

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

Regular Session

Tuesday

July 11, 2006

All Supervisors Present

Pledge of Allegiance to the Flag

The Chairman presented the 2006 Earl Pride Scholarship Awards to Joelle Aud, Jennifer Chisholm, Jesse Dashe, Juliana Fajardo and Rachel Henderson.

Assistant Sheriffs Mark Puthuff and Maurice Sanders and Assistant District Attorney Carol Shipley were recognized for their service to Stanislaus County.

Steve Trapp spoke regarding the Veterans Day Ceremony at the Sky Trek Aviation Hanger, which will be honoring 11 local war heroes. He asked the Board for financial support for this event.

Mayfield /Grover unan. Adopted the consent calendar after removing from the agenda item **\*A4d** Approval of Appointment of Francisco Alvarez to the Mental Health Board; and, after removing from consent items **\*B5** Approval of the Appointment of Birgit Fladager as District Attorney and Adam Christianson as Sheriff and **\*C1** Approval to Increase Appropriations and Estimated Revenue for Purchase of Right-of-Way from Thomas W. Mayfield and Anita Mayfield for the Geer Road at Fox Road Intersection Improvement Project

**\*A1** Approved the minutes of 6/27/06

**\*A2** Adopted and waived the second reading of Ordinance C.S. 961 amending §4.16.030 of the Stanislaus County Code concerning sales and use tax pursuant to the revenue sharing agreement with cities of Stanislaus County ORD-54-Z-10 2006-528

**\*A3** Accepted the resignations of Norm Porges and Jim Devenport from the Stanislaus Economic Development and Workforce Alliance Board 2006-529

**\*A4a** Appointed Augusta Farley to the Animal Advisory Board 2006-530

**\*A4b** Appointed Keenon Krick to the Stanislaus Child Development Local Planning Council 2006-531

**\*A4c** Appointed Rob Phipps and Augustine Beltran to the Stanislaus Economic Development and Workforce Alliance Board 2006-532

**\*A5** Reappointed Esther Rosario to the Stanislaus Child Development Local Planning Council 2006-533

**\*A6** Proclaimed August 2006 as Child Support Awareness Month 2006-534

**\*A7** Approved granting access to the official Stanislaus County records stored in the Iron Mountain vault storage facility to the Board of Supervisors employees Christine Ferraro Tallman, Elizabeth King, Diane Nayares-Perez, Suzi Seibert and Peggy Dominguez; and, to the Clerk-Recorder employees Lee Lundrigan, Marvin Hackett, Bonnie Rucker, Sharon Sharp, Cheryl Phillips, Susan Lewis-Jones and Donna Wissner 2006-535

**\*B1** Authorized the Director of the Department of Aging and Veterans Services (Area Agency on Aging) to sign contracts and any subsequent amendments to contracts AP-0607-30, HI-0607-30, and TV-0607-30 with the California Department of Aging for FY 2006/07 – Aging and Veterans 2006-536

**\*B2** Approved the 6/30/06 increase to the Alliance Worknet budgeted appropriations and estimated revenue in an amount of \$335,359 posted, in order to avoid any loss in State funds, by the

