

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

Regular Session

Tuesday

October 11, 2005

All Supervisors Present

Pledge of Allegiance to the Flag

Employee Service Awards for those honored for thirty years of service were given to Joan Donlon - HSA and Glenda Carella - Stanislaus Regional 9-1-1. Employee Service Award for twenty-five years of service was given to Jeff Anderson - Library.

Librarian Vanessa Czopek gave a presentation on the County's United Way Campaign.

Judge McFadden received the resolution proclaiming October 2005 as Family Domestic Violence Awareness Month in Stanislaus County.

Simon/Mayfield unan. Adopted the consent calendar, after removing from consent items ***B6** Approval to Adopt the Recommendations of the Nuisance Abatement Hearing Board Regarding CE No. 05-1556 at 300 E. Barnhart Road, Ceres, California, and ***C7** Approval to Restrict Traffic Through Three Alleys by Installing Locked Gates

***A1** Approved the minutes of 9/27/05

***A2a** Accepted the resignation of Randy Pirtle from the Mountain-Valley Emergency Medical Services Agency Regional Advisory Committee 2005-803

***A2b** Accepted the resignation of Jerry Boehme from the Agricultural Advisory Committee 2005-804

***A3** Appointed Robert Deklinski, representing Supervisorial District No. 1, and Stephen Madison, representing Supervisorial District No. 3, to the Crows Landing Air Facility Steering Committee 2005-805

***A4** Approved the request from the City of Modesto for use of the Courthouse lawn on Saturday, 12/3/05 for the Celebration of Lights Holiday Parade 2005-806

***B1** Approved the agreement with the State Department of Mental Health for the provision of Mental Health Services for FY 2005/06; authorized the BHRS Director, or her Designee, to sign the agreement; and, authorized the BHRS Director, or her Designee, to sign amendments to the agreement throughout FY 2005/06 – BHRS 2005-807

***B2** Approved the continuation of the contract for special legal services pursuant to Government Code §31000 for Capital Projects and real estate matters 2005-808

***B3** Approved increasing the In-Home Supportive Services Advisory Committee Stipend from \$20.00 per meeting to \$30.00 per meeting beginning 10/1/05 – CSA
BD-75-6 2005-809

***B4** Accepted the FY 2005/06 Grant from the Department of Insurance for District Attorney's Office Auto Insurance Fraud Prosecution; authorized the Assistant DA to sign the grant award agreement including any extension or amendments; approved a formal resolution as required by the State to receive this grant funding; and, directed the Auditor-Controller to adjust the budget according to the financial journal – DA 2005-810

***B5** Accepted the FY 2005/06 Grant from the Department of Insurance for District Attorney's Office Workers Compensation Fraud Program totaling \$282,500; authorized the Assistant DA to sign the grant award agreement including any extension or amendments; approved a

formal resolution as required by the State to receive this grant funding; and, directed the Auditor-Controller to adjust the budget according to the financial journal – DA

