

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

May 14, 2002

C/P unan. Adopted the consent calendar after removing *A-3 Approval to Proclaim June 2002 as “Graffiti Summer” Month in Stanislaus County and *C-1 Approval of Agreement Between the State of California Reclamation Board and Stanislaus County for the Tuolumne River and Tributaries Feasibility Study from the consent calendar

- *A1 Approved the minutes of 5/7/02
- *A2 Adopted and waived the second reading of Ordinance C.S. 797 amending the County Code relating to Refuse Control ORD-54-J-15 2002-343
- *A4 Appointed Ken Bays to the West Stanislaus Resource Conservation District Board 2002-344
- *B1 Approved an amendment to the agreement between BHRS and NCS Valley Pharmacy for the provision of psychotropic medications for individuals receiving outpatient Mental Health Services; authorized the Director of BHRS, or his Designee, to sign the amendment to the agreement; and, authorized the Auditor-Controller to increase budget expenditures 2002-345
- *B2 Authorized HSA to apply for a *CommunitiesFirst* Grant from the California Endowment for a Multicultural Perinatal Health Project; authorized the HSA Interim Managing Director, or her Designee, to sign and execute the grant application; and, authorized the HSA Interim Managing Director to negotiate and accept the grant if awarded 2002-346
- *B3 Authorized HSA to apply for a grant from the Office of Family Planning/California Department of Health Services; authorized the HSA Interim Managing Director, or her Designee, to sign and execute the application, not to exceed a total of \$1,050,000 for three years; authorized the HSA Interim Managing Director to negotiate and accept the grant if awarded; and, authorized the Auditor-Controller to set up an interest bearing account for the grant funds 2002-347
- *B4 Approved revisions to the By-Laws for the HSA Volunteer Services Program, and authorized the Chairman to sign the revised By-Laws 2002-348
- *B5 Authorized the Department of Parks and Recreation to hold the seventh annual fireworks activities on 7/4/02 at Woodward Reservoir; authorized the Director of Parks and Recreation to sign agreements to provide a fireworks display and activities; and, authorized the day use entrance fee reduction from \$6.00 per vehicle to \$4.00 per vehicle for viewing of fireworks only from the hours of 7:00 p.m. to 10:00 p.m. for that day only 2002-349
- *B6 Approved the Modesto Radio Control Club’s request to use Modesto Reservoir for an event on 5/18/02 - 5/19/02 – Department of Parks and Recreation 2002-350
- *B7a Authorized the Auditor-Controller to issue checks based on a Claim for Excess Proceeds submitted in compliance with the requirements of R&T Code §4675 to John C. Williams and his Assignee in the amount of \$21,786.89 from the 3/8/01 sale of tax defaulted property last assessed to Darrell W. and Kelly M. Malicoat – T/TC 2002-351
- *B7b Authorized the Auditor-Controller to issue checks based on a Claim for Excess Proceeds submitted in compliance with the requirements of R&T Code §4675 to Scott J. Corralejo and his Assignee in the amount of \$15,195.30 from the 3/8/01 sale of tax defaulted property last assessed to Scott J. Corralejo – T/TC 2002-352

