

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

Regular Session

Tuesday

June 5, 2001

All Supervisors Present

Pledge of Allegiance to the Flag

Allison Boucher, representing Friends of the Tuolumne, Inc., spoke regarding a proposal coming before the Tuolumne River Regional Park Citizen's Advisory Committee, which wasn't approved as part of the Master Plan.

John Mataka thanked the Board, Patty Hill Thomas, and the CEO staff who attended the Grayson community meeting regarding having a Community Resource Center in Grayson. He asked for the Board's support, in the upcoming election, for assistance in insuring that at least one bilingual individual is located at the precinct in Westley.

S/C unan. Adopted the consent calendar after removing from consent the following items: *B1 - Approval of Property Tax Administrative Cost Recovery Plan – Auditor/Controller; and, *B3 - Approval of Labor Agreement Between the County and Deputy Sheriff's Association for a Term from 12/1/00 through 6/1/05

- *A1 Approved the minutes of 5/8/01 and 5/15/01
- *A2 Adopted and waived the second reading of Ordinance C.S. 761, amending the 1998 Stanislaus County Standards and Specifications to provide for multiple use storm drainage facilities
ORD-54-H-12 2001-359
- *A3 Approved a request by the All Abilities Ski Club for use of the Modesto Reservoir dam area on Saturday, 6/30/01 2001-360
- *A4a Accepted the resignation of Shana Bagley from the Stanislaus County Equal Rights Commission 2001-361
- *A4b Accepted the resignation of Dwight Bailey from the Denair MAC 2001-362
- *A4c Accepted the resignation of Randy Mello and Don Campodonica from the Empire Sanitary District 2001-363
- *A4d Accepted the resignation of Suzanne E. Gornick from the Citizen's Advisory Committee for the San Joaquin Valley Air Pollution Control District 2001-364
- *A5 Confirmed vacancies on the Stanislaus County Equal Rights Commission and the Mental Health Board 2001-365
- *A6a Proclaimed 6/2/01 as YMCA Day 2001-366
- *A6b Commended the Minority Women Network's Annual Man and Young Man of the Year Award Recipients for 2001 2001-367
- *A7 Approved a request from the Denair MAC to amend the term expiration date of one of their members to allow for staggered ending dates MAC-5-12 2001-368
- *A8 Authorized the Chair to vote in support of increased assessments on Proposition 218 Ballots for the Almond Wood Estates Lighting District 2001-369
- *A9 Appointed Supervisor Caruso as the Primary Elected Member and Supervisor Blom and Modesto City Council Member Kenni Freidman as Alternate Elected Members representing Stanislaus County on the San Joaquin Valley Rail Committee 2001-370
- *A10 Appointed Sarah Bradley Huff to the Hills Ferry Cemetery District Board 2001-371
- *A11 Appointed Rob Brooks to the West Stanislaus Resource Conservation District 2001-372