2005-811

- *B7** Approved the independent contractor agreement between Guardsmark, Inc., and HSA for security services at 800-830 Scenic Drive and 700 17th Street, Modesto, for the period 7/1/05 through 6/30/06; and, authorized the HSA Managing Director, or her designee, to sign the Guardsmark, Inc. security agreement – HSA 2005-812
- *B8** Approved submission of an application to the California Family Health Council for a Federal Title X Family Planning Grant for the 2006 calendar year; authorized the HSA Managing Director, or her Designee, to sign the application and submit scope of work for the requested allocation of \$109,881; and, authorized the HSA Managing Director, or her Designee, to sign the contract, if awarded – HSA 2005-813
- *B9** Authorized the Assistant Director of Emergency Services to file the Federal Emergency Management Agency request for public assistance related to Hurricane Katrina and approved a resolution designating agents of the County authorized to execute and file applications for Federal and State financial assistance resulting from Hurricane Katrina – OES 2005-814
- *B10** Approved independent contractor agreement for servicing portable restrooms at Modesto and Woodward Reservoirs; and, authorized the Interim Purchasing Agent to sign the independent contractor agreement with A&A Portables not to exceed the total amount of \$75,000 annually, and \$225,000 over a three-year period – Parks and Recreation 2005-815
- *B11** Awarded a three-year agricultural lease to Pride of San Juan for approximately 1112 acres of County owned property at the Crows Landing Air Facility located on the west side of Stanislaus County, and authorized the CEO to execute a three-year lease on behalf of the County 2005-816
- *B12** Approved the Tentative Health Insurance Agreement between Stanislaus County and all employee organizations for the period 1/1/06 through 12/31/08; authorized that the provisions of this agreement be extended to all unrepresented management and confidential employees; and, authorized the Chairman and all parties to sign the agreement – Risk Management 2005-817
- *B13** Declared six County owned vehicles as surplus equipment; authorized the sale of these vehicles at public auction; and, directed the Auditor-Controller to place the proceeds from the vehicle sale in the Sheriff’s Dedicated Fund (1743) for California Multi-Jurisdictional Methamphetamine Enforcement Team (CAL-MMET) to purchase replacement vehicles at a later date – Sheriff 2005-818
- *B14** Accepted the Stanislaus County Treasury Pool’s August 2005 Monthly Investment Report, as prepared by the Treasurer/Tax Collector’s Office; and, authorized the Chairman to sign on behalf of the Board of Supervisors that the report has been reviewed and accepted – T/TC 2005-819
- *B15** Authorized the Assistant Chief Executive Officer to execute an amendment to the Master Agreement between Stanislaus County and Westland Development to allow Westland to commence its tenant improvements on the ground floor of the 12th Street condominium project 2005-820
- *C1** Approved the installation of stop sign traffic control, under the authorization granted to local authorities in Vehicle Code §21355, at Keyes Road at Walnut Avenue; required motorists on all approaches to stop prior to entering the intersection; and, the stop signs shall be located at or near all entrances to said intersection – PW 2005-821
- *C2** Adopted a resolution to summarily vacate a 60-foot road reservation off Crawford Road in North Modesto – PW 2005-822

- *C3 Approved the purchase agreement to acquire road right-of-way for the Albers/Geer/SR 132 Intersection Improvement Project; authorized the Chairman of the Board to execute the agreement; directed the Auditor-Controller to issue a warrant for the purchase amount of \$18,400, payable to First American Title Company; authorized the Public Works Director to transfer this road right-of-way to the State of California upon completion of construction; and, authorized the Auditor-Controller to increase appropriations and estimated revenue by \$18,400 – PW 2005-823
- *C4 Approved the assignment and assumption of lease by Lent Burden Farming, Inc., LBFI I-5 Lease, L.P. in the County of Stanislaus, and authorized the Chairman to sign the Assignment and Assumption of lease on behalf of the County – PW 2005-824
- *C5 Approved Agreement LF-2005-01 with US Filter/Westates in the amount of \$45,000 for services at the Geer Road Landfill ground water extraction treatment plant, and authorized the Chairman to execute the contract – PW 2005-825
- *C6 Accepted the update on the status of the emergency repair to the methane gas collection system at the Geer Road Landfill, and determined that the emergency repairs to the methane gas collection system are complete – PW 2005-826
- *D1 Approved the Annual Report on the Stanislaus County General Plan for FY 2004/05; and authorized the Director of Planning and Community Development to transmit the report to the California State Office of Planning and Community Development pursuant to California Government Code §65400(b) and the State Department of Housing and Community Development pursuant to Government Code §65588(b) – Planning 2005-827
- *D2 Rescinded all or a portion of Williamson Act Contract #1971-0301 and #2003-4524 (East Grayson Road, Denair area) and approved a new contract pursuant to minor Lot Line Adjustment 2005-21 (Doerksen); 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 2005-828

DeMartini/O'Brien (4-1)(Mayfield opposed) *C7 Finds that restricting traffic through alleys is necessary to protect and preserve the public peace, safety, health and welfare and to control illegal activity in the alleys, including illegal dumping of refuse, in the following three alleys: (a) between Parklawn Avenue and Watson Avenue bounded by Pearson Avenue and Midway Avenue, (b) between Holm Avenue and Nadine Avenue bounded by Herndon Avenue to Musick Avenue, and (c) between Benson Avenue and Kerr Avenue bounded by Canal Street and Oregon Drive; finds and determined that the proposed traffic restrictions and installation of gates in specified alleys is exempt from the CEQA pursuant to Guidelines §15301 (Existing Facilities) in that the action will not expand the existing uses or operation of an existing

public right-of-way; and, authorized the Director of Public Works to install locking gates on specified alleys to restrict through traffic pursuant to and in accordance with Vehicle Code §21102.1 – PW
2005-830