- CEO and the Auditor-Controller for clerical support services rendered to CSA – Alliance Worknet 2006-537
- \*B3 Set a public hearing on 8/15/06, at 6:45 p.m., to consider potential service level changes for acute psychiatric inpatient services pursuant to §1442.5 of the Health and Safety Code; and, approved posting of notice of the public hearing at all County mental health and health facilities no later than 7/31/06 – BHRS 2006-538
  - \*B4 Approved and adopted the proposed amendments to the Mental Health Board Bylaws – BHRS BD-31-C-31 2006-539
  - \*B6 Appointed Debra Buckles as the Stanislaus County Public Guardian 2006-540
  - \*B7 Approved the ninth status report concerning the emergency replacement of the Courthouse boiler system – CEO 2006-541
  - \*B8 Authorized canceling Bid Package 6, Plaza and Site Work, for the Gallo Center for the Arts because no bids were received (in accordance with the State Contracting Code); and, authorized staff to negotiate a contract with a qualified contractor – CEO 2006-542
  - \*B9 Awarded the Contract for the 12th Street Office Building Security System to Industrial Electronic Systems, Inc., and authorized the Project Manager to sign the contract on behalf of the Board and to issue a Notice to Proceed upon receipt of the proper bonds and insurance – CEO 2006-543
  - \*B10 Approved the organizing documents for the 12th Street Condominium Project, including the Condominium Plan, the Ground Lease and Lease of Common Area; the Condominium Enabling Declaration; the Bylaws; the Amendments to the Master Agreement and Parking License Agreement and the Grant Deeds; authorized the CEO to complete, execute and record the necessary documents; authorized the CEO to take all action necessary and appropriate to implement the Master Agreement approved by the Board of Supervisors on 10/8/02 and to complete the formation of the condominium project; authorized the CEO to sign and record grant deeds to transfer title to the condominium units as follows: Units 1 and 2 to Westland Development Co., LLC, Units 3, 4, 5 to Stanislaus County and Unit 6 to Stanislaus County Employees Retirement Association (StanCERA); authorized the CEO to pay for the County’s share of the title insurance and closing costs for the Condominium Units in an amount not to exceed \$15,500; approved a waiver of the insurance and indemnification requirement for the federal government and authorized the CEO to execute the Declaration and amendments to the Master Agreement and Parking Lease Agreement which reflect such waiver; and, authorized the CEO to negotiate and execute a lease on behalf of the Association to lease a portion of the Common Area for use by Westland as an outdoor restaurant seating area – CEO 2006-544
  - \*B11 Authorized the expenditure of funds from the FY 2003 State Homeland Security Grant Program Part II for the Emergency Notification and Alerting System – OES 2006-545
  - \*B12 Approved the list of Independent Contractor Agreements in excess of \$100,000 between the Stanislaus County Health Services Agency and various contractors for FY 2006/07; authorized the HSA Interim Managing Director, or her Designee, to sign the agreements included in this agenda item; and, authorized the HSA Managing Director, or her Designee or Successor, to negotiate and sign individual amendments to the agreements, not to exceed \$75,000 – CEO 2006-546
  - \*B13 Accepted the Stanislaus County Treasury Pool’s May 2006 Monthly Investment Report as prepared by the Stanislaus County Treasurer-Tax Collector’s Office and reviewed for conformity with the Stanislaus County Treasury Pool Investment Policy by the Treasurer-Tax Collector and has been distributed to the Stanislaus County Pool Oversight Committee; and, authorized the Chairman to sign on behalf of the Board that the report has been reviewed and accepted – T/TC 2006-547

- \*B14 Authorized the GSA Director/Purchasing Agent to execute a contract with the Stanislaus County Police Activities League to provide special youth programs in Stanislaus County Parks in FY 2006/07 – Parks and Recreation 2006-548
- \*C2 Approved the Subdivision Improvement Agreement for Vesting Tentative Parcel Map #2005-19 – River Bluff Business Park in Beard Industrial Tract, southeast Modesto area; and, authorized the Chairman of the Board to sign the agreement – PW 2006-549
- \*C3 Approved the annexation of territory to the Golden State Lighting District without an election – (Valley Peterbilt APN: 045-052-018); finds that the territory more particularly described on Exhibits "A" and "B" is owned by petitioners, and that petitioners ownership represents 100% of the total assessed valuation of all taxable property within the territory proposed to be annexed into said district; finds that Stanislaus County Code, §21.40.040 required the installation of a street lighting system to serve the territory; finds that the territory proposed to be annexed is not within the limits of any other lighting district; finds that public necessity and welfare require that the territory be annexed to the lighting district; ordered that the requirements of notice, hearing, and election shall not be applicable to this proceeding, pursuant to Streets and Highways Code, §19056; ordered that the territory be annexed to the Golden State Lighting District of Stanislaus County; finds the fact of filing of the petition was received by the Clerk of the Board on 7/5/06; ordered that, pursuant to the Streets and Highways Code, §19000, et seq., the cost of conducting and maintaining the lighting district shall be assessed against the individual parcels of land within the district's boundaries; directed the Clerk of the Board of Supervisors to send a certified copy of the resolution ordering the annexation to the lighting district to the Department of Public Works, the offices of the Assessor, Elections, Auditor-Controller, and the Clerk Recorder; and, directed the Department of Public Works to send a certified copy of the resolution ordering the annexation to the lighting district and all other required documents and the processing fee to the State Board of Equalization – PW DL-33-8 2006-550
- \*C4 Adopted the results of the ballot procedure (Support votes: 18; Protest votes: 6), for the Collins Annexation to Laurel Landscape and Lighting District in compliance with Proposition 218; finds that all of the parcels within the Collins Annexation will receive equal benefit from the Annexation to the District; annexed the Collins Territory to the Laurel Landscape and Lighting District and confirmed the boundary of the annexation as being those described and shown on Exhibits "A" and "B", which are made a part hereof; directed the Department of Public Works to file the annexation with the California State Board of Equalization; ordered the installation of streetlights; confirmed and approve the method for calculating the amount of the annual assessment that will be used to pay for street lighting services; set the 2006/2007 annual assessment at \$61.18 per parcel; the parcels subject to the annual assessment are shown on Exhibit "C", which is made a part hereof; and, authorized the Auditor-Controller to add the annual assessment to the 2006/2007 tax roll – PW DL-39-4 2006-551
- \*C5 Adopted the results of the ballot procedure (Support votes: 72; Protest votes: 17; Incomplete ballots: 5), for the Tuolumne Annexation to Bystrum Landscape and Lighting District in compliance with Proposition 218; finds that all of the parcels within the Tuolumne Annexation will receive equal benefit from the Annexation to the District; annexed the Tuolumne Territory to the Bystrum Landscape and Lighting District and confirmed the boundary of the annexation as being those described and shown on Exhibits "A" and "B", which are made a part hereof; directed the Department of Public Works to file the annexation with the California State Board of Equalization; ordered the installation of streetlights; confirmed and approved the method for calculating the amount of the annual assessment that will be used to pay for street lighting services; set the 2006/2007 annual assessment at \$37.68 per parcel; the parcels subject to the annual assessment are shown on