- ***B7c** Authorized the Auditor-Controller to issue checks based on a Claim for Excess Proceeds submitted in compliance with the requirements of R&T Code §4675 to claimants in the amount of \$27,280.41 from the 3/8/01 sale of tax defaulted property belonging to Margarita Lopez Madrigal – T/TC 2002-353
- ***B7d** Authorized the Auditor-Controller to issue checks based on a Claim for Excess Proceeds submitted in compliance with the requirements of R&T Code §4675 to Robert Shubin in the amount of \$2,638.42 from the 3/8/01 sale of tax defaulted property belonging Robert Shubin – T/TC 2002-354
- ***B7e** Authorized the Auditor-Controller to issue checks based on a Claim for Excess Proceeds submitted in compliance with the requirements of R&T Code §4675 to Chicago Title Company and their Assignee in the amount of \$19,722.20 from the 3/8/01 sale of tax defaulted properties belonging to Jerry K. Reich and W. Frank McNeff – T/TC 2002-355
- ***B7f** Authorized the Auditor-Controller to issue checks based on a Claim for Excess Proceeds submitted in compliance with the requirements of R&T Code §4675 to the claimant in the amount of \$3,613.82 from the 3/8/01 sale of tax defaulted property belonging to Lambert Brothers Investments – T/TC 2002-356
- ***B7g** Authorized the Auditor-Controller to issue checks based on a Claim for Excess Proceeds submitted in compliance with the requirements of R&T Code §4675 to the State of California Franchise Tax Board in the amount of \$7,348.26 from the 3/8/01 sale of tax defaulted property belonging to Chris-Jen Investments, Inc. – T/TC 2002-357
- ***B7h** Authorized the Auditor-Controller to issue checks based on a Claim for Excess Proceeds submitted in compliance with the requirements of R&T Code §4675 to claimants in the amount of \$10,395.62 from the 3/8/01 sale of tax defaulted property belonging to Esteban Magana and Maria Guillen – T/TC 2002-358
- ***B7i** Authorized the Auditor-Controller to issue checks based on a Claim for Excess Proceeds submitted in compliance with the requirements of R&T Code §4675 to the Employment Development Department (EDD) in the amount of \$485.53 from the 3/8/01 sale of tax defaulted property belonging to James Horn Construction Company; and, authorized the Auditor-Controller to transfer \$710.60 in excess proceeds from the Excess Proceeds Trust Fund to the General Fund – T/TC 2002-359
- ***B8** Approved Amendment #1 to the agreement between the Department of Parks and Recreation and the Stanislaus Wildlife Care Center to extend the term of the agreement and to expand the allowable uses of the premises, and authorized the Director of Parks and Recreation to sign the amendment 2002-360
- ***B9** Approved the three-year plan for the Promote Safe and Stable Families (PSSF) Program for Federal Fiscal Year (FFY) 2002/03 through 2004/05, and approved the PSSF Annual Plan Update for FFY 2001/02 – CSA 2002-361
- ***B10** Set the public hearings for consideration and adoption of the FY 2002/03 Proposed Budget on 6/25/02 at 9:20 a.m. and 6/26/02 at 9:00 a.m. if necessary – CEO 2002-362
- ***B11** Finds that pursuant to §15096 of the CEQA, that as a responsible agency the County has consulted with the lead agency, Ceres RDA, during its preparation of an EIR, subsequently reviewed the EIR and concurs with the conclusions reached therein, and introduced and waived the first reading of Ordinance C.S.793 authorizing the redevelopment of certain unincorporated territory as part of Amendment #1 to the Ceres Redevelopment Plan for the Ceres Redevelopment Project #1 – CEO ORD-54-J-16 2002-363
- ***B12** Authorized a Lease Agreement between the City-County JPA Commission and the County for space in the Tenth Street Project, City/County Administration Building – CEO 2002-364
- ***C2** Awarded the Albers Road Widening Project to George Reed, Inc. Construction; directed the Auditor-Controller to increase appropriations and revenue by the contract amount of

\$4,216,891.50; and, authorized the Purchasing Agent to establish a contract with George Reed, Inc. Construction of Modesto, CA, for the contract amount – P/W 2002-365

***C3** Awarded the Salida 2002 Improvements Project to W.M. Lyles Company of Fresno, CA, in the amount of \$7,908,729.85, and authorized the Purchasing Agent to establish a contract with W.M. Lyles Company of Fresno, CA, for the contract amount – P/W 2002-366

***C4** Find that the bid received from A.E. Schmidt Environmental on 4/17/02 was unresponsive because the “Comments and Clarifications” they attached to their bid represented a substantial deviation from the plans and specifications approved by the Board on 3/12/02; approved the revised Plans and Specifications for the Compressed Natural Gas (CNG) Vehicle Fueling Facilities Project; set the deadline for submission of bids as 6/19/02, prior to 2:30 p.m.; directed Public Works’ staff to mail the Notice Inviting Bids to Trade Journals as required by law; and, directed the Auditor-Controller to increase appropriations by \$2,500 in the project account to cover the costs of advertising and publishing – PW 2002-367