- ***B2** Approved list of providers who are being credentialed by the Managed Care Division of Stanislaus County Behavioral Health and Recovery Services as Behavioral Health Panel Providers for National Health Plans; approved list of providers who are being credentialed by the Managed Care Services Division of Stanislaus County Behavioral Health and Recovery Services Panel Providers for Medi-Cal; and, authorized the Chair to sign the Credentialing Form 2001-373
- ***B4** Approved the appointment of Charles Haase to Director of Management Information Services at \$105,000 the first year, which is above the mid-point of the salary band – CEO 2001-374
- ***B5** Approved Agreement No. MS-0102-14 with the California Department of Aging for administration of the Multipurpose Senior Services Program (MSSP) to provide supportive services for frail elderly residents of our County for FY 2001/02; and, authorized the Director of CSA, or his Assistant Director Designee, to sign contract #MS-0102-14 and any amendments not to exceed the contract amount of \$738,208 2001-375
- ***B6** Approved acceptance of Contract Amendment #F2AP-0071-02 with the California Department of Education for the administration of the Child Care and Development Block Grant – Stage 2 Federal Fund; and, authorized the Director of the CSA, or his Assistant Director Designee, to sign the contract and any amendments not to exceed the total contract amount of \$8,968,179 2001-376
- ***B7** Authorized the destruction of certain records in the custody of the District Attorney on the established schedule in the adopted resolution and Exhibit A 2001-377
- ***B8** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding Abatement Hearing #2001-06 located at 2521 W. Hatch Rd., Modesto – DER 2001-378
- ***B9** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding Abatement Hearing #2001-07 located at 2513 W. Hatch Rd., Modesto – DER 2001-379
- ***B10** Authorized the CEO, as Agent for Stanislaus County, to sign the Solid Waste Facilities Permit Revision Application for Covanta, Stanislaus Inc. (The Waste-To-Energy Facility) – DER 2001-380
- ***B11** Authorized the Director of DER to accept and use beverage container recycling funds from the Department of Conservation in the current year and in future years; approved the 2000-01 FY Budget as identified in Attachment B; and, authorized the Auditor-Controller to make the necessary financial transactions within the existing Environmental Resources fund and organization account, and roll forward unexpended appropriations into FY 2001/02 and in future years 2001-381
- ***B12** Approval to submit request and plan for one time only infrastructure funding from the California Family Health Council; and, approved the HSA Managing Director, or her Designee, to sign the contract with the California Family Health Council 2001-382
- ***B13** Authorized HSA to apply for the March of Dimes 2002 Community Grant Program; and, authorized the Managing Director of HSA, or her Designee, to sign and execute the application 2001-383
- ***B14** Authorized the HSA to apply for the California Department of Health Services Refugee Preventive Health Program Grant; and, authorized the Managing Director of the HSA, or her Designee, to sign and execute the application 2001-384
- ***B15** Approved the Independent Contractor Agreement with Sage Associates for performance and completion of a compliance audit of medical records and associated billing documents at the HSA; and, authorized the HSA Managing Director, or her Designee, to sign and execute the agreement 2001-385
- ***B16** Approved the discharge of the accountability of the Treasurer-Tax Collector for the departmental accounts which are uncollectible and have been previously charged to the Revenue Recovery Division in the amount of \$91,728.35 2001-386

- ***B17** Accepted the Stanislaus County Treasury Pool's 3/2001 Monthly Investment Reports as prepared by the Stanislaus County Treasurer-Tax Collector's Office and reviewed for conformity with State Law and Local Investment Policy by the Stanislaus County Treasury Pool Oversight Committee; and, authorized the Chair to sign that the report has been reviewed and accepted 2001-387
- ***B18** Approved the Stanislaus County Institute fee schedule for courses offered to non-employees 2001-388
- ***B19** Authorized CSA to enter into a three-year agreement with the Probation Department for the provision of the Stanislaus County Day Reporting Center and a STD/HIV and Teen Pregnancy Prevention Program for minors in Juvenile Hall using CalWORKS Incentive Funds not to exceed \$400,000 2001-389
- ***B20** Approved Contract #99-85761 Amendment #03 with the State Department of Health Services for the WIC Supplemental Nutrition Program; and authorized the HSA Managing director, or her Designee, to sign and execute the contract amendment 2001-390
- ***B21** Approved the establishment and operation of a trust fund for the Heart Education Awareness Resource Team (HEART) Coalition in the HSA; directed the Auditor-Controller to establish an interest bearing trust fund entitled Heart Coalition Trust Fund in the HSA; and, authorized the HSA Managing Director, or her Designee, to make deposits in and expenditures from the trust fund 2001-391
- ***B22** Approved Affiliation Agreement #00-01127A for the Family Practice Residency Program, between the County of Stanislaus and the Regents of the University of California, Davis School of Medicine for the period of 7/1/00 through 6/30/05; and, authorized the Chair to sign the Affiliation Agreement – HSA 2001-392
- ***B23** Authorized the expenditure of public facility fees to purchase a double-wide mobile home and do site work and installation at the Equestrian Center for the Stanislaus County Sheriff facility needs; authorized the Sheriff to construct an evidence storage building; authorized the Sheriff to modify the second floor of the Sheriff's Operation Center to house expanding employee base; authorized the Sheriff to construct a carport at the Sheriff's Operation Center; authorized the Sheriff to refurbish barn at the Equestrian Center site; and, directed the auditor-Controller to adjust appropriations in the Sheriff's Office budget 2001-393
- ***C1** Set a public hearing to conduct a ballot procedure on 7/10/01, at 9:25 a.m., for Golden State Lighting District in compliance with Prop 218 DL-33-2 2001-394
- ***C2** Approved subdivision improvements of Oakmore Estates Subdivision, Phase 2; made the finding that all subdivision improvements required for Oakmore Estates Subdivision, Phase 2, by the Subdivision Improvement Agreement, executed by Bruce Boese, Rhonda Boese and the Stanislaus County Board of Supervisors on 6/6/00, have been constructed to the satisfaction of Stanislaus County and that said agreement was recorded 6/20/00, as Document #2000-0049447-00, Stanislaus County Records; accepted all streets, avenues, roads, and the drainage system within Oakmore Estates Subdivision, Phase 2, for maintenance by Stanislaus County; pursuant to §66499.7(a) of the Subdivision Map Act, authorized the release of Performance Bond #s502679, issued by Financial Pacific Insurance Company in the amount of \$345,950 for faithful performance of the Subdivision Improvement Agreement; pursuant to §66499.7(b) of the Subdivision Map Act, upon receipt of a Mechanic's Lien Guarantee, authorized the release of Labor and Materials Bond #s502679, issued by Financial Pacific Insurance Company in the amount of \$172,975 for payment of labor and materials; and, ordered that the mechanic's lien guarantee must be dated a minimum of 35 days after the filing of the appropriate Notice of Completion; be in the amount of \$172.975; be prepared by a title company; be to the benefit of Stanislaus County; and state that there are no liens of record 2001-395

