

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

Regular Session
All Supervisors Present

Tuesday

November 20, 2001

Pledge of Allegiance to the Flag

Jeff Grover thanked the Board for the donation to the Community Hospice and spoke regarding the need for emergency healthcare and asked that this care be provided for with the Tobacco Settlement funds.

C/B unan. Adopted the consent calendar after removing from consent Item ***D4** - Approval to Set a Public Hearing on December 11, 2001 at 9:45 a.m. for Rezone Application No. 2001-15 - Forrest M. Aarvig and ***A5** - Approval of Board of Supervisors' Meeting Calendar for 2002

***A1** Approved the minutes of 11/06/01

***A2** Approved holding a special Board of Supervisors' meeting on Wednesday, 12/12/01, at 5:00 p.m. in the Centre Plaza Arbor Theatre, Modesto 2001-870

***A3** Reappointed Irene Bettencourt to the El Solyo Water District 2001-871

***A4** Approved Stanislaus County EMS Committee terms for Steve Kyte, Russ Richards, Steve Pedrazzi, Bob Wikoff, Graham Pierce, Michael Rossini, Kathy Kohrman, John Cremin, Linda Sawdey, and Paul Baxter 2001-872

***A6** Approved a request from the HobieCat Fleet 20 for use of the Woodward Reservoir on 5/18/02 and 5/19/02 for their annual Roaring 20's Regatta 2001-873

***A7** Commended Fred Allen upon his retirement from the City of Modesto Parks, Recreation and Neighborhood Department 2001-874

***A8** Accepted the resignation of Caleb Arias from the Mental Health Board 2001-875

***A9** Approved by-law amendments for the Stanislaus Child Care Planning Council; accepted the resignations of Mike McGarity, Joan Sheldon, Myra Balinson, Karie Ladd and Sadhu Ram Sharma; approved the removal of Anita Gildea-Phillips, Kathy Jepson and Tammy Felix; and, appointed Vicki Bauman, Patti Cassinerio, Judi Drobnick, Lisa Henry, Steve Hopkins, Gloria Klink, and Robert W. Price BD-68-3 2001-876

***B1** Approved FY 2001/02 contracts with the California Department of Food and Agriculture for Nursery, Organic and Nematode Contracts – Agricultural Commissioner 2001-877

***B2** Approved FY 2001/02 agreement with the California Crop Improvement Association and authorized the Agricultural Commissioner to sign the agreement 2001-878

***B3** Approved Amendment #2 in the amount of \$1,100 to the Architect's Contract, LRS Architects, Inc., for the design and contract administration of additional work at the Juvenile Hall Special Needs Housing Unit to provide structural calculations, engineering, and associated details to increase the heights of the parapets – CEO 2001-879

***B4** Accepted the Final Completion of the Stanislaus County Recovery Center at 1904 Richland Avenue, Ceres, CA; approved the final contract with the Contractor, Diede Construction Inc. of Lodi, CA as follows: original contract amount of \$2,107,000, total change orders in the amount of \$65,231 with a final contract cost of \$2,172,231; authorized the Chair to sign the completion documents; accepted the project; and, authorized the necessary recording of the final Notice of Completion and all other necessary close out activities – CEO 2001-880

***B5** Authorized the CEO to proceed with the design to remodel the former Breuners building and related items for the Salida Regional Library Project; authorized the CEO to negotiate and execute a contract on behalf of the Board for architectural services with Architectural Plus, of

