

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

Regular Session

Tuesday

August 15, 2006

All Supervisors Present

Pledge of Allegiance to the Flag

David Ingersoll, Director of Child Support Services, gave a presentation regarding August 2006 as Child Support Awareness Month.

John Mataka, representing the Grayson Neighborhood Council, spoke regarding the recycling center at the landfill in Monterey. He noted that this recycling center reduced the amount of garbage going into that landfill by 35%. He requested an update concerning whether the County will be doing something similar at the Fink Road Landfill.

Erica Swinney of Green Action for Health and Environmental Justice spoke regarding research and outreach programs concerning recycling as a viable economic development strategy.

The Chairman requested that the County staff who visited the Monterey recycling facility report back to the Board at a future date. George Stillman, Director of Public Works, stated that staff is close to having a recommendation to present to the Board, and are currently working with the smaller cities. He noted that Monterey has a great recycling process, and has the advantage of controlling the entire waste stream in their county.

Mayfield/Grover unan. Adopted the consent calendar after removing from consent item ***C4** Approval to Introduce and Waive the First Reading of an Ordinance to Amend Title 11 of the Stanislaus County Code, Adding a Vehicles Exceeding Fourteen Thousand Pounds – Prohibited on Lester Road in the Denair Area

***A1** Approved the minutes of 08/1/06

***A2** Adopted and waived the second reading of Ordinance C.S. 966 amending §7.12.030 of the Stanislaus County Code regarding the composition and duties of the Animal Court
BD-78-3; ORD-55-4 2006-634

***A3a** Accepted the resignation of Shirley Martinez from the Monterey Park Tract Community Services District 2006-635

***A3b** Accepted the resignations of Scott Meyers and James Williams from the Stanislaus Economic Development and Workforce Alliance 2006-636

***A4a** Appointed Alfred D. Bairos, Jr. to the Oakdale Irrigation District Board of Directors 2006-637

***A4b** Appointed Brian Hogan and Armando Flores to the Stanislaus Economic Development and Workforce Alliance 2006-638

***A4c** Appointed Vickie Thayer to the Advisory Board on Substance Abuse Programs 2006-639

***A4d** Appointed Michelle Marquez to the Stanislaus Child Development Local Planning Council 2006-640

***A4e** Appointed Steven Murov to the San Joaquin Valley Air Pollution Control District Citizens Advisory Committee (CAC) 2006-641

***A5** Consolidated the Keyes Community Services District Measure Election with the Gubernatorial General Election on Tuesday, 11/7/06 2006-642

***A6** Appointed Diane Nayares-Perez as a Deputy Clerk of the Board of Supervisors 2006-643

- *A7 Consolidated the Oakdale Joint Unified School District Bonds Election with the gubernatorial General Election on Tuesday, 11/7/06 2006-644
- *B1 Approved the transfer of the Patterson Gateway Lighting District to the City of Patterson; and, authorized the Auditor-Controller to transfer remaining funds belonging to the District to the City of Patterson in compliance with Streets and Highways Code 19271 - Auditor-Controller C-4-A-8; DL-34-3 2006-645
- *B2 Approved a resolution to levy FY 2006/07 benefit assessment rates for the following lighting districts: Airport Neighborhood, Almond Wood, Country Club-Zone A, County Club-Zone B, Crows Landing, Deo Gloria, Denair, Empire, Fairview, Gibbs Ranch, Gilbert Road, Golden State, Hillcrest, Mancini Parks Homes, Monterey, North Oaks, North McHenry, Olympic, Peach Blossom, Richland, Salida, Schwartz Baize, Sunset Oaks, Sylvan Village and Tempo Park; and, authorized the Auditor-Controller to add the assessments to the 2006/07 tax roll – Auditor-Controller 2006-646
- *B3 Approved the Public Safety Augmentation Fund (Proposition 172) Annual Financial Review for the period ending 6/30/06 – Auditor-Controller 2006-647
- *B4 Finds that Ordinance C.S. 969 amending portions of Chapter 16.55 to update the Fire Code is not subject to CEQA; adopted the findings set forth in the agenda item that support amendment of the State Fire Code to reflect local conditions; and, introduced and waived the first reading of Ordinance C.S. 969 amending §16.55.010, 16.55.040 and 16.55.045 of the Fire Code to update those provisions to be consistent with the current Uniform Fire Code – OES ORD-55-7 2006-648
- *B5 Amended the Salary and Position Allocation resolution to reflect \$113,193 annually for the classification of Executive Director of the Children and Families First Commission (Executive Director – CFC) effective 6/12/06 – CEO 2006-649
- *B6 Authorized staff to proceed with the Empire Community Swimming Pool Project; authorized the CEO to issue a RFP for architectural and engineering services for the Empire Community Swimming Pool Project; directed staff to return to the Board of Supervisors for award of design contract and approval of the revised project budget and schedule; and, authorized the change in scope for the Empire Community Swimming Pool Project – Parks and Recreation 2006-650
- *B7 Approved the use of Public Facilities Fees to purchase equipment and materials for the Stanislaus County Park System; approved the purchase of one large water truck for Modesto Reservoir and La Grange Regional Parks; approved the purchase of three Ford E150 vans to transport Honor Farm crews to Frank Raines, Modesto Reservoir and Woodward Reservoir Regional Parks; approved the purchase of two PBM pull-behind sprayers for large scale weed abatement and fire control programs at Modesto and Woodward Reservoir Regional Parks; approved the purchase of one Bobcat all-terrain forklift with additional attachments for a variety of tasks at Modesto and Woodward Reservoir Regional Parks; approved the purchase of aggregate base rock and the rental of a compactor for campgrounds roads in the undeveloped area of Woodward Reservoir; approved the purchase of one Toro Z580 series riding mower and Jacobsen trailer for maintaining turf in new Community Parks; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$344,265.26 as detailed in the budget journal forms – Parks and Recreation M-64-F-1 2006-651
- *B8 Approved a three month extension to the agreement between the County of Stanislaus and Scenic Faculty Medical Group (SFMG) for the provision of professional medical providers to staff the County’s primary care clinics; approved a Letter of Intent between the HSA and SFMG to conclude contract negotiations prior to 9/30/06; authorized the HSA Managing Director, or her Designee, to sign the amendment extending this agreement for a

