

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

Regular Session

Tuesday

November 22, 2005

Supervisor Simon absent

Pledge of Allegiance to the Flag

Mayfield/O'Brien unan. Adopted the consent calendar after removing from consent items ***B2** Approval to Set a Public Hearing for December 13, 2005 at 9:30 a.m. to Consider Stanislaus County Franchise Refuse Collection Rate Adjustments for Residential, Commercial and Drop-Box Refuse Services – Environmental Resources; ***B6** Approval to Modify the Library's Operating Hours in Conjunction with the Holiday Closures on December 25 and 26, 2005, and January 1 and 2, 2006; and, ***B9** Approval to Establish a Civil Filing Fee for an Alternative Dispute Resolution Program for the Superior Court

***A1** Approved the minutes of 11/15/05

***A2a** Adopted and waived the second reading of Ordinance C.S. 940 adding §20.56.260 to the Stanislaus County Code pertaining to supplemental capacity in subdivision improvements
ORD-54-Y-2 2005-929

***A2b** Adopted and waived the second reading of Ordinance C.S. 938 amending existing fees for the County Law Library
ORD-54-X-8 2005-930

***A3a** Approved a commendation for Stanislaus Regional 9-1-1 Employee Susan Hall for her Life Saving Heroic Action
2005-931

***A3b** Approved a commendation for Terry Plett, Director of the Department of Employment and Training upon his retirement from Stanislaus County
2005-932

***A4** Accepted the resignation of David P. Keller from the Youth Advisory Commission of the Stanislaus Economic Development and Workforce Alliance
2005-933

***A5a** Reappointed Benny Cassinetto, Fredrick Dolling, and Gregg Haskell to the Knights Ferry Community Services District Board of Directors
2005-934

***A5b** Reappointed Allison S. Fahey and Anita Moran-Slickton to the Rock Creek Water District Board of Directors
2005-935

***A5c** Reappointed Johnathon Parker to the Keyes Community Services District Board of Directors
2005-936

***A5d** Reappointed Ray Gene Veldhuis and Mark Hodges to the Sand Creek Flood Control District Board of Directors
2005-937

***A5e** Reappointed Bobby Yamamoto, David Goubert and Kenneth Bays to the West Stanislaus Irrigation District Board of Directors
2005-938

***A5f** Reappointed Tim Johnson, James G. Crecelius and David H. Long to the Eastside Water District Board of Directors
2005-939

***A5g** Reappointed Rachel Hicks to the Crows Landing Community Services District Board of Directors
2005-940

***A5h** Reappointed Raymond Lopes to the Newman Drainage District Board of Directors
2005-941

***A5i** Reappointed John Beltran and Glenn Crow to the Orestimba Creek Flood Control District Board of Directors
2005-942