- Modesto, in the amount of \$150,750; approved the attached project schedule and budget of \$2.35 million; authorized the Auditor-Controller to establish a new Capital Project Fund and transfer \$750,000 from Tobacco Tax Settlement Funds and \$1,600,000 from Library PFF Funds; and, authorized the CEO to negotiate and execute contracts for miscellaneous consulting services needed for the design, such as soil testing, estimating, hazmat, etc., that may be required, as long as they are within budget 2001-881
- *B6** Approved the preliminary design concept for the ADA Access Ramp; authorized the CEO to negotiate and execute a contract for architectural services to Zachary Nathan, the architect for construction documents; set a bid date of 1/23/02, at 2:30 p.m., for the Construction Contract for ADA Access Improvements to the Main Courthouse; authorized the CEO to solicit bids and execute the Construction Contract if the bid is within budget; authorized the Auditor-Controller to establish a New Capital Projects Fund, and transfer \$245,000 for design, construction, and project management for improvements to Courthouse access from the Criminal Justice Facility Construction Trust Fund; authorized the CEO to negotiate and execute contracts for miscellaneous consulting services needed for the design, such as soil testing, estimating, hazmat, etc., that may be required, as long as they are within budget; and, approved the project schedule 2001-882
- *B7** Approved a Labor Agreement between the County and the California Nurses Association, representing the Registered Nurses Bargaining Unit and implemented the provisions contained within the Tentative Agreement; and, amended the Salary and Position Allocation Resolution to reflect these changes – CEO 2001-883
- *B8** Appointed for the 2001 term of the Discipline/Equal Employment Opportunity (EEO) Grievance Appeals Board: Director of Public Works George Stillman as the Department Head Member; Area Parke (C.A.A.) as the Employee Member on the panel; and local attorney Darrell Champion to serve as the Chairperson; and, appointed alternates to the panel as follows: a) Public Defender, Tim Bazar, as the Department Head Alternate; and, b) Janice Husman (C.N.A.) as the First Alternate Employee Member and Karen Lee (S.C.E.A.) as the Second Alternate Member – CEO 2001-884
- *B9** Approved Contract Amendment #GAPP-1075-01 for FY 2001/02 with the California Department of Education for the administration of the Child Care and Development Block Grant – State General Fund; and, authorized the Director of CSA, or his Assistant Director Designee, to sign the contract and any amendments not to exceed the total contract amount of \$73,062 2001-885
- *B10** Approved a contract between the Stanislaus County Office of Education and the DA's Office for reimbursement of costs for a prosecutor to serve as School Attendance Review Board Member and to serve as liaison between Stanislaus County Office of Education and DA's Office; and, authorized the DA to sign the contract 2001-886
- *B11** Accepted FY 2001/02 grant from the Department of Insurance for the DA's Automobile Insurance Fraud Prosecution Program totaling \$130,823; and, authorized the DA to approve the Grant Award Agreement including any extensions or amendments 2001-887
- *B12** Accepted FY 2001/02 grant from the Office of Criminal Justice Planning for the DA's Statutory Rape Vertical Prosecution Program Grant totaling \$150,000; and, authorized the DA to approve the Grant Award Agreement including any extensions, augmentations, or amendments 2001-888
- *B13** Accepted FY 2001/02 grant from the Office of Criminal Justice Planning for the DA's Career Criminal Prosecution Program Grant totaling \$150,499; and, authorized the DA to approve the Grant Award Agreement including any extensions, augmentations, or amendments 2001-889
- *B14** Accepted FY 2001/02 grant from the Office of Criminal Justice Planning for the DA's Major Narcotic Vendor Prosecution Program Grant totaling \$118,067; and, authorized the DA to

- approve the Grant Award Agreement including any extensions, augmentations, or amendments 2001-890
- *B15** Approved a Grant Application for Bureau of Justice Assistance Strategies in Community Prosecution Implementation; adopted a three (3) year Board Resolution and delegated James C. Brazelton, DA, as the official authorized to sign the grant application; and, directed the DA to return to the Board upon grant approval for authorization to accept grant funds and to make the necessary budget adjustments 2001-891
- *B16** Authorized the HSA to purchase twelve Alaris Medical Systems Model #7130 Needle-Less Infusion Pumps for the Specialty Clinics for \$24,365 2001-892
- *B17** Authorized the HSA to appoint Lawrence Sampson to the position of Laboratory Technologist II at the fifth step of the salary range 2001-893
- *B18** Authorized HSA to apply for, and accept if awarded, a grant from the California Endowment to improve the Health of Agricultural Workers; authorized the HSA Interim Managing Director, or her Designee, to sign and execute the application; and, authorized the Interim Managing Director to negotiate and accept the grant if awarded 2001-894
- *B19** Authorized the CEO to accept funding under the Supplemental Law Enforcement Services (SLES) fund from the State Controller for 2001/02; authorized the establishment of the Supplemental Law Enforcement Services Oversight Committee; and, directed the Auditor-Controller to deposit funds received into the interest bearing trust fund for Supplemental Law Enforcement Services – Sheriff/DA 2001-895
- *C1** Awarded a contract for the Baldwin Road Bridge at T.I.D. Ceres Main Canal Project to Cunningham & Sons, Inc. of Oakdale, CA; directed the Auditor-Controller to increase appropriations and revenue by the contract amount of \$462,920; and, directed the Purchasing Agent to establish a contract with Cunningham & Sons, Inc. of Oakdale, CA, for the contract amount – Public Works 2001-896
- *C2** Approved annexation of territory to the North McHenry Lighting District without an election – (Bangs Industrial Park Annexation); finds that the territory more particularly described on Exhibits “A” and “B” 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; finds that Stanislaus County Code, §21.40.040 requires 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 North McHenry Lighting District of Stanislaus County; find the fact of filing of the petition was received by the Clerk of the Board on 11/14/01; 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; directed the Clerk of the Board 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 – Public Works DL-29-A-4 2001-897
- *C3** Approved the installation of stop sign traffic control, under the authorization granted to local authorities in Vehicle Code §21354, at various locations throughout the County – Public Works 2001-898
- *C4** Finds that Ordinance C.S. 775 is not subject to the CEQA (Public Resources Code, §2100 et seq.); and, introduced and waived the first reading of Ordinance C.S. 775, to amend Title 11

of the Stanislaus County Code, §11.08.120, to add no truck parking zones on Claus Road and Sisk Road, §11.12.040 to add white zones - established on Herndon Avenue, and §11.16.030 highways prohibited-within residential areas on Chicago Avenue – Public Works

