project to A. Teichert & Son, Inc., dba Angelo Utilities of Roseville, CA, in the amount of \$499,934.25; authorized the Road Commissioner to approve Change Order No. 1 in the amount of \$127,097 to A. Teichert & Son, Inc., dba Angelo Utilities; directed the Auditor-Controller to increase appropriations by \$637,031.25 and to increase estimated revenue by \$677,031.25; authorized the Interim Purchasing Agent to establish a contract with A. Teichert & Son, Inc., dba Angelo Utilities for the contract amount of \$637,031.25; approved Amendment No. 2 to Addendum No. 1 to the City of Patterson/Stanslaus County Development Cooperation Agreement (West Patterson Business Park); and, upon project completion, authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities – PW 2005-795
- \*C5 Accepted the update on the status of the emergency repair to the methane gas collection system and determined that there is a need to continue the emergency repairs to the methane gas collection system – PW 2005-796

O'Brien/DeMartini (3-0)(Mayfield and Simon absent) \*B12 Awarded a contract for theatrical equipment for the Gallo Center for the Arts to Pook, Diemont & Ohl, Inc., and authorized the Project Manager to sign the contract on behalf of the Board of Supervisors 2005-797

O'Brien/DeMartini (3-0)(Mayfield and Simon absent) \*B13 Approved a change order to Clark & Sullivan in the amount of \$347,339 and an 80 calendar date time extension for unforeseen site conditions, and authorized the Project Manager to execute the change order for the Gallo Center for the Arts Project 2005-798

DeMartini/O'Brien (3-0)(Mayfield and Simon absent) D1 Directed staff to finalize a response, for the Chairman's signature, to U.S. Fish and Wildlife Service regarding the publication of Final Rules designating Critical Habitat for California Tiger Salamander and Vernal Pool Species – Planning 2005-799

**Recessed to sit as the Stanislaus County In-Home Supportive Services Public Authority at 10:38 a.m.**

O'Brien/DeMartini (3-0)(Mayfield and Simon absent) Approved the consent calendar

9:25am (\*III-A) Approved the minutes of 8/23/05

9:25am (\*VI-A) Authorized the adoption of a name and logo for the IHSS Public Authority of Stanislaus County, and authorized the use of the name and logo in marketing, stationary and signage 2005-800

O'Brien/DeMartini (3-0)(Mayfield and Simon absent) 9:25am (VI-B) Accepted the IHSS Advisory Committee Recipient and Provider Satisfaction Surveys 2005-801

**Reconvened to sit as the Stanislaus County Board of Supervisors at 10:47 a.m.**

**Corr 1** Referred to the CEO, a letter from the Building Industry Association of Central California requesting opposition to the San Joaquin Valley Air Pollution Control District's draft Rules 9510 and 3180 which will impose new taxes and fees on new development in the nine Central Valley Counties.

**Corr 2** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Youtam Bedjan & Sadyouli Bedjan and Steven R. Foran.

Supervisor DeMartini spoke regarding the proposal from the Air Force concerning the Crows Landing Air Facility. He has arranged for the Air Force to attend City Council meetings on 10/4/05 in Patterson, and on 10/11/05 in Newman. The Air Force will also present information about their proposal at a town hall meeting in Patterson on 10/10/05.

The CEO noted that 9/25/05-9/30/05 is Cultural Awareness Week in Stanislaus County and that there will be entertainment from around the world in the Tenth Street Plaza on Wednesday, 9/28/05 from 12 p.m. to 2 p.m.

O'Brien/DeMartini (3-0)(Mayfield and Simon absent) **Legislative A.** Approved the CEO's report on the Integrated Criminal Justice Information System (ICJIS) and authorized the implementation of the changes as outlined in the report BD-80-1      2005-802

Adjourned at 11:01 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.)