

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

Regular Session

Tuesday

April 4, 2006

All Supervisors Present

Pledge of Allegiance to the Flag

The Chairman presented a resolution proclaiming April 8, 2006 as Modesto Junior College (MJC) Alumni Day in Stanislaus County to Betty Belle Smith, Jim Poore and Jim West.

Elsa Maldonado spoke regarding her children who have been taken away by child protective services. She stated this is an issue of mistaken identity, and she asked the Board for their assistance.

Mayfield/Grover unan. Adopted the consent calendar

- \*A1 Approved the minutes of 3/21/06
- \*A2 Accepted the resignation of Marla Arata from the Mental Health Board 2006-215
- \*A3a Appointed George B. Sharp to the Stanislaus County Parks and Recreation Commission 2006-216
- \*A3b Appointed Scott Myers, Bill Mattos, Sean Carroll, Jim Devenport, Joy Madison, Dr. Hamid Shirvani, Glenna Henson, Joe Mackil, and Jose Dias to the Stanislaus Economic Development and Workforce Alliance Board 2006-217
- \*A4a Proclaimed the week of 4/3/06 – 4/9/06 as Public Health Week 2006-218
- \*A4b Proclaimed the week of 4/9/06 – 4/15/06 as Emergency Dispatch Week 2006-219
- \*A4c Proclaimed the week of 4/9/06– 4/15/06 as Victim’s Rights Week 2006-220
- \*A4d Proclaimed the week of 4/9/06– 4/15/06 as Safety Seat Checkup Week 2006-221
- \*A5a Approved a commendation for Richard G. Patterson former City of Modesto Council Member 2006-222
- \*A5b Approved a commendation for Jill Henry upon her Retirement from the Stanislaus County Probation Department 2006-223
- \*A6 Approved a request from the La Grange Elementary School District and Parents’ Club for use of La Grange Park for the La Grange Homecoming and the school’s 150th anniversary on Sunday, 4/23/06 2006-224
- \*A7 Approved an Amendment to the Conflict of Interest Code for the Local Agency Formation Commission (LAFCO) BD-30-6 2006-225
- \*B1 Accepted \$8,963 in increased funding from the Department of Insurance for the DA’s Office Workers’ Compensation Fraud Program to fund training and computer equipment; and, directed the Auditor-Controller to increase the budget and anticipated revenue according to the financial journal – DA 2006-226
- \*B2 Approved the MOU with the City of Modesto for the Weed and Seed Project and the coordination of Code enforcement efforts in the designated west Modesto area; and, authorized the Director of DER to sign the MOU – DER 2006-227
- \*B3 Authorized the Director of the Department of Parks and Recreation to sign an amendment to the existing Archery Range License (Use) Agreement with the Yahi Bowman Archery Club that will reduce the current daily use fee by 50%, or from \$8.00 to \$4.00, for participants of youth archery activity events and up to three annual public archery tournaments conducted by the Club pursuant to paragraph 3.3 of the agreement only – Parks and Recreation 2006-228