- three month period through 9/30/06; and, authorized the HSA Managing Director, or her Designee, to sign the Letter of Intent – HSA 2006-652
- *B9 Authorized the reallocation of remaining grant funds in the FY 2004 and FY 2005 Homeland Security Grants for the purchase of equipment; authorized the reallocation of planning funds from FY 2005 Homeland Security Grant to contract with instructors for National Incident Management System (NIMS) compliance; directed the Auditor-Controller to make the necessary changes consistent with the Budget Journal; and, authorized the Purchasing Agent to award the contract for the audiovisual equipment for the Emergency Operations Center – OES 2006-653
 - *B10 Authorized the expenditure of Public Facility Fees for five notebook computers, three printers, three Fire Prevention Specialist vehicles, and one-half the cost of a Fire Marshal vehicle; and, directed the Auditor-Controller to transfer Public Facility Fees Funds and increase appropriations and estimated revenue in the County Fire Service Fund Budget Unit consistent with the Budget – OES M-64-F-2 2006-654
 - *C1 Authorized the initiation of proceedings for the formation of CSA #25 – Suncrest II (in Denair) to provide the extended county service drainage control, landscape maintenance within the storm drain basin and landscape maintenance within the adjacent lot located west of the basin; approved the Engineer’s Report prepared by the County Engineer for CSA #25 – Suncrest II; authorized the assessment ballot procedure in conformance with Proposition 218 for the proposed method for calculating the annual assessment for CSA #25 – Suncrest II; set a public hearing on October 3, 2006, at 9:15 a.m., regarding the formation of CSA No. 25 and the proposed method for calculating the annual assessment for CSA #25 – Suncrest II; and, ordered that notice of the public hearing be given by mail pursuant to Government Code §53753(b) – PW CSA-25-1 2006-655
 - *C2 Approved the annexation of Innovative Technology Business Park (Phase 2) to CSA #10 subject to Government Code §56886(t) and 57330, that the annexation be subject to terms and conditions; and, pursuant to Government Code §56663(c), consented to the waiver of conducting authority proceedings – Innovative Technology Business Park (Phase 2) change of organization to CSA #10 CSA-10-A-10 2006-656
 - *C3 Finds that Ordinance C.S. 967 amending Title 11 of the Stanislaus County Code, adding no parking zones on Crows Landing Road in the Modesto area and Lester Road and Fresno Avenue in the Denair area and amending no parking zones on Elm Street in the Salida area and Lester Road in the Denair area, is not subject to the CEQA (Public Resources Code, §2100 et. seq.); and, introduced and waived the first reading of an Ordinance C.S. 967 amending Title 11 of the Stanislaus County Code – PW ORD-55-5 2006-657

Mayfield/Grover unan. **Removed from the agenda item** *C4 Approval to Introduce and Waive the First Reading of an Ordinance to Amend Title 11 of the Stanislaus County Code, Adding a Vehicles Exceeding Fourteen Thousand Pounds – Prohibited on Lester Road in the Denair Area – PW
ORD-55-6 2006-658

Mayfield/Grover unan. **B12** Accepted the report of Vehicle Theft Case Statistics for years 2004 and 2005 – DA 2006-660

Mayfield/O’Brien unan. **6:40 pm** Finds that notice of the public hearing was mailed to the property owners; conducted a public hearing to receive comments regarding the formation of CSA #23 – Hillsborough-Schutz and the proposed method for calculation and levy of annual assessment to pay for services provided by CSA #23; conducted a ballot procedure by authorizing the Clerk of the Board to open the sealed ballot, tabulate, and immediately submit the results to the Board of Supervisors; the Clerk announced that the ballots passed by the landowners with a vote of 3-0 in support of the formation of