- Exhibit "C", which is made a part hereof; and, authorized the Auditor-Controller to add the annual assessment to the 2006/2007 tax roll – PW DLA-2-4 2006-552
- \*C6 Approved the Subdivision Improvement Agreement for Diablo Grande, Unit No. 2A Subdivision; finds that the final map is in substantial compliance with the previously approved tentative map; finds that Stanislaus County has adopted a specific 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 specific plan for the area; rejected all roads, highways, avenues, alleys, courts, ways, lanes, places, and all other street dedications; authorized the Chairman of the Board to sign the final map and the subdivision improvement agreement; and, authorized the final map to be filed and recorded as presented – PW 2006-553
  - \*D1 Set a public hearing on 7/25/06, at 9:20 a.m. to consider the introduction, waiving of the reading, and adoption of Ordinance C.S. 962 (Planning and Community Development Department Ordinance No. 2006-03) amending Title 21 of the Stanislaus County Code relating to produce stands and produce markets; and, authorized the Clerk of the Board to publish notice of the hearing as required by law – Planning ORD-54-Z-11 2006-554
  - \*E1 Finds that the ordinance relating to the regulation of sales by roadside vendors is not subject to CEQA; and, introduced and waived the first reading of Ordinance C.S. 963 amending the Itinerant Vendor Ordinance to allow mobile food vendors to operate on public rights-of-way – County Counsel ORD-55-1 2006-555

O'Brien/DeMartini unan. \*B5 Approved the Appointment of Birgit Fladager as District Attorney and Adam Christianson as Sheriff to fulfill the unexpired terms ending 1/8/07 of Retired Sheriff Les Weidman and Retired DA Jim Brazelton; and, approved the expenditure of \$350 for a swearing-in reception – CEO 2006-556

Grover/O'Brien (4-0)(Mayfield abstained) \*C1 Approved the increase of appropriations and estimated revenue for purchase of right-of-way from Thomas W. Mayfield and Anita Mayfield for the Geer Road at Fox Road intersection improvement project; directed the Auditor-Controller to increase appropriations and estimated revenue for the Geer Road at Fox Road intersection improvement project by \$21,140; and directed the Auditor-Controller to issue a warrant for the purchase amount of \$21,140 payable to Thomas W. Mayfield and Anita Mayfield, Trustees of the Mayfield 1997 Trust – PW 2006-557

