

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

Regular Session  
All Supervisors Present  
Pledge of Allegiance to the Flag

Tuesday

July 30, 2002

A moment of silence was observed in memory of Stanislaus County employees Sue Pearson, Judy Sumter and Mark Anderson.

Supervisor Caruso presented the 2002 Department of Agriculture Honor Award to Michael McElhiney, District Conservationist for the USDA.

John Mataka presented a letter to the Board from the Grayson Community Service District regarding the land for the proposed Grayson Community Resource Center and park area. He spoke on behalf of the Grayson Neighborhood Council encouraging the Board to proceed on the purchase of land for the Grayson Community Resource Center and park area. The Assistant Executive Officer noted the County is determined to proceed with the project though the land may be in another location.

Jim Brazelton, DA requested the prayers of the Board and members of the community for MPD Sgt. Steve May who was in a severe car accident while on duty.

P/C unan. Adopted the consent calendar after removing \*C3 - Approval of the Institution of Proceedings for the Formation of County Service Area No. 18 – Atlas Park, from the Consent Calendar

- \*A1 Approved the minutes of 7/09/02
- \*A2 Approved a request from the Salida Civic Association and the Salida Rotary Club for use of the Salida Park on 8/17/02 for their Third Annual Town and Country Festival 2002-555
- \*A3 Approved a request from the Blossom Valley Chorus for use of the Courthouse steps and lawn for a “Sing Out For Peace” concert on 9/11/02 at 12:00 p.m. 2002-556
- \*A4 Approved a request from the Lake Don Pedro Charter School for use of the La Grange Park on 8/24/02 2002-557
- \*A5a Proclaimed 8/3/02 as Foster Parent and Relative Care Provider Appreciation Day 2002-558
- \*A5b Proclaimed August 2002 as Child Support Awareness Month 2002-559
- \*A6a Consolidated with the General Election on 11/5/02, the City of Hughson Councilmember Vacancy Election 2002-560
- \*A6b Consolidated with the General Election on 11/5/02, the Paradise Elementary School District Bond Election 2002-561
- \*A6c Consolidated with the General Election on 11/5/02, the Turlock School District’s General Obligation Bond Election 2002-562
- \*A7 Appointed Catherine L. Kirby to the Salida MAC 2002-563
- \*A8 Approved request from the St. Stanislaus Catholic Community Salida Community Mission for use of the Salida Park on 8/11/02 for their Fourth Annual Festival 2002-564
- \*B1 Approved the 2002-2003 Lighting District Benefit Assessment Rates; adopted a resolution ordering the levy and collection of charges within Stanislaus County Lighting Assessment Districts as listed in Attachment “A”; and, authorized the Auditor-Controller to add the assessments to the 2002-2003 Tax Roll 2002-565

- \*B2 Approved the reconfigured bid documents for the reconstruction of the former Modesto City Hall Project and approved the recommended bid alternatives; authorized the Project Manager to set a new bid date for 8/14/02, no later than 2:30 p.m.; and, authorized staff to review bids and return a recommendation for award to the Board – CEO 2002-566
- \*B3 Adopted a resolution approving the admission of the County of Alameda to the California County Tobacco Securitization Agency – CEO 2002-567
- \*B4 Adopted a resolution that supports Federal Child Support Penalty Relief for the State of California – Child Support Services 2002-568
- \*B5 Accepted the Stanislaus County Children’s Council Annual Report for Calendar Year 2001  
BD-65-23 2002-569
- \*B6 Adopted the recommendations of the Nuisance Abatement Hearing Board regarding 1821 and 1825 Mosher Avenue, Modesto, CA, Hearing #CE 01-1692 – DER 2002-570
- \*B7 Adopted the recommendations of the Nuisance Abatement Hearing Board regarding 1748 Las Vegas, Modesto, CA, Hearing #CE 02-687 – DER 2002-571
- \*B8 Approved the amended State Department of Health, AIDS Master Agreement and MOU (#01-15107 A-1); and, authorized the Interim HSA Managing Director, or her Designee, to sign and execute the amended contract and MOU 2002-572
- \*B9 Authorized the Library to apply for a California State Library Families for Literacy Grant in the amount of \$15,570, and authorized the Librarian to execute contracts and/or agreements to accept the funds 2002-573
- \*B10 Set a public hearing for 8/20/02 at 6:40 p.m. to consider FY 2002/03 annual assessment rates for Del Rio Heights Landscape Assessment District – Parks and Recreation 2002-574
- \*B11 Introduced and waived the first reading of Ordinance C.S. 805 amending Chapter 1.24.040 of the County Code concerning arrest procedures – Sheriff ORD-54-K-5 2002-575
- \*B12 Authorized the Sheriff to enter into an agreement with Modesto City Schools to provide a School Resource Officer; directed the Auditor-Controller to increase appropriations and estimated revenue; and, amended the Salary and Position Allocation Resolution to add one Deputy Sheriff-Coroner to Sheriff’s Operations 2002-576
- \*B13 Authorized the Sheriff to enter into an agreement with the California Commission on Peace Officers Standards and Training (POST) for the purchase of four driving simulation systems and approved peripherals for the Ray Simon Regional Criminal Justice Training Center; authorized the Sheriff to execute the agreement with POST for the contract, valued at \$425,000 and to purchase the equipment; declared existing simulators as surplus property and authorized the sale of these simulators consistent with County Purchasing Policy with any net proceeds to be deposited into the Sheriff’s dedicated fund #1743; and, directed the Auditor-Controller to increase appropriations and estimated revenues 2002-577
- \*B14 Accepted the Stanislaus County Treasury Pool’s May, 2002, Monthly Investment Report 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 Chairman to sign that the report has been reviewed and accepted 2002-578
- \*B15 Accepted the Regional Sports Facility Study Final Draft Action Plan Report and directed staff to incorporate the study’s findings into future sports facility planning – Parks and Recreation 2002-579
- \*C1 Accepted the relinquishment of portions of County roads which were relocated or modified in the State Route 99 Keyes/Turlock Project in 1994; and, waived the requirement for a 90-day notice from the State of the intention to relinquish said roads – PW 2002-580
- \*C2 Directed the Auditor-Controller to increase appropriations by \$10,000 and to increase estimated revenue by \$8,853 in the project account, for archaeological, historical, and cultural studies for the Carpenter Road Reconstruction 1.5 miles North of Crows Landing Road Project – PW 2002-581