***A5j** Reappointed Eliseu Mendonca and Armelin de Sousa to the Reclamation District 2063 Board of Directors
2005-943

***A5k** Reappointed Dan Lamb and Wendel Trinkler to the Reclamation District 2091 Board of Directors
2005-944

- ***A5l** Reappointed Bill Koster, Peter Lucich and Thomas W. Dompe to the Del Puerto Water District Board of Directors 2005-945
- ***A5m** Reappointed James W. Lopes and Steve McManis to the El Solyo Water District Board of Directors 2005-946
- ***A5n** Reappointed Steve Arnaudo and Fred E. Beltran to the Oak Flat Water District Board of Directors 2005-947
- ***A5o** Reappointed Webb Shaffer to the Western Hills Water District Board of Directors 2005-948
- ***A6a** Appointed Warren Brumley and Karrie Jo Cairns to the Empire Municipal Advisory Council 2005-949
- ***A6b** Appointed Sally Goehring to the Knights Ferry Municipal Advisory Council 2005-950
- ***A6c** Appointed Karlyn Rhodes Echols to the Rock Creek Water District Board of Directors 2005-951
- ***A6d** Appointed Richard Walke to the Hickman Municipal Advisory Council 2005-952
- ***A6e** Appointed Donald A. Little to the Westley Community Services District Board of Directors 2005-953
- ***A6f** Appointed Lance Perry and Levurn Berberia to the Crows Landing Community Services District Board of Directors 2005-954
- ***A6g** Appointed Dwain Sanders to the Western Hills Water District Board of Directors 2005-955
- ***A6h** Appointed Nora Gonzales and Cherrie Renfro to the Empire Sanitary District Board of Directors 2005-956
- ***A6i** Appointed Don Runyan to the Denair Municipal Advisory Council 2005-957
- ***A7** Proclaimed December 2005 as Drunk and Drugged Driving (3D) Prevention Month 2005-958
- ***A8** Approved request from the Calvary Seniors for use of the Recreation Hall at Frank Raines Regional Park 2005-959
- ***B1** Approved the contract amendment with the California Department of Education for the administration of the Child Care and Development Block Grants; and, authorized the CSA Director, or his Assistant Director Designee, to sign this Contract Amendment No. 1 and any amendments not to exceed the individual contracted amount – CSA 2005-960
- ***B3a** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 4813 McHenry Avenue, Modesto, California (CE No. 05-2065) – DER 2005-961
- ***B3b** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 1406 South Avenue, Modesto, California (CE No. 05-1543) – DER 2005-962
- ***B3c** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 1828 Ohio Avenue, Modesto, California (CE No. 05-1357) – DER 2005-963
- ***B3d** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 2230 Golf Road, Turlock, California (CE No. 05-1667) – DER 2005-964
- ***B3e** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 720 Lassen Avenue, Modesto, California (CE No. 05-2513) – DER 2005-965
- ***B3f** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 8831 Rodden Road, Oakdale, California (CE No. 04-4122) – DER 2005-966
- ***B3g** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 1201 Inyo Avenue, Modesto, California (CE No. 05-2221) – DER 2005-967
- ***B3h** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 1809 Denver Street, Modesto, California (CE No. 05-1879) – DER 2005-968
- ***B3i** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 1628 Glenn Avenue, Modesto, California (CE No. 05-1180) – DER 2005-969
- ***B3j** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 315 E Street, Empire, California (CE No. 05-1701) – DER 2005-970

- *B4 Adopted the decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the Nuisance CE No. 04-787 at 5400 Pioneer Road, Hughson, California 2005-971
- *B5 Approved HSA to enter into a MOU with San Joaquin County to provide a regional immunization registry with the Department of Health Services for FY 2005/06 and authorized the HSA Managing Director, or her Designee, to sign the MOU – HSA 2005-972
- *B7 Set a public hearing on 12/6/05, at 9:30 a.m., to consider the adoption and certification of the Program EIR for the Stanislaus County/Highway 99 Corridor Enterprise Zone (Zone 40) – Planning 2005-973
- *B8 Authorized the Assistant Sheriff to enter into an agreement to provide law enforcement services with Waterford School District for one Deputy Sheriff to be assigned as a School Resource Officer – Sheriff 2005-974
- *B10 Approved rejecting all bids for the Clerk Recorder Tenant Improvements Project; directed staff to identify cost savings and possible additional funding to bring the project within budget for redesign elements of the project; and, directed staff to return to the Board for approval of the redesign of the project 2005-975
- *B11 Approved the completion of the Main Library Tenant Improvements Project; approved the final contract with the contractor, Barham, Inc., as follows: original contract in the amount of \$142,293, total of change orders in the amount of \$10,901, for a final contract price of \$153,194; authorized the Project Manager, on behalf of the Board of Supervisors, to sign the completion documents; and, accepted the completed project and authorized the necessary recording of the Final Notice of Completion and all necessary close-out activities 2005-976
- *B12 Approved the milestone event for the topping off of the steel for the Gallo Center for the Arts on 12/13/05 2005-977
- *C1 Directed the Auditor-Controller to increase appropriations for the Albers/Geer/SR 132 Intersection Improvement Project by \$41,325 – PW M-64-D-13 2005-978
- *C2 Awarded the contract for the Geer Road and Hatch Road Intersection Improvement Project to George Reed, Inc., of Modesto, CA in the amount of \$2,289,502; directed the Auditor-Controller to increase appropriations and estimated revenue by \$2,431,477; authorized the Interim Purchasing Agent to execute a contract with George Reed, Inc., for the contract amount; authorized the Director of Public Works to negotiate and execute change orders in accordance with Public Contract Code, §20142; upon project completion, authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities; and, authorized the Director of Public Works to execute the Consent to Common Use Agreement with Turlock Irrigation District – PW 2005-979

Supervisor Simon arrived at 9:05 a.m.

