

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

Regular Session

Tuesday

June 6, 2006

All Supervisors Present

Pledge of Allegiance to the Flag

Ruby Kennedy spoke regarding the problems she is having with obtaining all the needed permits to build her home in the County area while obtaining water and sewer permits from the City of Modesto. Dennis Wister, Deputy Building Official, noted that he would assist Ms. Kennedy with this issue, and would contact the City of Modesto on her behalf.

Carol Grove, Public Health Nurse, noted that registered nurses provide essential services which promote the health of the community, and that their current wages are below competitive and affecting the County's ability to attract nurses.

Gwen Simas, Public Health Nurse, also spoke regarding the need for increased wages.

Merry Baker Pauluk, Registered Nurse, voiced support for increased wages for County nurses.

Joseph Hahn, a nurse at SBHC, spoke regarding the stressful job that nurses have, and noted that the cost of living has outpaced wages, which impacts the County's ability to hire and retain nurses.

Grover/Mayfield unan. Adopted the consent calendar after removing from consent item ***C2** Approval of the Subdivision Improvement Agreement and the Filing and Recording of the Final Map for Marquette Estates Subdivision (in East Riverbank Area)

***A1** Approved the minutes of 5/23/06

***A2** Adopted and waived the second reading of Ordinance C.S. 959 amending Chapter 4.24 of the Stanislaus County Code to add §4.24.030 related to the sale of County property – CEO
ORD-54-Z-8 2006-395

***A3** Accepted the resignation of Allen P. Sanguinetti, Jr. from the Crows Landing Community Services District Board of Directors 2006-396

***A4** Appointed Lisa Alamo to the Agricultural Advisory Board 2006-397

***A5a** Proclaimed the week of 6/26/06 as Childhood Cancer Awareness Week 2006-398

***A5b** Proclaimed the week of 6/26/06 as Childhood Obesity Awareness Week 2006-399

***A6** Approved request from Mid-Valley Water Ski Club for exclusive use of the back dam area of the Modesto Reservoir on July 8, 23, and 29, 2006; August 5, 12, 26 and 27, 2006; and, September 9, 2006 for their 2006 Summer Season Events 2006-400

***B1** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 1201 Inyo Avenue, Modesto, CA (CE No. 05-2221) – DER 2006-401

***B2** Approved the 2006-2007 Megabyte Automated Property Tax System Maintenance Agreement with Megabyte Systems, Inc.; and, authorized the CEO, upon the recommendation by the Assessor, Auditor-Controller and Treasurer-Tax Collector to sign the 2006-2007 annual maintenance agreement with Megabyte Systems, Inc. – Assessor 2006-402

***B3** Adopted the Property Tax Administration Cost Recovery Plan; approved the report determining the Property Tax Administration Costs for FY 2005/06 are \$5,475,626 and establishing the proportion of said costs attributable to incorporated cities and other

- jurisdictions; and, authorized the collection of said costs pursuant to the provisions of the Revenue and Taxation Code §95.3 and Stanislaus County Code §4.44.10 – Auditor-Controller 2006-403
- *B4** Accepted the Stanislaus County Treasury Pool’s April 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 2006-404
- *B5** Authorized the BHRS Director, or her Designee, to execute an agreement to sub-lease space at 4640 Spyres Way, Modesto, CA to Valley Mountain Regional Center – BHRS 2006-405
- *B6** Authorized the appointment of Michael McFarland to the position of Director of Animal Services above the midpoint of salary Band D (\$95,825 annually) – CEO 2006-406
- *B7** Approved the provisions contained within the tentative agreement reached between the County and Stanislaus County Sheriff’s Management Association representing the Lieutenants and Custodial Lieutenant’s 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 – CEO 2006-407
- *B8** Continued the Countywide declaration of the local state of emergency due to the warm weather and the potential for flooding, and directed all appropriate action to be taken relative to the state of emergency – CEO 2006-408
- *B9** Approved the sixth status report concerning the replacement of the Courthouse boiler system – CEO 2006-409
- *B10** Approved FY 2005/06 agreement with California State University, Long Beach to provide consultant services for the Aging Initiative of California Social Work Education Center (CalSWEC); and, authorized the Director of CSA, or his Assistant Director Designee, to sign the agreement and any amendments, not to exceed the agreement amount of \$20,000 – CSA 2006-410
- *B11** Approved the agreement with Sierra Vista Child and Family Services to provide stepparent adoption services; directed the Auditor-Controller to increase appropriations and estimated revenues in FY 2006/07, in the amount of \$14,000, as detailed in the Budget Journal Form; and, authorized the Director of CSA, or his Assistant Director Designee, to sign the agreement and any amendments, not to exceed the agreement amount of \$40,000 for the period 5/22/06 through 5/31/07 – CSA 2006-411
- *B12** Approved the agreement with the Children’s Crisis Center to provide child care services to Child and Family Services Division customers; directed the Auditor-Controller to increase appropriations in FY 2006/07, in the amount of \$87,062.20 as detailed in the Budget Journal Form; and, authorized the Director of CSA, or his Assistant Director Designee, to sign the agreement and any amendments, not to exceed the total agreement amount of \$134,205.20 for the period 1/1/06 through 5/31/07 – CSA 2006-412
- *B13** Approved the plans and specifications for the Household Hazardous Waste Reception Center Project; directed the Clerk of the Board to publish notice to bids for the project as required by law and set the date for the submission of bids as 7/19/06 prior to 2:00 p.m.; directed the Department of Public Works to mail the notice inviting bids to trade journals as required by law; and, approved the use of up to \$200,000 of Public Facility Fees (PFF) for construction of the Household Hazardous Waste Reception Center Project – DER M-64-E-10 2006-413
- *B14** Authorized the Director of DER, or her Designee, to apply for, administer and receive Beverage Container Recycling Funds from the California Department of Conservation for