- \*C4 The Board finds that all subdivision improvements required for the Pirrone Estates Subdivision by the Subdivision Improvement Agreement, executed by Brown and Corr Development Company and the Stanislaus County Board of Supervisors on 7/28/98, have been constructed to the satisfaction of the County; finds that said agreement was recorded on 6/30/98, as Document #98-0069245-00, and filed with the Stanislaus County Clerk-Recorder's Office; accepted all streets, avenues, roads, and the drainage system within Pirrone Estates Subdivision for maintenance by the County; pursuant to Section 66499.7(A) of the Subdivision Map Act, authorized the Release of Performance Bond #424986s, issued by the Insko Dico Group in the amount of \$288,000.00 for faithful performance of the Subdivision Improvement Agreement; and, pursuant to Section 66499.7(B) of the Subdivision Map Act, upon receipt of a Mechanic's Lien Guarantee, authorized the release of Labor and Materials Bond #424986s, issued by the Insko Dico Group in the amount of \$144,000.00 for payment of labor and materials; ordered that the Mechanic's Lien Guarantee be dated a minimum of 35 days after the filing of the appropriate Notice of Completion, be in the amount of \$144,000.00, be prepared by a Title Company, be to the benefit of Stanislaus County, and state that there are no liens of record – PW 2002-582
- \*C5 Approved a request from the Stanislaus/Merlock Velo to hold a bicycle race (Modesto Criterium) on four County roads on 8/4/02, and authorized the Director of Public Works to issue a permit for the event 2002-583
- \*C6 Approved a request from the Our Lady of the Assumption Church to hold a traditional Portuguese "Bodo De Leite" Parade of Animals on several County roads on 8/17/02, and authorized the Director of Public Works to issue a permit for the event 2002-584
- \*C7 Approved the installation of stop sign traffic control, under the authorization granted to local authorities in Vehicle Code §21354, at the following location: Monte Vista Avenue at Washington Road – PW 2002-585
- \*C8 Approved the Purchase Agreement to acquire road right-of-way at the northwest corner of the intersection of Stoddard Road and Kiernan Avenue for the improvement of that intersection; authorized the Chairman to execute the agreement; directed the Auditor-Controller to increase appropriations by \$45,000 in the project; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$41,500 payable to Fidelity National Title Company – PW 2002-586
- \*C9 Approved Contract Change Order #1 for the Albers Road Widening Project with Howk Systems of Modesto, CA; authorized the Purchasing Department to increase the total contract cost in the amount of \$19,447.96 with a new contract total of \$88,408.96; and, directed the Auditor-Controller to increase appropriations and estimated revenue by \$67,822, to cover increased construction costs associated with the project and to cover an amendment to the Professional Services Agreement with Garcia-Davis-Ringler Engineering – PW 2002-587
- \*D1 Authorized acceptance of \$150,000 from the Stanislaus Council of Governments (StanCOG) for update of the County General Plan; directed the Auditor-Controller to establish estimated revenue and appropriations consistent with the related budget; and, authorized the Planning Director, or his Designee, to execute any and all grant agreements with StanCOG to effectuate this grant 2002-588
- \*D2 Set a public hearing on 8/20/02, at 6:50 p.m., regarding GPA #2001-13, Rezone Application #2001-23 and Parcel Map Application #2001-30 - John Varni, Sr. – Planning and Community Development ORD-54-K-8 2002-589
- \*D3 Set a public hearing on 8/20/02, at 6:55 p.m., regarding GPA #2002-02 and Rezone Application #2002-06 - Kit Fox Vineyards Winery - Planning and Community Development ORD-54-K-9 2002-590