Simon/Mayfield (4-0)(DeMartini abstained) ***B6** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 300 E. Barnhart Rd., Ceres, California (CE No. 05-1556) – DER
2005-829

Simon/Mayfield unan. **9:25am** Finds that the notice of the public hearing was mailed to the property owners; conducted a public hearing to receive comments regarding the formation of CSA #21 – Riopel (in Denair) and the proposed method for calculation and levy of annual assessment to pay for services provided by CSA #21; conducted a ballot procedure by authorizing the Clerk of the Board to open the sealed ballots, tabulate, and immediately submit the results to the Board of Supervisors; the Clerk announced that the two ballots by the landowner were signed but not marked with a vote in support of or opposition to the formation of CSA #21 and the assessment formula for calculating the annual assessments; and, the Board **continued** to a future unspecified date, the public hearing to consider the formation of CSA #21 – Riopel, to conduct a ballot procedure in compliance with Proposition 218, and to consent to the Waiver of Conducting Authority Proceedings for the formation of CSA #21 – PW

CSA-21-1 2005-834

Mayfield/Simon unan. **9:30am** Approved the introduction and waiving of the first reading of Ordinance C.S. 935 amending existing fees of the Department of Parks and Recreation – DER

ORD-54-X-5 2005-835

Simon/Mayfield unan. **B16** Approved the County-wide Veterans Memorial District and Facilities Master Plan; supported the request by the Stanislaus County Veterans Memorial District Committee to proceed to collect signatures of local voters for the formation of a Veterans Memorial District and the election of District Officers for possible inclusion on the June 2006 Primary Election ballot; and, directed staff to return to the Board of Supervisors upon the collection of 7,985 valid signatures to qualify this measure for the ballot as certified by the County Clerk-Recorder as prescribed by law from both the incorporated city territories and the unincorporated areas of the County

DV-01-1 2005-831

Recessed at 10:32 a.m.

Reconvened at 10:41 a.m.

Mayfield/Simon unan. **B17** Supported the intent of the Agricultural Science Center project as a regional celebration of the agricultural sector and its significant place in our regional economy, and as a potentially valuable destination tourism opportunity for Stanislaus County and the region; supported the Federal legislation (currently being drafted) that would designate the National Agricultural Sciences Center as a project in the national interest; authorized a long term Federal funding stream for the Agricultural Science Center in Stanislaus County; and, authorized the CEO – Economic Development Unit to collaborate with the Agricultural Science Center leaders to provide limited research assistance to seek out potential grant funding and alternative funding resources for the project

2005-832

O'Brien/DeMartini unan. **B18** Adopted the recommendations of the Stanislaus County Fire Chief's Association to approve the Joint Powers Agreement for the Stanislaus County Fire Authority; adopted a resolution approving the Joint Powers agreement and participation by the County as a member of the Stanislaus County Fire Authority; authorized the Chairman to sign the Joint Powers Agreement; designated the Stanislaus County Fire Warden as the primary representative to the Fire Authority to vote on behalf of the County on Fire Authority matters; and, designated the Deputy Fire Warden as the alternate County representative

DF-21-1 2005-833

Corr 1 Acknowledged receipt of information regarding the Williams Settlement legislation from Stanislaus County Office of Education.

Corr 2 Referred to the Department of Planning and Community Development, the Department of Public Works, and the Department of Environmental Resources, a letter from the City and County of San Francisco Planning Department regarding the Scoping Meetings on the environmental review of the Water System Improvement Program.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Edward Martinez; Matthew Morgan; Bill Drybread; Michael Khan; Carlos Camacho; Elvia Castillo; Joel Madrigal; Maisy E. Strong; Patricia M. Garcia; George Thomson; and, Frederick Moreira.

Supervisor DeMartini noted that he, along with staff from the CEO's office and the Sheriff's Department, went to see the Napa County Morgue. He asked that the CEO staff analyze the feasibility of a new morgue in this County. He also spoke in support of the illegal dumping ordinance that will be coming to the Board for consideration next week.

Chairman Grover asked about the status of the Chambers equipment. The Clerk of the Board gave a brief update regarding the status of the new audio/video equipment in the Basement Chambers, and noted that there will be a phased implementation of the new equipment.

Patricia Hill Thomas, Assistant CEO, announced that the County's Annual Community Retreat will be held on Saturday, 11/5/05, from 8:00 a.m. to 1:00 p.m. at the Stanislaus County Agricultural Center.

Adjourned at 11:49 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.)