

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

Regular Session

Tuesday

October 3, 2006

Chairman Simon absent

Pledge of Allegiance to the Flag

A moment of silence was observed in memory of BHRS employee Bruce Washington.

Miguel Donoso spoke regarding members of the Alliance Board campaigning for Measure K. He noted that two Board members and the County CEO also sit on the Alliance Board. He feels that this is a conflict of interest and requested that County Counsel look into this issue.

William Gunter requested that the County arrange for an independent investigation regarding the Courts taking children away from their families. He voiced concerns regarding the Maldonado case. County Counsel noted that this matter is in court, and therefore, the Board has no jurisdiction over this issue.

Robert Wing spoke regarding illegal dumping. He suggested that the County put bins around the County where people can throw away trash for free.

Grover/O'Brien (4-0)(Simon absent) Adopted the consent calendar after removing from consent items \***B9** Approval to Authorize the Purchase of New Telephone Technology (Voice Over Internet Protocol) from NetLogic, Inc. for a Phased Implementation of the County's Phone System; \***B10** Approval to Set a Public Hearing on October 24, 2006, at 9:15 a.m., to Consider the Approval of Issuance Not to Exceed \$7,000,000 of California Enterprise Development Authority Revenue Bonds for the Benefit of Community Hospice, Inc.; \***B11** Approval to Set a Public Hearing on October 24, 2006, at 9:20 a.m., to Consider the Approval of Issuance Not to Exceed \$27,000,000 of California Enterprise Development Authority Revenue Bonds for the Benefit of Hughson Samaritan Village; and, \***E1** Approval to Introduce and Waive the First Reading of an Ordinance Adding Chapter 10.46 to the Stanislaus County Code to Regulate Nuisance Noise

\***A1** Approved the minutes of 9/26/06

\***A2a** Accepted the resignation of John Kirby from the Stanislaus County Equal Rights Commission  
2006-778

\***A2b** Accepted the resignation of Frances Phillips from the Keyes Community Services District  
Board  
2006-779

\***B1** Approved the project agreement with Risk Based Decisions Incorporated for soil and groundwater cleanup at 722 First Street in Turlock; and, authorized the GSA Director/Purchasing Agent, or her Designee, to sign the project agreement in the amount of \$262,854.60 – DER  
2006-780

\***B2** Authorized the Director of DER to submit an application to the Stanislaus County Environmental Trust Fund in the amount of \$104,000 and if awarded, accept and administer the grant funds; and, authorized the Director of DER to sign all necessary documents to apply for the grants  
2006-781

\***B3** Approved the closure of the Riverbank Library on 10/14/06, during the 30th Annual Riverbank Cheese and Wine Exposition  
2006-782

\***B4** Approved receipt of FY 2005 Buffer Zone Protection Program grant from the State Office of Homeland Security; and, directed the Auditor-Controller to establish a new Special

- Revenue Fund Budget Unit in the amount of \$97,000 and establish appropriations consistent with budget journal rolling over funds at fiscal year – OES 2006-783
- \*B5 Approved selection of Aquatic Design Group as the architect for the Empire Community Swimming Pool Project; authorized the CEO, or his Designee, to negotiate and execute a architectural design services contract with Aquatic Design Group; authorized the CEO, or his Designee, to explore and implement the option of design build as the project delivery system if that system is more beneficial to the project and to request pre-qualifications of design build firms; directed the Auditor-Controller to increase appropriations in the amount of \$210,000 through a transfer from Public Facility Fees; and, authorized the CEO, or his Designee, to negotiate and sign other professional contracts such as construction manager, soils testing, etc., required for the project – Parks and Recreation  
M-64-F-8 2006-784
  - \*B6 Declared two County owned vehicles as surplus equipment and authorized the sale of these vehicles at public auction; and, directed the Auditor-Controller to place the proceeds from the vehicle sale in the Sheriff’s California Multi-Jurisdictional Methamphetamine Enforcement Team (CAL-MMET) Fund (1780) to purchase replacement vehicles at a later date – Sheriff 2006-785
  - \*B7 Accepted the Stanislaus County Treasury Pool’s August 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 Treasury Pool Oversight Committee; and, authorized the Chairman to sign on behalf of the Board of Supervisors that the report has been reviewed and accepted – T/TC 2006-786
  - \*B8 Authorized the Purchasing Agent to enter into an agreement with Sew Creative, Inc. to upholster 405 Superior Court chairs at an estimated cost of \$105,731.27; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the Courthouse Construction Fund budget by \$25,079 consistent with the budget journal – CEO 2006-787
  - \*C1 Awarded a consulting engineering contract to Associated Engineering Group, Inc., for the design of the Sisk Road at Bangs Avenue Traffic Signal Project; authorized the GSA Director/Purchasing Agent to enter into a contract with Associated Engineering Group, Inc., in the contract amount not to exceed \$35,652.50 and sign the contract; and, directed the Auditor-Controller to make the necessary budget adjustments per the budgetary transaction sheet – PW 2006-788
  - \*C2 Adopted plans and specifications for the Hatch Spill Box Culvert Extension – Phase 1-A of the Hatch Road Left Turn Channelization Improvement Project; directed the Clerk of the Board to publish notice inviting bids for the project as required by law; set the deadline for submission of bids as 11/15/06, prior to 2:00 p.m.; and, directed the Public Works staff to mail notice inviting bids to trade journals as required by law – PW  
M-64-F-7 2006-789

O’Brien/DeMartini (3-0)(Grover abstained)(Simon absent) \*B10 Set a public hearing on 10/24/06, at 9:15 a.m., to consider the approval of issuance not to exceed \$7,000,000 of California Enterprise Development Authority Revenue Bonds for the benefit of Community Hospice, Inc. 2006-791