- *C3** Approved subdivision improvements of Oakmore Estates Subdivision, Phase 3; made the finding that all subdivision improvements required for Oakmore Estates Subdivision, Phase 3, by the Subdivision Improvement Agreement, executed by Bruce Boese, Rhonda Boese and the Stanislaus County Board of Supervisors on 8/22/00, have been constructed to the satisfaction of Stanislaus County and that said agreement was recorded 9/5/00, as Document #2000-0073164-00, Stanislaus County Records; accepted all streets, avenues, roads, and the drainage system within Oakmore Estates Subdivision, Phase 3, for maintenance by Stanislaus County; pursuant to §66499.7(a) of the Subdivision Map Act, authorized the release of Performance Bond #s502679, issued by Financial Pacific Insurance Company in the amount of \$138,000 for faithful performance of the Subdivision Improvement Agreement; pursuant to §66499.7(b) of the Subdivision Map Act, upon receipt of a Mechanic's Lien Guarantee, authorized the release of Labor and Materials Bond #s502894, issued by Financial Pacific Insurance Company in the amount of \$69,000 for payment of labor and materials; and, ordered that the mechanic's lien guarantee must be dated a minimum of 35 days after the filing of the appropriate Notice of Completion; be in the amount of \$69,000; be prepared by a title company; be to the benefit of Stanislaus County; and state that there are no liens of record 2001-396
- *C4** Approved the subdivision improvements of Salida Haciendas, Unit #4 (a.k.a. the Colony, Unit #4); made the finding that all subdivision improvements required for Salida Haciendas, Unit #4 (a.k.a. the Colony, Unit #4) by the Subdivision Improvement Agreement, executed by Corn-Harris Development and the Stanislaus County Board of Supervisors on 6/22/99 and recorded on 7/2/99 as Document #1999-0065690-00, Stanislaus County Records, have been constructed to the satisfaction of Stanislaus County; accepted all streets, avenues, roads, and the drainage system within Salida Haciendas, Unit #4 (a.k.a. the Colony, Unit #4), for maintenance by Stanislaus County; pursuant to §66499.7(a) of the Subdivision Map Act, authorized the release of Letter of Credit #9921132 that was issued by the Bank of Stockton in the amount of \$350,000.00 for faithful performance of the Subdivision Improvement Agreement; and, pursuant to §66499.7(b) of the Subdivision Map Act, upon receipt of a Mechanic's Lien Guarantee, authorized the release of Letter of Credit #992113 that was issued by the Bank of Stockton in the amount of \$175,000.00 for payment of labor and materials; and, ordered that the mechanic's lien guarantee must be dated a minimum of 35 days after the filing of the appropriate Notice of Completion; be in the amount of \$175,000; be prepared by a title company; be to the benefit of Stanislaus County; and state that there are no liens of record 2001-397
- *C5** Approval of the filing and recording of the final map of Hillsborough Estates Subdivision; made the finding that the final map is in substantial compliance with the previously approved tentative map; find that Stanislaus County has adopted a Specific Plan covering the area proposed to be included within the final map; find 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, etc.; authorized the Chair to sign the final map and the Subdivision Improvement Agreement; and, authorized the final map to be filed and recorded as presented 2001-398
- *C6** Approved the Transportation Development Act Claim for FY 2001/02; and, authorized the Director of Public Works to execute and submit it to StanCOG 2001-399
- *C7** Approved the Plans and Specifications for the 2001 Road Improvement Program; and, authorized the Auditor-Controller to increase Appropriations 2001-400
- *C8** Approved the Plans and Specifications for the Landfill Gas Collection and Control System Construction Project at the Fink Road Landfill; and, authorized the Auditor-Controller to increase Appropriations 2001-401