FY 2006/07, to promote beverage container, recycling and litter cleanup; authorized the Director of DER, or her Designee, to submit the Electronic Funding Request Forms to receive funds from the California Department of Conservation for the FY 2006/07; authorized the submittal of a funding request for beverage container recycling funds on behalf of the unincorporated areas of Stanislaus County to the Department of Conservation, Division of Recycling; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$30,175 as detailed in the Budget Journal Form 2006-414

- *B15** Approved HSA to accept an amended grant agreement for funding from the State Department of Health Services, Office of Family Planning Information and Education Program for teen pregnancy prevention educational services in Stanislaus County, extending the agreement through 6/30/08; and, authorized the Interim Managing Director of HSA, or her Designee, to sign and execute the Amended Grant Agreement No. 03-75843 AOL – HSA 2006-415
- *B16** Approved application of grant funds in the amount of \$225,000 (\$75,000 per FY) from the California Department of Health Services for the Preventive Health Care for the Aging (PHCA) Program for FYs 2006/07, 2007/08, and 2008/09; and, authorized the Interim Managing Director of HSA, or her Designee, to sign and execute the contract and accept funding – HSA 2006-416
- *B17** Approved an amendment of the Independent Contractor Agreement with Standiford Dental Office, dba Anthony Tran, D.D.S., for the provision of dental services for the Medically Indigent Adult Program for FY 2005/06; and, authorized the Interim Managing Director of HSA, or designee, to sign the Amendment – HSA 2006-417
- *B18** Approved the agreement with Stanislaus Literacy Center (SLC) for providing delivery of adult literacy services in Stanislaus County; and, authorized the Purchasing Agent, or her Designee, to sign the agreement and any amendments, not to exceed \$250,977 for the period of 7/1/06 through 6/30/07 2006-418
- *B19** Approved a request to solicit proposals for the purchase, site preparation and installation of a double-wide trailer at 2215 Blue Gum Avenue, Modesto, CA; and, authorized the Purchasing Agent to accept the proposals and issue purchase orders to successful bidders not to exceed \$150,000 – BHRS 2006-419
- *B20** Authorized the Department of Parks and Recreation to hold the Eleventh Annual Fireworks Celebration on 7/4/2006, at Woodward Reservoir Regional Park; and, authorized the Director for Parks and Recreation to support the event and promote related activities 2006-420
- *B21** Approved Personal Services Agreement for Project Management Services for FY 2006/07; and, authorized the Director of Parks and Recreation, or her Designee, to sign the Personal Services Agreement not to exceed the amount of \$29,000 – Parks and Recreation 2006-421
- *B22** Authorized staff to issue a RFP for planning and programming services to update and develop a Needs Assessment and Master Plan for the Public Safety Center; authorized staff to proceed with implementation of the plan to double bunk approximately 100 beds at the Public Safety Center and authorized the carry over at the end of the FY 2005/06 for all or the remaining portion of the \$50,000 in funding authorized for this project in the event the project is not completed prior to year-end close; and, authorized the use of \$200,000 in Public Facility Fees (PFF) from the Jails fund as approved by the PFF Committee to be used for the planning efforts associated with the facilities needs assessment and authorized the carryover of these funds at the end of FY 2005/06 for use in this effort next fiscal year – CEO and Sheriff M-64-E-11 2006-422