- \*B4 Approved the purchase of law enforcement web server software and licenses for 25 concurrent users from sole source vendor, Image Ware Systems, Inc.; and, directed the Auditor-Controller to transfer \$30,000 of existing Cal-ID fixed asset appropriations from Fingerprint Equipment to Computer Equipment – Sheriff 2006-229
- \*B5 Accepted the Stanislaus County Treasury Pool’s February 2006 Monthly Investment Report as prepared by the Treasurer-Tax Collector’s Office, reviewed for conformity with the Treasury Pool Investment Policy by the Treasurer-Tax Collector, and distributed to the Stanislaus County Treasury Pool Oversight Committee; and, authorized the Chairman to sign on behalf of the Board that the report has been reviewed and accepted – T/TC 2006-230
- \*B6 Approved the status report concerning the emergency replacement of the Courthouse boiler system 2006-231
- \*C1 Finds that Ordinance C.S. 955 amending Title 11 of the Stanislaus County Code, adding a No Truck Parking at Any Time zone on Salida Boulevard is not subject to CEQA (Public Resources Code, §2100 et. seq.); and, introduced and waived the first reading of Ordinance C.S. 955 – PW ORD-54-Z-1 2006-232
- \*C2 Adopted a resolution initiating proceedings for the annexation of territory to the Laurel Landscape and Lighting District (Collins Annexation in south Ceres area); and, directed the Department of Public Works to prepare and file the required Engineer’s Report – PW DL-39-3 2006-233
- \*C3 Adopted a resolution initiating proceedings for the Annexation of Territory to the Bystrum Landscape and Lighting District (Tuolumne Annexation in North Ceres Area); and, directed the Department of Public Works to prepare and file the Engineer’s Report – PW DLA-2-3 2006-234
- \*C4 Finds that all street improvements including the storm drain system required for vesting Tentative Parcel Map #2003-03 have been constructed to the satisfaction of Stanislaus County; accepted all street improvements including the storm drain system required by vesting Tentative Parcel Map #2003-03 for maintenance by Stanislaus County within the proposed development (Monterey Estates) and the Carmel Court right-of-way in the east Oakdale area – PW 2006-235
- \*C5 Awarded the contract for the aerial imaging of Stanislaus County to Mapcon Mapping, Inc., of Salt Lake City, Utah for the amount of \$134,651; authorized the Purchasing Agent to execute the contract with Mapcon Mapping, Inc., in the contract amount of \$134,651; authorized the Auditor-Controller to increase appropriations and estimated revenue; and, authorized the Auditor-Controller to make the necessary fund transfer from the Public Facility Fee Program’s administrative component – PW M-64-E-4 2006-236
- \*C6 Authorized the expenditure from the Salida Planned Development Storm Drain (SPDSD) account in the amount of \$235,200; directed the Auditor-Controller to move funds from the SPDSD account to the Public Works project account; directed the Auditor-Controller to increase appropriations by \$300,000 and estimated revenue by \$235,200; awarded the contract for the Salida Storm Water Treatment Unit to Robert Townsend Construction (RTC) of Oakdale, California, in the amount of \$243,387; authorized the Purchasing Agent to execute the contract with RTC for the contract amount of \$243,387; authorized the Director of Public Works to negotiate and execute change orders in accordance with Public Contract Code, §20142; and, upon project completion, authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities – PW 2006-237
- \*D1 Set a public hearing on 4/18/06, at 6:40 p.m., to consider amending the General Plan Designation to Estate Residential and amend the zoning from General Agriculture to Rural Residential on 8.8 acres in the community of Denair, and to create two additional parcels

and grant an exception for those parcels that do not front on a County-maintained road (GPA #2005-12, Rezone #2005-16, Parcel Map #2005-37 and Exception #2005-06, Carl and Terri Hagens) – Planning ORD-54-Z-2 2006-238

**\*E1** Introduced and waived the first reading of Ordinance C.S. 957 amending Chapters 6.32 and 16.32 of the Stanislaus County Code concerning employee housing and mobile home parks – County Counsel ORD-54-Z-3 2006-239

Mayfield/Grover unan. **B7** Consented to the Amendment of the Power Purchase Agreement for long-term energy and capacity between Covanta Stanislaus, Inc., and Pacific Gas and Electric Company – DER 2006-240

O’Brien/Grover unan. **B8** Approved changing the name of the Department of Employment and Training to the Alliance WorkNet – DET 2006-241

O’Brien/Grover unan. **B9** Approved the 2006 Community Health Report for Stanislaus County – HSA 2006-242

Grover/Mayfield (4-0)(O’Brien abstained) **9:25am A** The Board **denied** introducing and waiving the first reading of an ordinance to establish a new point of sale fee for the Department of Agriculture and Weights and Measures and directed the Agricultural Commissioner to meet with consumer groups prior to bringing the fee back to the Board ORD-54-Y-12 2006-243