O’Brien/DeMartini (3-0)(Grover abstained)(Simon absent) \*B11 Set a public hearing on 10/24/06, at 9:20 a.m., to consider the approval of issuance not to exceed \$27,000,000 of California Enterprise Development Authority Revenue Bonds for the benefit of Hughson Samaritan Village 2006-792

Grover/DeMartini (4-0)(Simon absent)\***B9** Authorized the Purchasing Agent to enter into a five year agreement with NetLogic, Inc. for purchasing equipment and professional services related to Voice over Internet Protocol – SBT 2006-790

DeMartini/O'Brien (4-0)(Simon absent)\***E1** Introduced and waived the first reading of Ordinance C.S. 973 Adding Chapter 10.46 to the Stanislaus County Code to Regulate Nuisance Noise – County Counsel ORD-55-12 2006-793

Grover/O'Brien (4-0)(Simon absent) **9:15am** Finds that notice of the public hearing was mailed to the property owner; conducted a public hearing to receive comments regarding the formation of CSA #25 - Suncrest II and the proposed method for calculation and levy of annual assessment to pay for services provided by CSA #25; conducted a ballot procedure by authorizing the Clerk of the Board to open the sealed ballots, tabulate, and immediately submit the results to the Board of Supervisors; the Clerk announced that the ballot passed by the landowners with a vote of 2-0 in support of the formation of CSA #25 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 #25; approved the method to calculate the annual assessment; made the approved engineer's report a part of the record of this proceeding; set the 2006/2007 annual special assessment for APN: 024-017-022 and 024-017-021 at \$5,878.08 and \$223.30 respectively; authorized the Auditor-Controller to add the annual assessment to the 2006/2007-tax roll; and, pursuant to Government Code §56663(c), consented to the waiver of conducting authority proceedings for the formation of CSA #25 CSA-25-1 2006-796

Grover/DeMartini (4-0)(Simon absent) **B12** Approved the recommendations to address littering and illegal dumping as follows: continued the present litter pick up program at its current level of inmate work crews; directed the Public Works and Sheriff's Departments to investigate the option of using Public Work's employees to supervise the inmate work crews; directed Public Works, Sheriff's Department and the District Attorney to develop performance measures to evaluate the effectiveness of the current enforcement program and review them quarterly to determine if they are resulting in apprehensions and convictions related to illegal dumping activities; directed the Sheriff's Department to continue to work with the District Attorney and County Counsel to explore potential changes that would strengthen County ordinances in this area; directed the Sheriff's Department to continue the development of the camera surveillance program; directed the Department of Environmental Resources to continue working with the nine incorporated cities to develop joint strategies that will help curb illegal dumping in unincorporated areas by residents of their cities; continued to support the DER applications of grant funding for the inspection of retail tire facilities, clean ups of illegal tire piles and amnesty days; directed DER to continue to research and develop strategies to ensure increased participation and compliance in the mandatory garbage collection program; directed DER to research a bulky item drop off program that would rotate quarterly throughout various areas of the County; continued to support and fund Neighborhood clean up days; directed staff to pursue discussions with the franchise companies to provide a twice per year curbside bulky item collection program for the unincorporated areas of the County and to continue to operate the Oakdale program until the new rotating program is implemented; continued the household hazardous waste program and directed that it be a part of any developed program; continued the E-waste Disposal Program; directed Public Works to place warning signs in the areas of greatest impact (these would be areas relatively close to urbanized areas that are experiencing a severe illegal dumping problem); directed staff to continue to explore administrative abatement alternatives; authorized the County to request legislation (as they did in August 2004) increasing fines and penalties for illegal solid waste dumping on private and public property; directed the Public Works Department to develop and implement an "Incentive Program"; directed Public Works to develop a brochure for the "Adopt-a-Road" program, which can be used by the Board and staff to advertise the program; directed DER staff to work with CIWMB Program Coordinator to review recommendations of the statewide task force and support legislative changes for implementing illegal dumping programs; directed DER staff to bring

proposed recommendations back to the Board for consideration; and, directed that the education component continue to be emphasized as part of our solid waste program because educating our children is a key to addressing the problem in the future 2006-794

Grover/DeMartini (4-0)(Simon absent) **B13** Accepted the first annual report on Strong Agricultural Economy/Heritage goals and performance measures 2006-795

**Corr 1** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Joe Hendrex; Beverly Austin; Debra & Leonard Zeer; Cerita Moya; Leatrice R. Kinnu; Monica Salters; and, Sandra Cripe.

Supervisor DeMartini reported that the third public meeting concerning the proposed Agricultural Element will be held on 10/10/06 in Oakdale.

Supervisor Grover spoke regarding an article by John Holland in the Modesto Bee regarding the County's food by-products recycling program and the progress that is being made. He found the article balanced and informative.

Patricia Hill Thomas, Assistant CEO, noted that the DA's office has successfully moved into the 12<sup>th</sup> Street Building over the weekend. She reported that the Governor signed AB 1634 regarding the special election reimbursement, and the local estimate for Stanislaus County's reimbursement is over \$200,000. She noted that County staff is working on the 2007 Legislative Platform and planning for next March's trip to Washington D.C. She announced that both Supervisor Jim DeMartini and Confidential Assistant IV Dorothy Butler will be receiving Annual Equal Rights Awards on Wednesday at 1:00 p.m. in the Board Chambers. She also noted that this is Cultural Awareness Week and encouraged everyone to look at the various presentations throughout the Tenth Street Place Building. She reported that there are new regulations being proposed from the Air Resources Board regarding diesel emissions, and that Don Peterson is working on this issue.

Adjourned at 11:04 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.)