- ***B23** Accepted the donation of flagpoles and other items; approved the installation of memorial flag poles and the establishment and maintenance a Memorial Garden at the Stanislaus County Agricultural Center; and, authorized the installation of an acceptance plaque honoring all Stanislaus County residents who have served our County – CEO 2006-423
- ***C1** Set a public hearing and conduct a ballot procedure in compliance with Proposition 218 on 7/25/06, at 9:25 a.m., regarding annexation of territory to the Bret Harte Landscape and Lighting District and the levy of an annual assessment; approved the Engineer’s Report for the South Modesto Annexation to Bret Harte Landscape and Lighting District; authorized an assessment ballot procedure in conformance with Proposition 218 for the South Modesto Annexation to Bret Harte 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
DL-40-4 2006-424
- ***D1** Accepted the report and approved Vesting Tentative Map Application #2005-08, Lawson/Qualles, a request to create 8 parcels ranging in size from 14,698 to 18,534 square feet from a 3.38 acre site in the R-A (Rural Residential) zoning district, located on the east side of Lester Road, south of East Monte Vista Ave., in the Denair Area (APN: 024-035-018 and 024-035-040) allowing the Planning Commission decision of approval of the subject proposal to stand without further hearing – Planning 2006-425

Grover/O’Brien (4-0)(Simon abstained) ***C2** Approved the Subdivision Improvement Agreement for Marquette Estates Subdivision; finds that the final map is in substantial compliance with the previously approved tentative map; finds that Stanislaus County has adopted a General Plan covering the area proposed to be included within the final map; finds that the final map, together with the provisions for its design and improvement, is consistent with the General Plan for the area; rejected all roads, highways, avenues, alleys, courts, ways, lanes, places, and other streets; authorized the Chairman to sign the final map and the Subdivision Improvement Agreement; and, authorized the final map to be filed and recorded as presented – PW 2006-426

Grover/DeMartini unan. **B24** Accepted the 2005 Stanislaus County Agricultural Crop Report – Agricultural Commissioner 2006-427

Mayfield/O’Brien unan. **9:25am** Finds Rezone Application #2004-01, Timmerman Starlite Trucking, a request to rezone a 3.22 acre parcel from A-2-10 (General Agriculture) and a small portion of expired Planned Development (PD) #122 to a New Planned Development to allow continued operation of an existing truck yard specializing in agricultural trucking, located at 3955 Starlite Drive, West of Faith Home Road, in Keyes (APN: 041-062-034) to be De Minimis for the purposes of collection of Fish and Game fees pursuant to California Code of Regulations §753.5, by adopting the Findings of Fact contained in the attached Certificate of Fee Exemption, those findings being based on the analyses presented in the Initial Study; ordered the filing of the Certificate of Fee Exemption with the Stanislaus County Clerk-Recorder’s Office; adopted the Mitigated Negative Declaration pursuant to California Code of Regulations §15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that 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; adopted the Mitigation Monitoring Plan pursuant to California Code of Regulations §15075(d); ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder’s Office pursuant to Public Resources Code §21152 and California Code of Regulations §15075; finds the project will increase activities in the area, thereby necessitating dedications and improvements to accommodate this new development; finds that the proposed Planned Development zoning is consistent with the Stanislaus County General Plan and the Keyes Community Plan; approved

Rezone Application #2004-01, Timmerman Starlite Trucking, subject to the attached Development Standards and Schedule, project Mitigation Monitoring Plan and all pertinent mitigation measures contained within the Keyes Community Plan EIR Mitigation Monitoring and Reporting Plan; and, introduced and waived the reading and adopted Ordinance C.S. 950 for the approved Rezone Application #2004-01 – Planning
ORD-54-Z-5; 2006-431 & 2006-432