**Recessed at 10:43 a.m.**

**Reconvened at 10:50 a.m.**

Mayfield/DeMartini (4-1)(O’Brien opposed) **9:25am B** Introduced and Waived the first reading of Ordinance C.S. 951 to amend existing fees for the Department of Agriculture and Weights and Measures concerning Phytosanitary Certificates and Certified Producers Certificates ORD-54-Y-13 2006-244

Grover/Mayfield (4-0)(O’Brien abstained) **9:25am C** Introduced and Waived the first reading of Ordinance C.S. 952 establishing new fees and amending existing fees of the Department of Environmental Resources ORD-54-Y-14 2006-245

Grover/O’Brien unan. **Corr 1** Authorized the Chairman to send a letter of support for SB 1554 which would prohibit the California Public Utilities Commission from imposing cost responsibility surcharges, or “exit fees” on a customer of a locally publicly owned utility who never received service from an investor owned utility. 2006-246

**Corr 2** Referred to HSA, a letter from the Children’s Health Forum regarding the Lead Hazard Reduction Demonstration Grant Program for high risk cities and counties from the Department of Housing and Urban Development (HUD).

**Corr 3** Referred to DET and the Stanislaus Economic Development and Workforce Alliance, a letter from Valley Fresh extending the mass lay off of approximately 340 employees, per the Worker Adjustment and Retraining Notification (WARN) Act, will occur between May 22, 2006 and June 4, 2006.

**Corr 4** Referred to the Clerk-Recorder and Elections, a letter from the Election Integrity Task Force opposing the use of the Diebold touchscreen Direct Record Electronic (DRE) in the State of California election process.

**Corr 5** Referred to the Department of Planning and Community Development, a letter from the U.S. Department of Housing and Urban Development regarding the completed review of the County's Program Year (PY) 2004 Consolidated Annual Performance and Evaluation Report.

**Corr 6** Referred to the Agricultural Commissioner and Sealer of Weights and Measures and to the Chief Executive Officer-Office of Emergency Services, a letter from the Governor's Office of Emergency Services regarding the President's declaration (DR-1628) of a major disaster and the processing of U.S. Department of Agricultural Farm Service Agency emergency loans for physical and production losses for the counties of Alameda and Shasta and their contiguous counties including Stanislaus County.

**Corr 7** Referred to the Chief Executive Office-Human Resources, a letter from the District Council 57 AFSCME AFL-CIO requesting an actuarial be performed to determine the cost of implementing the retirement benefit improvement of 2.7% at 55.

**Corr 8** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Debra Vanderwaal; Stanley J. Sullens; Jayne Gandarela and Christina Gandarela; Timothy R. Ollivierre; Parajit K. Hans; Jesse Jore; and, Russell & Charleann Smith.

Supervisor DeMartini reported that he is working with staff to establish a South Modesto Municipal Advisory Council (MAC) to include the areas of Shackelford, Park Lawn and Bret Harte. These unincorporated communities have similar problems, and a MAC would provide a platform for these communities to address issues. He hopes to have the first South Modesto MAC meeting the 4<sup>th</sup> Wednesday of this month.

Supervisor O'Brien noted that Animal Services is experiencing problems with Parvo, and he expressed his appreciation for Dave Young, Interim Director of Animal Services, and noted that he is doing a good job.

The CEO noted that the Diebold touchscreens referred to in Correspondence No. 4 are not used in Stanislaus County elections. He reported that he and David Jones met last week with the Army Corp of Engineers regarding the Orestimba Creek Project and that they continue to aggressively pursue a solution for the long term flooding problems in the Newman area. He attended the CSAC Legislative Conference last week and gave an update concerning the Human Services Policy Committee and the Housing, Land Use and Transportation Committee.

Adjourned at 11:24 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.)