

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

Regular Session  
All Supervisors Present  
Pledge of Allegiance to the Flag

Tuesday

May 2, 2006

A moment of silence was held for Stanislaus County employees Dave Krediet from the Office of the Agricultural Commissioner and Sealer of Weights and Measures, and Josefina (Josie) Flores from Behavior Health and Recovery Services.

Dr. Wallace Carroll made a presentation regarding May 2006 as Asthma Awareness Month.

The Chairman presented a resolution proclaiming May 2006 as Elder and Dependent Adult Abuse Awareness Month to Louise Taber of County Bank.

Assistant Sheriff Mark Puthuff spoke regarding the successful convictions of the home invasion crimes. He noted that the collaborative efforts of many of the County Departments and agencies during the recent flooding provided for better protection of the community. He updated the Board regarding the Paradise South "Weed and Seed" program and the successes that they are seeing.

Mayfield/Grover unan. Adopted the consent calendar

- \*A1 Approved the minutes of 4/18/06
- \*A2a Adopted and waived the second reading of Ordinance C.S. 953 increasing existing fees and establishing new fees for the Clerk-Recorder Department      ORD-54-Y-15    2006-303
- \*A2b Adopted and waived the second reading of Ordinance C.S. 954 adopting the Department of Planning and Community Development 2006 Fee Schedule      ORD-54-Y-16    2006-304
- \*A3a Proclaimed May 2006 as Foster Care Awareness Month and 5/16/06 as Foster Parent and Relative Care Provider Appreciation Day      2006-305
- \*A3b Proclaimed May 2006 as Older Americans Month      2006-306
- \*A3c Proclaimed May 2006 as Asthma Awareness Month      2006-307
- \*B1 Approved the third status report concerning the emergency replacement of the Courthouse boiler system      2006-308
- \*B2 Approved continuing the Countywide declaration of the local state of emergency due to weather and flooding conditions in Stanislaus County; and, directed all appropriate actions to be taken relative to the state of emergency      2006-309
- \*B3 Authorized the Assistant Sheriff to proceed with repair and maintenance work for the Sheriff's Men's Jail Locking System; and, authorized the Assistant Sheriff, working with the Purchasing Agent, to finalize and enter into an agreement for the ongoing repair and maintenance of the locking system in the Men's Jail – Sheriff      2006-310
- \*B4 Accepted the Stanislaus County Treasury Pool's March 2006 Monthly Investment Report as prepared by the Treasurer-Tax Collector's Office and reviewed for conformity with the Stanislaus County Treasury Pool Investment Policy by the Treasurer-Tax Collector and distributed to the Stanislaus County Treasury Pool Oversight Committee; and, authorized the Chairman of the Board to sign on behalf of the Board of Supervisors that the report has been reviewed and accepted – T/TC      2006-311

- \*B5 Approved the provisions contained within the tentative labor agreement reached between the County and the Stanislaus County Sheriff's Supervisor Association representing the Sergeants Bargaining Unit; amended the Salary and Position Allocation Resolution to reflect the changes included in the tentative agreement; and, authorized the Chairman and all parties to sign the agreement 2006-312
- \*B6 Approved a resolution supporting the development of health sciences research and graduate medical education programs led by the University of California at Merced that are anticipated to lead to a school of medicine in the San Joaquin Valley 2006-313
- \*B7 Approved the Underground Storage Tank Local Oversight Program Contract No.06-027-250-0 with the State Water Resources Control Board; authorized the Director of DER, or her Designee, to sign the contract; and, authorized the Director of DER, or her Designee, to sign any future amendments to the contract not exceeding the original contract amount – DER 2006-314
- \*B8 Authorized the Project Manager for the Gallo Center for the Arts to amend professional agreements as necessary to assist the Central Valley Center for the Arts (CVCA) to complete the remaining elements of the Gallo Center for the Arts as long as the amendments are within the budget agreed upon with the CVCA and the funding is provided by the CVCA 2006-315
- \*B9 Approved the new construction design documents (revised bid documents) for the Clerk Recorder Tenant Improvement Project at 1021 "I" Street; set the bid opening date as 6/7/06, no later than 1:30 p.m.; authorized the Project Manager to advertise and issue the invitation to bidders; authorized staff to open bids and prepare recommendations to be returned to the Board of Supervisors for the construction award; 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; approved an increase in appropriations and estimated revenue for the Clerk Recorder Tenant Improvement Project of \$101,000 funded by a transfer from the Clerk Recorder; and, approved an increase in appropriations and estimated revenue of \$61,000 for the Clerk-Recorder to transfer to the project 2006-316
- \*B10 Approved the award of a contract through a purchase order to RT Lawrence for \$117,991 for the purchase of a remittance processing machine to improve the processing of property tax payments; authorized the Purchasing Agent to issue purchase orders not to exceed \$170,000; authorized the Purchasing Agent to enter into an agreement for the annual maintenance, and acquire other equipment necessary to make the machine fully operational; and, finalized all associated agreements – T/TC 2006-317
- \*B11 Authorized Alfonso Hernandez, LCSW, to be credentialed by the Managed Care Division of BHRS as a Behavioral Health Panel Provider for Medi-Cal; and, authorized the Chairman of the Board to sign the Provider Initial Credentialing Form – BHRS 2006-318
- \*C1 Set a public hearing to conduct a ballot procedure in compliance with Proposition 218 on June 27, 2006, at 9:25 a.m., regarding annexation of territory to the Bystrum Landscape and Lighting District and the levy of an annual assessment; approved the Engineer's Report for the Tuolumne Annexation to Bystrum Landscape and Lighting District; authorized an assessment ballot procedure in conformance with Proposition 218 for the Tuolumne Annexation to Bystrum Landscape and Lighting District; and, ordered that Notice of the Public Hearing be given pursuant to Government Code §53753(b), Streets and Highways Code §22552, and Streets and Highways Code §22588 – PW DLA-2-4 2006-319
- \*C2 Set a public hearing to conduct a ballot procedure in compliance with Proposition 218 on 6/27/06, at 9:30 a.m., regarding annexation of territory to the Laurel Landscape and Lighting District and the levy of an annual assessment; approved the Engineer's Report for the Collins Annexation to Laurel Landscape and Lighting District; authorized an