- ***D1** Set public hearing for Rezone Application #2001-02 - Ross Schiveley for 6/19/01, at 9:25 a.m.
ORD-54-H-13 2001-402
- ***D2** Approved Salida Planned Development Road Account expenditures to O'Dell Engineering; and,
authorized the Auditor-Controller to issue a warrant in the amount of \$2,040.00 to O'Dell
Engineering 2001-403
- ***E1** The Board finds and determines that the subject resolution to introduce and waive the first
reading of Ordinance C.S.762, regarding refuse removal by owners or occupants of property
and permit fees for industrial refuse collection is not subject to the CEQA; and, introduced
and waived the first reading of an Ordinance C.S.762. ORD-54-H-14 2001-404
- ***E2** Approved agreement for legal services with the law firm of Sulmeyer, Kupetz & Rothman; and,
authorized paying out of contingencies 2001-405

B/S unan. ***B1** Continued as a public hearing to 6/12/01, at 9:35 a.m., the Property Tax Administrative
Cost Recovery Plan — Auditor-Controller 2001-406

S/C (3-2) (Mayfield and Blom opposed)***B3** Approved a Labor Agreement between the County and
Deputy Sheriff's Association for a term from 12/1/00 through 6/1/05; implemented the provisions
contained within the tentative agreement reached between the County and the DSA; amended the Salary
and Position Allocation Resolution to reflect the changes agreed to; and, authorized the Auditor-
Controller to make the necessary financial transactions – CEO 2001-407

B/S unan. **B25** Approved the Project Charter for electoral redistricting based on the 2000 Federal Census,
which defines the structure, processes and deliverables of the redistricting project; approved the project
budget and resourcing required; the Board finds that this project will assist the Board of Supervisors and
meets the legal requirements for redistricting by providing GIS and support to the redistricting committee;
authorized the Purchasing Agent to enter into a professional services contract with the vendor; approved
the project steering committee of Supervisors Caruso and Paul, County Counsel Krausnick, Public Works
Director Stillman, CIO Emerson, and CEO Wilson; authorized the project steering committee to hold two
public meetings in preparation for the Board of Supervisors' public meeting to be scheduled on 8/28/01;
and, amended the item to include the requirement that the committee set up by the Board, will conduct its
meetings in public and notify individuals or groups of the time and date of the committee meetings
2001-409

C/S unan. **9:25 a.m.** Approved final cost reimbursement for demolition of a structure located at 504
Imperial Avenue, Modesto, CA; authorized the Treasurer-Tax Collector to recover these costs by special
assessment and a lien upon the property and cause the same to be recorded on the Assessment Roll and,
thereafter, said assessment shall constitute a special assessment against and a lien upon the property; and,
all proceeds received from payment of this assessment in satisfying the lien upon the property shall be
paid to the Stanislaus County Treasurer, who shall transfer the same to Demolition Trust Fund #6268
(Org. #00664100, Account#63280) 2001-411

M/B unan. **9:30 a.m.** Approved the Final Grantee Performance Report CDBG #98-STBG-1271 - Housing
Rehabilitation – Planning and Community Development Department 2001-412

S/C (4-0) (Blom abstained) **9:35 p.m.** Denied the appeal by Janie Meily of the Planning Commission's
approval of Staff Approval Application #2000-09 - Pacific Bell Wireless – Ott Farms, for a monopole
tower (54 feet high cellular tower), two microwave dishes, and two equipment cabinets at 5243 Paradise
Rd.; based upon the staff report and the testimony received today, as well as the testimony received at the
previous hearing on 5/8/01, the Board supported the Staff Approval Application #2000-09 - Pacific Bell
Wireless – Ott Farms, and made the following findings: 1) that the proposal will not be detrimental to

persons or property in the vicinity; 2) is consistent with all requirements for communications facilities; 3) under provisions of the 1996 Telecommunications Act, there is not substantial evidence, either written or oral, to deny the tower request and the appeal is denied; and, directed staff to issue Staff Approval #2000-09 with the Conditions of Approval that are set forth 2001-413

