

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

Regular Session

Tuesday

February 27, 2001

All Supervisors Present

Pledge of Allegiance to the Flag

John Mataka spoke on behalf of the Grayson Neighborhood Council regarding their opposition to the California Waste Management Board's funding to restart the Modesto Energy, LP (MELP) Tire Burning Plant in Westley. He expressed concerns regarding the thoroughness of the cleanup of the tire fire site, as well as ground water contamination of nearby farm wells and all other ground water tables surrounding the tire fire site. He requested that the Board oppose the re-opening of the Tire Burning Plant.

C/S unan. Adopted the consent calendar

*A1 Approved the minutes of 2/20/01

*A2 Proclaimed the week of 3/11-17/01 as Girl Scout Week 2001-128

*A3 Commended Marsha Campbell-Mathews for receiving the Award for Outstanding Achievement by the Friends of Agricultural Extension 2001-129

*A4 Commended Officer John Brugger upon his retirement from the CHP 2001-130

*A5 Appointed Clay Thomas to the Cable Advisory Committee 2001-131

*A6 Accepted the resignation of John Fiscalini from the Stanislaus County WIB 2001-132

*B1 Approved an amendment to an agreement with Valley Pharmaceutical Services for the provision of Psychotropic Medications for individuals hospitalized at Stanislaus Behavioral Health Center; and, authorized the Director of BHRS to sign the amendment to the agreement 2001-133

*B2 Approved the appointment of John Sims to the classification of Senior Management Consultant in the CEO's Office at \$72,000 the first year, which is above the mid-point of the salary band 2001-134

*B3 Appointed Enid Alvarez to the WIB Youth Advisory Council as a student representative and appointed Sonja Pittman to the Youth Advisory Council as a parent of eligible youth representative – DET 2001-135

*B4 Adopted the recommendations of the Nuisance Abatement Hearing Board regarding Abatement Hearing #2001-02, located at 1832 Donald Street, Modesto, CA – DER 2001-136

*B5 Approved HSA to enter into an MOU with San Joaquin County for Regional Immunization Registry; and, authorized the HSA Managing Director, or her Designee, to sign the MOU 2001-137

*B6 Approved the acceptance of funding from the California Department of Health Services for the Children's Dental Disease Prevention Program for FY 2000/01; and, authorized the HSA Managing Director to sign and execute the California Department of Health Services Children's Dental Disease Prevention Program Contract #00-90973 for FY 2000/01 2001-138

*B7 Approved the contract for technical support services to be provided by Trident Services, Inc. for the County IBM Mainframe Computer; and, authorized the Interim Director of MIS to sign the contract on the County's behalf 2001-139

*B8 Authorized the Purchasing Agent to issue a RFP for the operation of concessions at Woodward Reservoir and Modesto Reservoir regional parks; authorized the Director of Parks and Recreation to review the RFP responses and make selections for the award of contracts; and,

authorized the Purchasing Agent to sign and submit all documents necessary for the award of contracts 2001-140

- *B9** Set 3/27/01 for the Board to consider a proposal to execute an agreement to purchase real property to expand a neighborhood park on "T" Street in Empire, CA; and, authorized the Director of the Parks and Recreation Department to initiate investigations regarding the condition of the property 2001-141
- *B10** Authorized the Chair and the Sheriff to sign the agreement with the City of Modesto to provide Inmate Security Services; amended the Salary and Position Allocation Resolution to add three Deputy Sheriff-Custodial Officers to the Sheriff's Adult Detention/Honor Farm; and directed the Auditor-Controller to increase Appropriations and Estimated Revenues – Sheriff C-6-H-10 2001-142
- *C1** Adopted a resolution to summarily vacate a road dedication at the north end of Richland Avenue near the City of Ceres; and, find that pursuant to §66478.8 of the Subdivision Map Act, reasonable public access is available within a reasonable distance from the subdivision 2001-143
- *C2** Approved annexation of territory to the Salida Highway Lighting District without an election – (Vizcaya Annexation), after making the following findings: find that the territory is owned by petitioner, and that petitioner's ownership represents 100% of the total assessed valuation of all taxable property within the territory proposed to be annexed into said district; find that the Stanislaus County Code, §21.40.040, requires the installation of a street lighting system to serve the territory; find that the territory proposed to be annexed is not within the limits of any other lighting district; find that the 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 Salida Highway Lighting District of Stanislaus County; find the fact of filing of the petition was received by the Clerk of the Board on 2/21/01; 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; and, directed the Public Works Department 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 – Public Works DL-3-B-9 2001-144
- *D1** Approved a contract award for implementation of CDBG Contract #00-STBG-1481 - Housing Rehabilitation; awarded a Not to Exceed Contract to Self Help Enterprises in the amount of \$105,300 to implement and administer the 2000 CDBG and \$438,700 for housing rehabilitation; authorized the Director of Planning and Community Development to act on the County's behalf in all matters pertaining to this contract; and, authorized the Auditor-Controller to establish the necessary budget index and appropriations 2001-145
- *D2** Set public hearing regarding the submission of the 2001 CDBG Application for 3/27/01 at 9:30 a.m. 2001-146
- *D3** Set public hearing for Rezone Application #2000-21, Parcel Map Application #2000-33 and Variance Application #2000-05 – Lapham Partners for 3/13/01 at 9:20 a.m. ORD-54-H-5 2001-147

B/S unan. **B11** Approved as amended, with staff recommendations #2 through #6 made contingent upon all parties agreeing to and signing the MOU in staff recommendation #1; approved the acceptance of the Consortium IV (C-IV) Report on Completion of Project Planning and approved the C-IV Project Development Phase; authorized the CSA to enter into a MOU with the C-IV Joint Powers Authority and the counties of Merced, Riverside, and San Bernardino for continued membership in C-IV; authorized the Director of the CSA, or his Assistant Director Designee, to sign the agreement and any non-financial amendments; approved the C-IV Project Assignment Travel Allotment Policy for the duration of the