Grover/O'Brien unan. B15 Approved the Stanislaus County 30-Year Countywide Transportation Financial Expenditure Plan to authorize the imposition of a one half of one percent retail transactions and use tax to fund programs and projects described in the Expenditure Plan; and, authorized notifying the Stanislaus County Clerk Recorder – Elections Office of the Board of Supervisors' intent to place a Transportation Tax Initiative on the November 2006 Ballot – CEO 2006-558

Corr 1 Referred to the CEO, Sheriff and HSA, three portions of the 2006 Stanislaus County Grand Jury Reports regarding the Health Services Agency, the Men's Jail Medical Care and the Sheriff's Department Commissary. M-39-K-1

Corr 2 Referred to the Agricultural Commissioner and Sealer of Weights and Measures and DER, a copy of the U.S. Fish and Wildlife Service Draft Comprehensive Conservation Plan and Environmental Assessment (CCP/EA) for the San Joaquin River National Wildlife Refuge that describes and evaluates four alternatives for managing the San Joaquin River Refuge for the next 15 years.

Corr 3 Referred to the Agricultural Commissioner and Sealer of Weights and Measures and to the Office of Emergency Services, a letter from the Governor's Office of Emergency Services regarding the U.S. Department of Agriculture (USDA) Secretarial disaster designation for Stanislaus County and other

Counties due to agriculture losses caused by the rainfall and severe weather conditions that occurred from December 17, 2005, through April 26, 2006.

**Corr 4** The Board accepted the 2006-2007 Adopted Budget for the San Joaquin Valley Air Pollution Control District.

**Corr 5** Referred to DER, a letter from the California Department of Toxic Substances Control requesting suggestions regarding their new programs and policies and comments on how they can provide better service to the County.

**Corr 6** Referred to DER and to Public Works, a notice from the State Air Resources Board regarding the proposed modifications to the diesel particulate matter control measure for on-road heavy-duty diesel-fueled vehicles owned or operated by public agencies and utilities.

**Corr 7** Referred to Clerk-Recorder/Elections, a letter from the Orange County Board of Supervisors requesting support of amendments to Section 203 of the Voting Rights Act of 1965 related to bilingual voting materials and the increasing election costs.

**Corr 8** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Noah Holland; Jim Haas; Richard Robinson; John Ryan; Angela Morrise; Tammy Converse; Brisa Alvarez; Maria Alvarez; Hector Alvarez, Jr. and Maria Alvarez on his behalf; Rosaura Alvarez and Maria Alvarez on her behalf; Ruby Alvarez and Maria Alvarez on her behalf; and, Mike Faria.

Supervisor DeMartini reported that a subcommittee of the Agriculture Advisory Board has been working on revising the Stanislaus County Agriculture Element for over a year, and that they are close to completion. The revised Agriculture Element will be submitted to the Ag Advisory Board on 8/7/06.

The CEO announced that there will be a Swearing-In Ceremony for District Attorney Birgit Fladager and Sheriff Adam Christianson on July 11, 2006 at 3:00 p.m. in the Tenth Street Basement Chambers.

The CEO reported that staff is tracking flood control and levy repair initiatives at the State level, and also a number of bills that propose transferring fiscal responsibility of levees from the State to local jurisdictions. In addition, he reported that the new FEMA flood mapping process is under way.

Fire Warden Gary Hinshaw gave an update regarding the Del Puerto Canyon fire. The fire covers over 3,000 acres, is 35% contained, and 3 structures have been lost. He reported that no damage has occurred in the Diablo Grande Subdivision area, or in the Del Puerto Canyon. Santa Clara Ranger Unit has requested assistance from the County for use of the Crows Landing Air Base, and DEO Keith Boggs has been instrumental in making this happen. Deputy Fire Warden Ray Jackson is working with the State to secure payment methodologies that will allow the County to recover some of the costs.

Adjourned to closed session at 10:08 a.m. for conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organizations: UDW (United Domestic Workers), Stanislaus County Deputy Probation Officers' Association, and the Stanislaus County Emergency Dispatchers' Association. Government Code §54954.5(f). Conference with Real Property Negotiator: Property: Medical Arts Building, 700 17th Street, Modesto; Negotiating Parties: County (Richard Robinson, Negotiator); Under Negotiation: Instructions to negotiator will concern price. Government Code §54954.5(b).

Adjourned at 11:30 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.)