***C5** Directed the Auditor-Controller to increase appropriations by \$5,000 and increase estimated revenue by \$5,000 in the Project Budget for right-of-way appraisal for the School Sidewalk Improvement Program – P/W 2002-368

***C6** Finds that Ordinance C.S. 796 to amend Title 11 of the County Code, pertaining to traffic control to establish speed zones on various County Roads is not subject to the CEQA; and, introduced and waived the first reading of Ordinance C.S. 796 - P/W
ORD-54-J-17 2002-369

***D1** Set a public hearing on 6/4/02, at 9:30 a.m., to consider the introduction, waiving of the reading, and adoption of Ordinance C.S. 798 and Planning and Community Development Department OA #2002-01, to establish requirements for Small Wind Energy Systems
ORD-54-J-18 2002-370

P/B unan. ***A3** Proclaimed June 2002 as Graffiti Summer Month in Stanislaus County 2002-371

S/C unan. ***C1** Approved an agreement between the County and the State Reclamation Board for the Tuolumne River and Tributaries Feasibility Study – P/W 2002-372

S/B unan. **B13** Accepted the Mental Health Board’s Annual Report – BHRS B-31-C-30 2002-373

S/B unan. **B14** Approved the Design for the Gallo Performing Arts Center Project and approved changing the name of the Facility from Gallo Performing Arts Center to Gallo Arts Center; reaffirmed the County’s commitment to construct and own a visual and performing arts center in collaboration with the Central Valley Center for the Arts dependent on the completion of the fundraising needed for construction of the facility; approved a modified project budget and project schedule for the design; authorized the CEO to negotiate and execute an amended architect agreement with NGA Architects to incorporate the developed design into the project; authorized the project architect to proceed with completion of the construction documents phase of design; authorized the CEO to issue a RFP, obtain proposals and execute an agreement for abatement and demolition consulting services for the City Hall Block; authorized staff to work with Pacific Bell, MID and other utility companies to relocate the utility lines in the construction area; authorized the CEO to negotiate and execute the proper agreement relating to utility relocation, subject to the project budget; authorized the Central Valley Center for the Arts to place a project and fund-raising sign on the project site; and, authorized staff to negotiate an operating agreement with the Central Valley Center for the Arts to be returned to the Board for final approval 2002-374

Recessed at 10:58 a.m.

Reconvened at 11:07 a.m

S/C (3-2) (Paul and Blom opposed) **9:30 a.m.** Denied Rezone Application #99-09 and Parcel Map Application #99-24 for William S. Pringle based on the project being inconsistent with the General Plan; followed staff & Planning Commission recommendations; and, the Board found that ranchettes are not appropriate at this site – Department of Planning and Community Development ORD-J-54-14 2002-380

S/B unan. **B15** Authorized the Director of BHRS to accept funding from Stanislaus County Children and Families Commission for the provision of specialized services and early childcare programming for children ages 0 to 5 and their families; authorized the Director of BHRS, or his Designee, to sign an agreement with Sierra Vista Children’s Center for the provision of consultation and Mental Health Services for early childcare providers and children ages 0 to 5 and their families; authorized the Director of BHRS to execute other agreements not to exceed \$50,000 each necessary to fulfill the terms of the master contract with Stanislaus County Children and Families Commission; and, authorized the Auditor-Controller to establish appropriations and estimated revenues BD-69-7 2002-375

B/P unan. **B16** Authorized the CEO, on behalf of the Board, to execute a lease for the Sheriff’s Department substation located at 4600 Broadway, Salida; authorized the expenditure of \$266,000 of public facility fees for the Salida Substation Project upon commencement of the lease; and, authorized the use of public facility fees to help offset future lease costs of the new facility 2002-376

B/C unan. **B17** Authorized the Sheriff to apply for an Officer in the Schools COPS Grant through the Federal COPS Office and to enter into partnership agreements with the various school districts 2002-377