Project Development Phase and effective 3/1/01; authorized the CEO to amend the Salary and Position Allocation to add twelve time limited positions and one permanent position to the CSA Fund 1631; authorized the CEO and Auditor-Controller to make the necessary budget adjustments to Fund 1631; and, authorized the Auditor-Controller to make the necessary adjustments to the payroll system in accordance with the C-IV Travel Allotment Policy 2001-148

M/C unan. **9:25 a.m.** Approved the establishment of Fire Protection Facilities Fees for the Hughson Fire Protection District, based upon the Fee Study prepared for the Fire District, testimony, and other information received; and, authorized imposing, as a condition, the Fire Protection Facility Fees on all development projects that are approved in the Hughson Fire Protection District after 4/28/01 in the amount that is in effect at the time the building permit is issued – CEO DF-4-31 2001-153

B/C unan. **9:30 a.m.** The Board finds that the Notice of Public Hearing to conduct the public hearing, receive comments and set the 2001/02 Assessment for CSA #16 – Olive Ranch Estates was published in compliance with §6066 of the GC; Board set the 2001/2002 Assessment for CSA #16 - Olive Ranch Estates; ordered that the Engineer’s Report for CSA #16 – Olive Ranch Estates FY 2001/02 be a part of the record of this proceeding; and, authorized the Auditor-Controller to add the Annual Assessment to the 2001/02 Tax Roll – Public Works CSA-16-3 2001-154

S/B unan. **9:35 a.m.** The Board issued a Negative Declaration, based on the Initial Study and Mitigation Measures, for GPA #2000-06, Rezone Application #2000-07 and Parcel Map Application #2000-10 - Bavaro Industrial Park, to change the General Plan designation and zoning from Agriculture and General Agriculture (A-2-40) to Industrial and to create five (5) parcels for industrial uses on a 16.5 acre site on property located on the 500 Block of Kiernan Avenue, in the Modesto area; Board finds the project to be De Minimis for the purpose of Fish and Game Codes; finds that the project is consistent with the overall goals and policies of the County General Plan; finds that the proposed PI Zoning is consistent with the PI General Plan description; finds that the project will increase activity in and around the project area, and increase demands for roads and services, thereby requiring dedications and improvements; finds that none of the findings requiring disapproval of the Parcel Map can be made; approved GPA Application #2000-06 to designate the site as Planned Development; approved Rezone Application #2000-07, and Parcel Map #2000-10, subject to the attached mitigation measures/development standards including amendments recommended by staff contained within the Board Report; and, introduced, waived the reading, and adopted Ordinance C.S.753 for the approved Rezone Application #2000-07 – Planning & Community Development ORD-54-H-3 2001-155 & 2001-156

B/M (4-0) (Caruso abstained) **9:40 a.m.** Authorized staff to prepare the 2001 CDBG application – Planning & Community Development 2001-157

S/C unan. **B12** Introduced and waived the first reading of Ordinance C.S. 754, Amending Property Tax Administration Costs, Chapter 4.44 – Auditor-Controller ORD-54-H-6 2001-149

S/B unan. **B13** Approved an amendment to an agreement with Comphealth, Inc. for the provision of Locum Tenens Psychiatric Services; and, authorized the Purchasing Agent to sign the amendment to the agreement – BHRS 2001-150

Recessed at 10:20 a.m.

Reconvened at 10:28 a.m.

B/C unan. **B14** Approved the plans and specifications for the Juvenile Hall Special Needs Housing Unit Project; approved the design approach and construction bid documents for the Juvenile Hall Special Needs Housing Unit and the recommended bid alternatives; authorized staff to review bids and recommend award for bid approval; authorized the Project Manager to advertise and issue Invitations to Bid; set the bid date for 4/4/01 at 2:30 p.m.; authorized the Auditor-Controller to transfer the County match funds approved in the 2000/01 Budget and authorized the Auditor-Controller to make the proper journal entries; authorized the Project Manager to advertise for testing services and negotiate and sign a contract on behalf of the Board; authorized the Project Manager to negotiate and award Inspection Contract; and, authorized the Project Manager to negotiate a final contract with the State BOC for the grant and to return the contract to the Board for execution – CEO 2001-151

B/C unan. **B15** Accepted the update on the Westley Tire Fire Site – DER 2001-152

Corr 1 Referred to the Agricultural Commissioner a notice from the Department of Fish and Game regarding proposed regulatory action relative to mammal hunting and trapping regulations in Title 14, California Code of Regulations.

Corr 2 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Ernesto Ortiz and Lisa Watson.

Supervisor Blom submitted a draft resolution from the SJVAPCD and requested feedback from the Board members on any necessary additions and/or deletions to the draft resolution.

Supervisor Simon expressed concern over the public's safety and the liability risk involved with shutting off the lights in the plaza area. Assistant CEO, Patty Hill Thomas, said that she would begin working on an immediate solution to the lighting problem in the plaza area.

Supervisor Blom voiced his concerns on the reduction of the lighting in the 10th Street Place Building to conserve energy.

Adjourned to closed session at 11:21 a.m. for conference with legal counsel – existing litigation: April Collins vs. County of Stanislaus, and does 1 to 10 inclusive, Superior Court Case #252003 filed 2/4/99. Pursuant to GC §54956.9.

Adjourned at 12:00 p.m.

ATTESTED: REAGAN M. WILSON, CLERK
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: CHRISTINE FERRARO TALLMAN, Clerk to 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.)