C/B unan. **B24** Approved the CEO's Third Quarter Fiscal Report for FY 2000-01; authorized the CEO and the Auditor-Controller to make the necessary adjustments and transfers and other technical adjustments as recommended in the report; directed the CEO to take the necessary actions to end the FY in a positive fiscal position; authorized the Auditor-Controller to make the necessary year-end closing entries as approved by the CEO; and, approved the 2001-02 Proposed and Final Budget process, schedule and reaffirm the Board's priorities 2001-408

M/C unan. **B26** Approved an agreement with Yosemite Community College District for a pre-construction training program for StanWORKs participants; and, authorized the CSA Director, or his Assistant Director Designee, to sign the agreement not to exceed the total contract amount of \$163,071 for the period of 4/1/01 through 2/28/02 2001-410

Corr 1 Acknowledged receipt of Final Report, Part Four, for the Sheriff's Department Men's Jail and Final Report, Part Five, for the Modesto Irrigation District from the Stanislaus County 2000-2001 Civil Grand Jury.

Corr 2 Authorized the Clerk of the Board to notify the law firm of Stradling Yocca Carlson and Rauth, acting as bond counsel to the Ceres Unified School District, Chatom Union elementary School District, Denair Unified School District, Empire Union School District, Keyes Union Elementary School District, Modesto City Elementary School District, Modesto City High School District, Newman-Crows Landing Unified School District, Oakdale Joint Unified School District, Patterson Joint Unified School District, Riverbank Unified School District, Sylvan Union Elementary School District and Stanislaus County Office of Education, regarding the issuance of a pool of tax and revenue anticipation notes by the County Board, that the Board will not authorize issuance within forty-five days and, therefore, that these School Districts may issue their obligation in their own name. California GC §53853(b).

Corr 3 Referred to the Department of Planning and Community Development, a letter from the State Attorney General Bill Lockyer regarding amending our zoning ordinances to include a procedure for handling requests for reasonable accommodation made pursuant to the fair housing laws relating to the disabled.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Felix Castro; Jackie Jilbert; Waymon Stancell; Craig R. Tedore; Jackie Jilbert (Amended Claim); Timothy David Bower; Larry Kocks; Amber Myers; Martha Alvarez, children, Anthony Alvarez, Amber Alvarez, and Dominga Alvarez (Supplement Claim); Anil Oshana; and Marissa Cabral.

Supervisor Caruso stated that today is the Modesto Bee's Kid's Day fundraiser, and the proceeds go to the Salvation Army Red Shield Center.

Chair Paul thanked the Modesto Bee for a recent article on the issue of elder abuse.

Adjourned to closed session at 10:59 a.m. for conference with real property negotiators for the following parcels: 1) 4835 Sisk Rd., Modesto (APN: 135-5306-400). Negotiating parties: Harold Miller, Hubert Miller, Aaron Miller, JBC Realty, Breuners. Agency Negotiator: Reagan M. Wilson or Patricia Hill

Thomas for Stanislaus County. Under negotiation: both price and terms of payment; and, 2) E St. and Main St., Waterford, CA (Owned by Community Baptist Church - APNs: 134-07-01 through 04 and 134-14-01; or, property owned by Blake Lambert – APNs: 134-06-15 and 134-06-17). Negotiating Parties: representatives from Community Baptist Church and Blake Lambert. Agency Negotiator: Reagan M. Wilson or Patricia Hill Thomas for Stanislaus County. Under negotiation: both price and terms of payment. Pursuant to GC §54956.8. Conference with labor negotiations: Agency Negotiator, Reagan M. Wilson; Employee Organizations: SCEA/AFSCME, SEIU, OE3, DSA, SCSSA, CAIR/CIR, CNA, and Management and Confidential Employees. Pursuant to GC §54954.5(f). Conference with legal counsel on anticipated litigation: significant exposure to litigation on one case: initiation of litigation on one case. Pursuant to GC §54956.9(b) and §54956.9(c).

Adjourned at 11:40 a.m.

ATTESTED: CHRISTINE FERRARO TALLMAN, Clerk
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: LILLIE L. FARRIESTER, 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.)