assessment ballot procedure in conformance with Proposition 218 for the Collins Annexation to the Laurel Landscape and Lighting District; and, ordered that a Notice of the Public Hearing be given pursuant to Government Code §53753(b), Streets and Highways Code §22552, and Streets and Highways Code §22588 – PW

DL-39-4 2006-320

- \*C3** 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 increase appropriations and estimated revenue for the Albers/Geer/SR 132 Intersection Improvement project by \$9,215; and, directed the Auditor-Controller to issue a warrant in the amount of \$9,215 payable to First American Title Company, for the purchase amount of \$8,655 and \$560 for escrow fees and title insurance – PW  
M-64-E-9 2006-321
- \*D1** Set a public hearing for 5/23/06, at 9:25 a.m., to consider Rezone Application #2005-14, Cherokee Plaza/Patricia Cochran, a request for a new Planned Development (PD) zone to allow construction of 50,000 square feet of permanent buildings to house a beauty college, restaurants and retail/service businesses, plus a temporary structure to house the beauty college, on two parcels totaling approximately 7 acres located in an expired PD on the south side of Nunes Road, east of Highway 99, in Keyes (APN: 045-049-011 and 045-049-012) – Planning  
ORD-54-Z-4 2006-322
- \*D2** Approved the agreement with the Housing Authority of Stanislaus County to continue the Housing Rehabilitation Program; allocated \$172,500 from prior year Home Investment Partnership Program fund to the Housing Rehabilitation Program; and, authorized the Director of Planning and Community Development to sign on behalf of Stanislaus County – Planning  
2006-323

Grover/Mayfield unan. **B12** Approved the Stanislaus County West Nile Virus Task Force Report: 2005 Summary and 2006 Strategic Plan – HSA  
2006-324

Mayfield/DeMartini unan. **9:25am** Conducted the public hearing; approved the Draft Annual Action Plan that includes the \$2,543,648 Community Development Block Grant (CDBG) and the \$108,840 Emergency Shelter Grant (ESG), for a total of \$2,652,488 for FY 2006/07; directed the CEO to sign the application for federal assistance and the ESG certifications; and, directed the Director of Planning and Community Development to sign the CDBG Cost Recovery and HOME certifications – Planning  
2006-325

**Recessed to sit as the Stanislaus County Redevelopment Agency at 9:44 a.m.**

Mayfield/Grover unan. Approved the consent calendar

**9:30am (\*III-A)** Approved the minutes of 12/13/05

**9:30am (\*VI-A)** Authorized the repayment of a May 2005 Stanislaus County loan principle of \$400,000 and interest accrued thereon; authorized the application of a loan in the amount of \$400,000 subject to the terms and conditions set forth in the promissory note between the Redevelopment Agency and the Stanislaus County Capital Improvements Financial Authority dated 9/24/90; and, directed the Auditor-Controller to accept repayment and to allocate \$400,000 from the General Fund to the Redevelopment Agency secured by the promissory note  
2006-326