S/P unan. \*C3 Authorized the institution of proceedings for the formation of CSA #18 -- Atlas Park (CSA) to provide the extended County service of storm drainage maintenance and landscape maintenance within

the Atlas Park Subdivision; authorized the Department of Public Works to make application to LAFCO for the formation of a CSA for storm drainage and landscape maintenance within the Atlas Park Subdivision pursuant to GC §25210.13; authorized the waiver of conducting authority proceedings pursuant to GC §56837(C); and amended the Govt. Code Section to 56663(C) – PW CSA-18-1 2002-594

B/S unan. **B16** Authorized the Director of BHRS to accept Projects for Assistance in Transition from Homelessness (PATH) grant funding for FY 2002/03 2002-591

P/C unan. **B17** Approved the renewal of five contracts with the California Department of Education for the administration of the Child Care and Development block grants; authorized the Interim CSA Director, or his Assistant Director Designee, to sign these contracts and any amendments not to exceed the total contract amount of \$12,114,736 2002-592

S/B unan. **B18** Approved and authorized the Director of the Department of Aging and Veterans Services (Area Agency on Aging) to sign contracts and amendments for the Older Americans Act and Older Californians Act to provide senior services for FY 2002/03 with Catholic Charities, California Rural Legal Assistance, Salvation Army, Healthy Aging Association, Center for Senior Employment, Doctors Medical Center Foundation, Stanislaus Community Assistance Project, and Valley Caregiver Resource Center 2002-593

B/S unan. **9:25 a.m.** Approved the Stanislaus County/City of Turlock Consortium Annual Action Plan for FY 2002/03 including the budget and expenditure of the Home Investment Partnership Program (HOME) funds – Planning and Community Development 2002-595

B/S unan. **9:30 a.m.** The Board finds that the Notice of Public Hearing regarding the assessment ballot process for the proposed new formula for calculating the amount of the FY 2002/03 annual assessments for CSA #10 – Salida, was given in compliance with Proposition 218 pursuant to GC §53753(B), Streets and Highways Code §22552, and Streets and Highways Code §22588; authorized the Clerk of the Board to oversee the tabulation of the ballots and submit the results to the Board at the next scheduled Board meeting on 8/6/02; and, ordered that the Engineer’s Report be made a part of the record of this proceeding – PW CSA-10-A-5 2002-596

**Recessed at 10:14 a.m.**

**Reconvened at 10:23 a.m.**

P/C unan. **9:35 a.m.** Approved the residential and commercial refuse collection rates, effective 8/1/02 - DER 2002-597

**Corr 1** Referred to the CEO a copy of Final Reports, Part Three through Part Eight, from the 2001/02 Stanislaus County Civil Grand Jury.

**Corr 2** Referred to the CEO a letter from the Judicial Council of California requesting review and comments of the Chief Probation Officer appointment, evaluation, discipline and removal model.

**Corr 3** Referred to the Department of Planning and Community Development a copy of the Statement of Commencement of Redevelopment Activities with the Map for the territory added to the Ceres Redevelopment Project, from Urban Futures, Inc.

**Corr 4** Referred to the Department of Planning and Community Development a letter from the Bureau of Land Management regarding cooperative agency relationships for land use planning processes in California.

**Corr 5** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Alfredo Guitierrez; William Green; and, Glen Gouker.

Supervisor Caruso noted that he attended a meeting on marketing the County and a meeting at the Modesto Board of Education on community policing. He will be going to Fresno with Supervisor Simon to attend a meeting on transportation funding.

Supervisor Simon asked if the Modesto RDA has produced an audit of their activities regarding 10<sup>th</sup> Street Place. He has asked for a copy of the audit and any information regarding the renting of the first floor of the 10<sup>th</sup> Street Place. The Chairman asked for a formal Public Records Act for this information.

Supervisor Paul attended a ceremony for the opening of the Migrant Housing in Empire. She also attended a ceremony held at Orville Wright School where the Prop 10 and Modesto City School Board was represented and early childhood development was discussed.

The CEO reported that the County closed the books for FY 2001-02 last Friday and noted that a \$5.9 million fund balance was achieved. He noted that the State Legislature has not acted on the State budget.

The Chairman announced that there will be a Board of Supervisors' Planning Workshop today for the Health Services Agency's Strategic Plan at 11:30 a.m. located at the West Modesto Community Center, 401 E. Paradise Road, Multipurpose Room, Modesto, CA.

Recessed at 11:44 a.m.

Adjourned to closed session at 12:15 p.m. for conference with Real Property Negotiators: (1) Property: 1.18 acres at 10143 Grayson Road, Grayson, CA (APN: 016-34-05) - Property Owner: Sam Haulter and Agency negotiator: Reagan M. Wilson; (2) Property: 4.11 acres vacant land on south side of Mary Street (east of River Road) Grayson, CA (APN: 016-34-06) - Property Owner: Mr. Gutierrez and Agency Negotiator: Reagan M. Wilson. Conference with Real Property Negotiator on property located at 12th and I Street, Modesto, CA - Property Owner: City of Modesto and Agency Negotiator: Reagan M. Wilson. Under negotiation: negotiator will determine price and terms of payment. GC §54954.5(b). Conference with legal counsel on anticipated litigation and significant exposure to litigation pursuant to GC §54956.9(b) on one potential case.

Adjourned at 1:00 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.)