CSA #23 and the assessment formula for calculating the annual assessments, and that a majority protest had not been filed regarding the proposed assessment formula; approved the formation of CSA #23; approved the method to calculate the annual assessment; made the approved Engineer's Report a part of the record of this proceeding; set the 2006/07 annual special assessment for APNs: 010-003-063, 010-003-064 and 010-021-056 at \$1,628.18, \$34,311.10 and \$3,772.62 respectively; authorized the Auditor-Controller to add the annual assessment to the 2006/07 Tax Roll; and, pursuant to Government Code §56663(c), consented to the waiver of conducting authority proceedings for the formation of CSA #23
– PW CSA-23-1 2006-661

Grover/O'Brien unan. **6:45 pm** Conducted a public hearing in accordance with the Health and Safety Code §1442.5 to consider potential service level changes for acute psychiatric inpatient services; on condition that an agreement is reached with Doctors Medical Center (DMC), the Board approved the sale of acute psychiatric inpatient operations of Stanislaus Behavioral Health Center (SBHC), located at 1501 Claus Road, Modesto, CA to DMC of Modesto with facility and land to remain the property of Stanislaus County, effective date to be determined; on condition that agreement is not reached with DMC, the Board approved the termination of acute psychiatric inpatient license of SBHC, located at 1501 Claus Road, Modesto, CA and acquisition of a Psychiatric Health Facility license to be operated by Behavioral Health and Recovery Services at the current location, effective date to be determined; approved the conversion of 15 child/adolescent beds at SBHC, located at 1501 Claus Road, Modesto, CA to 15 beds for adult use, effective date to be determined; and, authorized the CEO, Behavioral Health Director and all other officers, employees and agents of the County to take all actions necessary to implement the recommendations – BHRS 2006-662

Recessed at 8:53 p.m.

Reconvened at 9:02 p.m.

Grover/Mayfield unan. **6:50 pm** Introduced and waived the first reading of Ordinance C.S. 964 to establish a new fee on food processing by-products utilized within Stanislaus County to be collected by DER to fund the Food Processing By-Products Research Project – DER ORD-55-2 2006-663

Grover/DeMartini unan. **B11** Considered the report on impacts of the proposed Thirty (30) Year Land Use Restriction Initiative pursuant to Election Code §9111 and ordered an election and directed the County Elections Official to place the measure on the ballot for the next statewide election occurring not less than 88 days after the date of the order of election – CEO 2006-659

Corr 1 Acknowledged receipt of a copy of the Turlock Irrigation District's 2005 Annual Report.

Corr 2 Acknowledged receipt of a copy of the Modesto Irrigation District's 2005 Annual Report.

Corr 3 Referred to the Sheriff, Chief Probation Officer, CEO, and the Health Services Agency, a notice from the State Department of Corrections and Rehabilitation requesting comments regarding proposed amendments to the regulations regarding the Minimum Standards for Local Juvenile Facilities.

Corr 4 Referred to the Agricultural Commissioner and Sealer of Weights and Measures, the Office of Emergency Services, and CEO, a letter from the Governor's Office of Emergency Services requesting information supporting a request for a U.S. Department of Agriculture Secretarial disaster designation due to the extreme heat experienced in California over the last few weeks.

Corr 5 Referred to the Alliance WorkNet and Stanislaus Economic Development and Workforce Alliance, a letter from Northrop Grumman Technical Services, Inc. and Enterprise Management Solutions Corporation providing notice that they may implement a permanent reduction-in-force that would trigger the Federal and State Worker Adjustment and Retraining Notification (WARN Act).

Corr 6 Referred to the Clerk-Recorder-Elections Official, a letter from the Secretary of State Bruce McPherson regarding Assembly Bill 1634 (McCarthy) Special Election County Reimbursement that would reimburse counties for the November 2005 Special Election.

Corr 7 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Sergio Jimenez-Gudino, Liliana Jimenez, Fatima Nicole Serna, a minor, Alma Jimenez, Miguel Ochoa, Angelina Ochoa, Adriana Coronel, Edith Arroyo Avila, Karla Miranda, a minor, Alan Barriga, a minor, Fabian Campos, a minor, Ruben Lopez, Natalie Lopez, Erica Lopez, a minor, Amanda Lopez, a minor, Maria Rosario Gudino Guerrero, Emiliano Zapata, El Grullo Jalisco Mexico, Maria Ochoa, Elven Mitchell, Joy Mitchell, Karly Mitchell, a minor, Faith Escamilla, a minor, Hailey Escamilla, a minor, Kelsie Mitchell, a minor; David Haro; Elizabeth Baker; Myles Edward Summerlin; Rod Rozevink; Mariangela M. Parez; Larry Turner; Larry Turner and D&L Concrete Pumping; and, Francisco E. Vivero.

Supervisor DeMartini reported that the final draft of the Agricultural Element passed the Advisory Board on 8/7/06. He noted that it will go to public hearings in 4 to 5 weeks to receive public comments, and then it will come before the Board of Supervisors.

Supervisor Grover reported that CalTrans will be holding an open house on 8/22/06, from 4 to 8 p.m., at Salida Library regarding the improvements of State Highways 219 that are intended in the next 12 to 18 months.

Adjourned at 10:03 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.)