**9:30am (\*VI-B)** Approved the agreement with the Housing Authority of Stanislaus County to continue the Housing Rehabilitation Program; allocated \$67,500 from prior year Housing Set-Aside fund; and, authorized the Executive Director to sign on behalf of the Agency  
2006-327

**9:30am (\*VI-C)** Authorized the Executive Director to sign Development and Disposition Agreements with adjacent landowners to Salida Boulevard and Cloutier Drive in Salida regarding sale of excess right-of-way 2006-328

Grover/Mayfield unan. **9:30am (VI-D)** Adopted the \$3.7 million FY 2006/07 Budget and authorized the Executive Director to take all necessary steps to implement the 2006/07 Budget 2006-329

**Reconvened as the Stanislaus County Board of Supervisors at 9:55 a.m.**

**Corr 1** Referred to the Alliance Network and the Stanislaus Economic Development and Workforce Alliance, a letter from Fresno County requesting assistance in lobbying the Governor to fund the Workforce Investment Boards (WIBs) in the Central Valley and to set aside discretionary funds to be allocated to those areas that will be fiscally impacted based on the Bureau of Labor Statistics change.

**Corr 2** Referred to the Department of Public Works and the Department of Planning and Community Development, a letter from the U.S. Department of Homeland Security, FEMA, regarding the status of the Digital Flood Insurance Rate Maps (DFIRMs) for Stanislaus County.

**Corr 3** Referred to DER, a letter from Caltrans (Department of Transportation) regarding the environmental investigation of three soil stockpiles on State owned property adjacent to State Route 99 and Kansas Avenue, in Modesto, that contains residual material from the processing of barite ore and requesting the completion of a community survey from the Department of Toxic Substances Control.

**Corr 4** Referred to the CEO, a request from the City of Stockton for a letter of opposition to AB 2987, which will preempt local regulation of cable television service provided by telephone companies.

**Corr 5** Referred to the CEO, a letter from Assembly Member Barbara Matthews requesting support to amend AB 2735 to include the counties of Merced, Stanislaus, Calaveras and Tuolumne in the bill that assists California residents and local governments in storm recovery from December 2005.

**Corr 6** Referred to DER, Form 10-K from Covanta Energy Corporation for the year ended 12/31/05.

**Corr 7** Referred to County Counsel, a letter from Safe Access Now, an advocacy group regarding local governments' compliance with California's Compassionate Use Act (Proposition 215) and Medical Marijuana Program Act (SB 420), requesting information on the timeline for the implementation in Stanislaus County.

**Corr 8** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Patricia Fields; Randy Phillips; Leah Phillips; State Farm Insurance Company for their insured Pete V. Tomiello; Martin M. Montes; Kevin Brown; Cardell Hogan; Lisandro Lopez; Annette S. Bryant; James Hogan; Abbey Alvarado; Sandry Cristo and Jacklyn Cristo, a minor; and, State Farm Insurance for their insured Del R. Olberg.

Supervisor DeMartini asked for clarification of Correspondence 7, California's Compassionate Use Act (Proposition 215) and Medical Marijuana Program Act (SB 420). County Counsel gave an update on the County's process regarding the implementation. He noted that there are two issues that will come back to the Board. One is the medical marijuana card, per the Medical Marijuana Program Act (SB 420). The Public Health Department has processed a RFP for an outside vendor to provide for the "card" identification system that is mandatory. The second issue is the selling of marijuana from a store, which creates a zoning issue regarding the legal entitlement to sell an illegal substance. County Counsel is

working with the Planning and Community Development Department how to deal with the selling of marijuana.

The CEO reported that the 3<sup>rd</sup> Quarter Report will come to the BOS next week and that the budget is looking strong except for one issue which is relative to the repairs and maintenance of the animal shelter. He noted that he just received a request from the City of Newman for the County to assist them in the upstream water releases from the San Joaquin River that has the potential, although not this year, of impacting their waste water system. He said that the County would work with the other counties regarding the water releases that have a potential of impacting the downstream communities. He noted that AB 2987, which will preempt local regulation of cable television service provided by telephone companies, is of concern to the County and is opposed by CSAC in its current form. He will meet with SBC to discuss the issues of video franchising. He then spoke regarding status of AB 2577, a property tax equity bill that will effect counties with Williamson Act properties.

Adjourned to closed session at 10:08 a.m. for Conference with Legal Counsel: Anticipated Litigation – Significant Exposure to Litigation. One Potential Case. Government Code Section 54954.5(c).

Adjourned at 10:42 a.m.

ATTESTED: CHRISTINE FERRARO TALLMAN, Clerk  
of the Board of Supervisors  
of the County of Stanislaus  
State of California

BY: CHRISTINE FERRARO TALLMAN, 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.)