DeMartini/Simon (3-2)(O'Brien and Grover opposed) *B2 Set a public hearing for 12/13/05 at 9:30 a.m. to consider Stanislaus County Franchise Refuse Collection Rate Adjustments for residential, commercial and drop-box refuse services – DER 2005-980

DeMartini/O'Brien unan. *B6 Approved the closure of all Stanislaus County Libraries on 12/25/05, 12/26/05, 1/1/06 and 1/2/06; and, **amended** the item to approve the closure of all Libraries on Saturday, 12/24/05 and to approve the closure of all Libraries on Saturday, 12/31/05 at 5:00 p.m. 2005-981

Mayfield/Simon unan. ***B9** Authorized a Civil Filing Fee to establish and maintain an Alternative Dispute Resolution Program for the Superior Court under the Dispute Resolution Program Act; authorized the CEO to finalize and sign an agreement with the Superior Court concerning the Superior Court's receipt of these fees to administer and maintain the Alternative Dispute Resolution Program in Stanislaus County; and **amended** the fourth paragraph on Page No. 1 of the agreement to add the words "family law and probate" after civil 2005-982

Mayfield/Simon 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 Clerk-Recorder's declaration of the results of the November 8, 2005 Special Statewide Consolidated Election, as meeting the criteria for an item too late for the agenda 2005-983

O'Brien/DeMartini unan. **Item Too Late for the Agenda** – Approved the Clerk-Recorder's declaration of the results of the November 8, 2005 Special Statewide Consolidated Election 2005-984

Mayfield/Simon 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 appointment of Davie Landers, Jr. to the Keyes Community Services District Board of Directors, as meeting the criteria for an item too late for the agenda 2005-985

Mayfield/O'Brien unan. **Item Too Late for the Agenda** – Appointed Davie Landers, Jr. to the Keyes Community Services District Board of Directors 2005-986

DeMartini/Simon (4-0)(O'Brien abstained) **9:25am** Approved the introduction and waiving of the first reading of Ordinance C.S. 939 amending existing fees of the Department of Agriculture and Weights and Measures; directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$90,000; and, amended the Salary and Position Allocation Resolution to add one Agricultural/Weights and Measurers Inspector III ORD-54-Y-1 2005-987

Simon/O'Brien unan. **D1** Approved Staff Recommendations Nos. 2 and 3; directed staff to request that EIP Associates prepare a scope of work and cost estimate for the Salida Community Plan EIR and other related documents, and return to the Board with a Professional Services Contract for that scope; authorized the Department of Planning and Community Development to fill a currently unfunded Assistant/Associate Planner position; **amended** the item to continue Staff Recommendation No. 1 to a future unspecified Board meeting date for consideration, and added Staff Recommendation No. 4 as follows: approved the establishment of an Ad Hoc Committee composed of Supervisors O'Brien and Simon to review the issues regarding which costs should be included in a cost recovery agreement including the number of hours, the appropriate rate charged, and the percentage the residential and/or commercial/industrial developers should pay; and, directed staff to provide the Committee with the history of prior cost recovery charges – Planning 2005-988

Corr 1 Referred to the Department of Planning and Community Development, the Agricultural Commissioner and Sealer of Weights and Measurers, the Department of Parks and Recreation and the Fish and Wildlife Committee, a letter from the United States Department of the Interior, Fish and Wildlife Services, regarding the comment period for their intent to conduct 5-year reviews of 31 species in California and Nevada currently listed as endangered or threatened under the Endangered Species Act.

Corr 2 Referred to the Assessor and the Chief Executive Officer, a copy of the Stanislaus County Assessment Practices Survey Report from the State Board of Equalization.

Corr 3 Referred to the Auditor-Controller, the Department of Planning and Community Development, and the Chief Executive Officer, a letter from California Department of Finance regarding the requirement of redevelopment agencies to shift \$250 million in property tax revenues to K-12 schools and community colleges during the 2004-05 and 2005-06 fiscal years.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: City of Modesto; Leocadio Sanchez; and, James N. Gibson.

Chairman Grover announced that there will be a groundbreaking ceremony for the Robertson Road Sanitary Sewer Project on 11/29/05 at 4:00 p.m.

The CEO reported that staff is currently working on the development of State and Federal legislative platforms, and he anticipates they will be brought to the Board for approval next month.

Adjourned at 10:32 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.)