P/C unan. **B18** Authorized staff to proceed with a project to provide office space for the Sheriff Department’s California Multi-Jurisdictional Methamphetamine Enforcement Team (CALMET) and the High Intensity Drug Trafficking Area (HIDTA) staff; approved the location of the project adjacent to the employee parking lot at the Sheriff’s Operation Center; authorized a project budget of \$577,000 and directed the Auditor-Controller to make the transfers to include establishing a new Capital Project’s Fund and budget; authorized the staff to negotiate and sign an agreement with a civil engineering firm for the design of the parking lot, fence, and related utilities for the project; authorized staff to return with the final plans for approval and authorization to bid the work; authorized the staff to negotiate and sign an agreement for the purchase of an eight-unit modular building for use as office space; authorized staff to negotiate and sign agreements with other consultants and professionals that are needed for the project, such as code-required testing, inspection, construction management, and plan checks; and, authorized the CEO, or his Designee, to enter into an agreement with the Treasurer-Tax Collector and the Auditor-Controller concerning the cash advance from the Treasury Pool – CEO 2002-378

S/B unan. **B19** Authorized CEO staff to proceed with a project to provide office space for the Stanislaus County Multi-Disciplinary Interview Center (MDIC) and for a Sheriff’s Department South Modesto Substation; authorized the location of the project to be at the Northeast corner of South Santa Cruz and Oregon Street in Modesto and authorized County staff to develop and enter into an agreement with the Gallo Corporation for use of the property; authorized staff to negotiate and sign an agreement for the purchase of two modular buildings for use as office space and an interview center; and, authorized staff to negotiate and sign agreements with consultants and professionals that may be needed for the project, such as code-required testing, inspection, construction management and plan checks 2002-379

Corr 1 Referred to the Agricultural Commissioner and the Director of the OES, a letter from the State OES regarding Calaveras and Stanislaus Counties’ eligibility for U.S. Small Business Administration (SBA) loans due to being declared disaster areas from the high winds, drought and two separate fires between 8/19/01 and 9/5/01.

Corr 2 Referred to the Auditor-Controller and the Department of Planning and Community Development a letter from Urban Futures Incorporated regarding the Redevelopment Plan for the Proposed Hughson Redevelopment Project's tax increment projections based upon a four percent growth rate.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Salvador David Gerolaga, and Sylvia Rios and Alfonso Rios.

Supervisor Caruso noted that he participated on yesterday's interview panel for an Assistant Sheriff, and that the Senior Awareness Day event will be held this Saturday, 5/18/02.

Supervisor Simon and Supervisor Blom attended the Save Mart-Coca Cola Relays' dinner last Friday evening.

Chairman Mayfield will be the Master of Ceremonies for Senior Awareness Day on Saturday, 5/18/02.

S/B unan. **Authorization for an Item Too Late for the Agenda** - Approved the need for Board action on a matter too late for the agenda, pursuant to GC §5496.5, regarding the approval to adopt a resolution approving admission of the counties of Marin, Placer, and Fresno to the California County Tobacco Securitization Agency 2002-381

C/B unan. **Item Too Late for the Agenda** - Approved admission of the counties of Marin, Placer, and Fresno to the California County Tobacco Securitization Agency 2002-382

The CEO reported that the Governor's revised budget would be out on Friday, and that it will include a cost shift in programs to counties. He said that CSAC has been helpful with the upcoming Legislative Days, which informs the State and local communities of what County Government does with the funding they receive. He congratulated the Board on successfully creating the partnership of the California County Tobacco Securitization Agency.

Adjourned to closed session at 12:58 p.m. for conference with legal counsel regarding Timothy Bower vs. the County of Stanislaus and Richard Valentin and does 1 to 30 - Court Case #292122, filed in Stanislaus Superior Court on 7/3/01, GC §54956.9; and, conference with real property negotiators regarding the following property: (APN 134-07-01; 134-07-02; 137-07-03; 137-07-04). Agency negotiator, Reagan M. Wilson, and negotiating parties, Leadership Group of Community Baptist Church, negotiated both price and terms of payment, pursuant to GC §54954.5(b).

Adjourned at 1:40 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.)