O'Brien/Grover (3-2)(Mayfield and DeMartini opposed) **9:30am** Approved the Appeal of the Planning Commission's Condition of Approval #26 for Parcel Map Application #2005-30, Barbara Dykzeul; the Board removed Condition #26 which would have required that "no new structures shall be allowed to be placed on any new parcel created by this parcel map until such time the parcel is no longer under the provisions of a Williamson Act contract"; the Board approved Staff Recommendations Nos. 1-7 as follows: 1) finds the project to be De Minimis for the purposes of collection of Fish and Game fees pursuant to California Code of Regulations §753.5, by adopting the Findings of Fact contained in the attached Certificate of Fee Exemption, those findings being based on the analyses presented in the Initial Study, and ordered the filing of the Certificate of Fee Exemption with the Stanislaus County Clerk-Recorder's Office; 2) adopted the Negative Declaration pursuant to California Code of Regulations §15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis; 3) ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code §21152 and California Code of Regulations §15075; 4) finds that none of the following findings requiring denial of a tentative map can be made as follows: (a) that the proposed map is not consistent with applicable general and specific plans; (b) that the design or improvements of the proposed subdivision is not consistent with applicable general and specific plans; (c) that the site is not physically suitable for the type of development; (d) that the site is not physically suitable for the proposed density of development; (e) that the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; (f) that the design of the subdivision or type of improvements are likely to cause serious public health problems; (g) that the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; in this connection, the Board may approve a map if it finds that alternate easements for access for use will be provided that these will be substantially equivalent to the ones previously acquired by the public, and this subsection shall apply only to easements established by judgment of a court of competent jurisdiction; 5) finds that the proposed parcel map is consistent with the restrictions and conditions of the existing Williamson Act contract; 6) finds the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; and, 7) approved Parcel Map Application #2005-30 - Barbara Dykzeul, a parcel map which would create three 10 acre parcels located in an A-2-10 (General Agriculture) zoning district at the northwest corner of River Road and Cleveland Avenue in the Oakdale area, subject to the Amended Conditions of Approval contained within "Exhibit B" of the Planning Commission staff report with the removal of Condition #26 – Planning
2006-433

Recessed at 10:42 a.m.

Reconvened at 10:51 a.m.

Mayfield/DeMartini (2-1)(Simon opposed)(O'Brien and Grover abstained) **B25** The **motion failed** to deny the appeal and award the Senior Congregate Meals Contract to ARC-Howard Training Center

O'Brien/Simon (2-2)(Grover abstained) **B25** The **motion failed** to continue the item concerning Approval to Consider the Appeal by the Salvation Army Modesto Citadel and to Award Senior Congregate Meals Contract to Either ARC-Howard Training Center or the Salvation Army

O'Brien/Simon (4-0)(Grover abstained) **Continued** to the 6/13/06 Board meeting item **B25** Approval to Consider the Appeal by the Salvation Army Modesto Citadel and to Award Senior Congregate Meals Contract to Either ARC-Howard Training Center or the Salvation Army; or for the Board to consider rejecting both proposals and issue a new RFP 2006-428

O'Brien/Mayfield unan. **B26** Accepted the Integrated County Justice Information System (ICJIS) Status Report; authorized the CEO to enter into a contract for ICJIS development and support services with Atomogy Corporation through 6/30/07 in an amount not to exceed \$550,000; and, affirmed the appointment of the ICJIS members and alternates – CEO BD-80-3 2006-429

Grover/DeMartini unan. **Continued** to a future date, item **B27** Approval of Purchase of Computer Hardware, Software, Software Maintenance and Support Agreement, and Other Estimated Implementation Costs to Implement an Internet Web-Based One-Stop Permit System – PW 2006-430

Corr 1 Referred to DER, Form 10-Q of Covanta Holding Corporation for the first quarter ended 3/31/06.

Corr 2 Referred to the Auditor-Controller, a letter from the Oakdale Rural Fire District requesting an increase in their advance of anticipated revenue for Fiscal Year 2006-2007.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Jorge Luis Fernandez; Jeffrey R. Price; Ellen Caudill; and, Michael J. Andrew.

Supervisor Mayfield spoke regarding the 6/4/06 column in the Modesto Bee that criticized certain Board members for endorsing a candidate for Sheriff. He noted that the County's FY 2006/07 Proposed Budget increases the Sheriff's Department budget, and that the Board's funding decisions are based on the needs of the Department.

Supervisor DeMartini reported that the Shackelford neighborhood has not been hooked up to the sewer system, due to obstacles from the City of Modesto. He noted that sewer lines have been in place for over a year. George Stillman, Director of Public Works, stated that a meeting has been scheduled for tomorrow with the City, and that he thinks the issue will be resolved on Wednesday.

Chairman Simon also spoke regarding the Modesto Bee column, and commented on the irony of the Board being criticized for supporting candidates by a McClatchy newspaper which, always endorses candidates for office.

Adjourned to closed session at 1:04 p.m. for Conference with Labor Negotiator - Agency Negotiator: Rick Robinson. Labor Organization: California Nurses Association (CNA). Government Code §54954.5(f).

Adjourned at 1:55 p.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.)