ORD-54-I-10 2001-899

***C5** Finds that Ordinance C.S. 776 is not subject to the CEQA (Public Resources Code, §2100 et seq.); and, introduced and waived the first reading of Ordinance C.S. 776, to amend Title 11 of the Stanislaus County Code, §11.08.060 to add a two hour parking zone on Maud Avenue, §11.08.020 to add no parking zones on various County roads; and, repealing no parking zones on Crows Landing Road – Public Works

ORD-54-I-11 2001-900

***C6** Finds that Ordinance C.S. 777 is not subject to the CEQA (Public Resources Code, §2100 et seq.); and, introduced and waived the first reading of Ordinance C.S. 777, to amend Title 11 of the Stanislaus County Code, §11.040.020, §11.040.040, and §11.040.060, to establish speed zones on various County roads – Public Works

ORD-54-I-12 2001-901

***D1** Set a public hearing on 12/11/01, at 9:40 a.m., to consider the introduction, waiving of the reading, and adoption of Planning and Community Development Department OA #2001-02, Ordinance C.S. 778, regarding swimming pool setbacks

ORD-54-I-13 2001-902

***D2** Set a public hearing on 12/11/01, at 9:30 a.m., for Rezone Application #2001-18 - Cecil Shatswell - Planning and Community Development

ORD-54-I-14 2001-903

***D3** Set a public hearing on 12/11/01, at 9:35 a.m., for Rezone Application #2001-06 and Parcel Map Application #2001-06 - Cecil Shatswell/A. & L. Pirrone - Planning and Community Development

ORD-54-I-15 2001-904

***D5** Set a public hearing on 12/18/01, at 7:40 p.m., for GPA #2001-01 and Rezone Application #2001-01 - Jim Messner – Planning and Community Development

ORD-54-I-17 2001-905

***D6** Set a public hearing on 12/18/01, at 7:45 p.m., for GPA #2001-10 and Rezone Application #2001-17 - Patricia M. Cousins

ORD-54-I-18 2001-906

***D7** Set a public hearing for Diablo Grande Addendum to the EIR and request to change Conditions of Approval for Vesting Tentative Map #97-01, Diablo Grande, Unit 1 to add Kern County Water Agency (KCWA) water supply as an additional water supply option (Condition #57) and to include an option of providing adequate on-site firefighting facilities (Condition #51) and consider appeal of Planning Commission's recommendation - Steve Burke, for 12/11/01 at 9:50 a.m.

2001-907

S/C unan***A5** Approved the Board of Supervisors' Meeting Calendar for 2002 and amended the item to cancel the Board meeting of 7/23/02

2001-908

S/B unan ***D4** Amended the item to set the public hearing for 12/18/01 at 7:55 p.m. for Rezone Application #2001-15 - Forrest M. Aarvig

ORD-54-I-16 2001-913

B/C unan. **A10** Accepted a status report of Proposition 10 funding by the Stanislaus County Children and Families Commission's staff

2001-909

C/S unan. **B20** Approved the acceptance of the three-year grant #2001-236 from the Stuart Foundation for the provision of the Family to Family Initiative; authorized the CSA Director, or his Assistant Director Designee, to sign the agreement and any amendments not to exceed the grant amount of \$300,000; authorized the Auditor-Controller to establish a non-interest bearing trust fund – CSA Foundation Grants; and, authorized the Auditor-Controller to increase appropriations and revenues

2001-910

B/M unan. **B21** Approved the residential and commercial refuse collection rate adjustments effective 1/1/02 – DER

2001-911

S/B unan. **B22** Accepted a donation from the Modesto Rotary Club for Oregon Drive Park Improvements and authorized the Director of Parks and Recreation to sign all necessary documents 2001-912

Corr 1 Referred to the CEO a letter from the United Way requesting a letter of support to set aside 211 as a phone number to be used throughout the country to access Information and Referral services.

Corr 2 Referred to DER a letter from the San Joaquin Valley Air Pollution Control District regarding Bay Area 2001 Ozone Attainment Plan.

Corr 3 Accepted a letter of retirement from Phil Osterli, County Director and Farm Advisor of UC Cooperative Extension, announcing his retirement on 1/4/02.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Parts Warehouse Dist.; Enterprise Rent A Car; Lillian A. Knight; Richard Cano; Steven Cox; and, David Reiswig.

Supervisor Blom noted he attended a conference for the Retirement Board and noted that Stanislaus County had the highest rate for their retirement funds at 7.2%.

Supervisor Caruso attended the Salvation Army Kettle Kickoff where he received a Community Service Award and over eighty thousand dollars were raised for the community.

Chair Paul attended the Veteran's Day event where Marie Gallo received the Man of the Year award.

The CEO noted that he had attended meetings in New York and Washington, D.C. on reducing the debt service on the County's debt. He said that most of the nation's economic recovery would probably occur during the spring, but even later for California. He said that the County and City's emergency preparedness is moving forward.

The Board discussed the criteria for the County's Economic Investment Bank.

Adjourned at 9:20 p.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.)