

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

October 8, 2002

Chairman Mayfield presented to Mary Moore from the Library, a resolution proclaiming the month of October 2002 as “The Grapes of Wrath Month” to encourage reading and story sharing within Stanislaus County’s diverse cultural communities.

Claudia Krausnick from the CEO/CARE Unit and David Ingersoll from CSS, presented an Employee Suggestion Award and check to CSS employee, Shelly Antonucci, and congratulated her upon her award.

A presentation was given by the Community Development Director of the City of Turlock, Charlie Woods, and Bruce Race from Race Studios, on the Turlock Broadway Street Mixed Use Workshop for the mixed use possibilities for downtown Turlock, and a possible Turlock Regional Library site opportunity.

Kathy Halsey from SBC Pacific Bell spoke regarding their high speed Internet service and the quality of service provided by Pac Bell’s various networks, as well as the maintenance and training schedules implemented to ensure continuity and maintain excellent service levels.

Kimberlie Nevel, an IHSS care provider, requested the adoption of an Employee of Record for the IHSS providers.

Allan Dix, owner of Salida Auto Dismantlers, spoke regarding staffing issues at the Sheriff’s Salida Substation and voiced concerns regarding the sewer project near his property line.

C/B unan. Adopted the consent calendar after removing Item ***B3** - Approval to Adopt the Decision of the Nuisance Abatement Hearing Board Regarding 5512 Terminal Avenue, Riverbank, California, Hearing No. CE 01-1318 – Environmental Resources

***A1** Approved the minutes of 10/01/02

***A2** Adopted and waived the second reading of Ordinance C.S. 809 to amend Title 11 of the County Code; adding Two-Hour Parking Zones on Lassen Avenue and Ustick Road; amending No Parking Zones on Covert Road and Finney Road; adding a Yellow Zone on Finney Road; and, adding Parking Prohibited on certain streets at certain hours on McHenry Avenue – PW

ORD-54-L-3 2002-776

***A3** Appointed Dwight Bateman to the Stanislaus County Children’s Council 2002-777

***A4** Proclaimed the week of 10/23 – 31/02 as Red Ribbon Week 2002-778

***B1** Adopted a resolution authorizing the preparation, sale and delivery of Tax and Revenue Anticipation Notes (TRANS) issued in an amount not to exceed \$35 million; approved the form and content of the 2002-03 TRANS; approved the form and content of the contract of purchase; approved the form and content of the Bond Counsel Agreement; approved the form and content of the Municipal Financing Consultant Agreement; authorized the Board, CEO, Auditor-Controller, T/TC, County Counsel, or their written designee, to jointly and severally do any and all things necessary to execute and deliver any and all documents which are deemed necessary and advisable in order to consummate the issuance, sale, and delivery of the notes and otherwise effect the purposes of the attached resolution; authorized the Auditor-Controller to make all necessary accounting entries; and, acknowledged presentation of a proposed form of a

- preliminary official statement on file with the Clerk of the County Board to be used in connection with the offer and sale of the notes – Auditor-Controller 2002-779
- *B2 Approved the acceptance of the Annual Report and evaluation of the County Purchasing Card Program and policies – Auditor-Controller 2002-780
 - *B4 Approved the resolution recognizing the Tuolumne River as a regional asset and pledging support to the Tuolumne River Coalition for the enhancement and stewardship of the Tuolumne River Corridor – Parks and Recreation 2002-781
 - *B5 Approved the HSA to apply to the Department of Health Services, STD branch for the Community Health Action Project (CHAP) Grant for the period of 7/1/02 - 6/30/04; and authorized the HSA Interim Managing Director, or her Designee, to sign the grant application and accept funds, not to exceed \$224,000 2002-782
 - *C1 Approve the Plans and Specifications for Salida North Basin Expansion, Phase I, generally bounded by Ciccarelli Road, U.S. Highway 99, and MID Lateral 8; and, set the deadline for submission of bids as 11/13/02, prior to 2:30 p.m. – PW 2002-783
 - *C2 Approved the Plans and Specifications for the Crows Landing Road at Butte Avenue, Winmoore Way, and Hatch Road Signalization and Intersection Improvements Project; set the deadline for submission of bids as 11/13/02, prior to 2:45 p.m.; directed the Public Works’ staff to mail Notice Inviting Bids to Trade Journals; directed the Auditor-Controller to increase appropriations by \$3,000.00 in the project account to cover the costs of advertising and publishing; and, directed the Auditor-Controller to increase appropriations by \$4,500 in the project account for right-of-way acquisition costs – PW 2002-784
 - *C3 Awarded the contract for the Carpenter Road Realignment 2.0 Miles North of Crows Landing Road to George Reed, Inc., of Lodi, CA, in the amount of \$158,782; directed the Auditor-Controller to increase appropriations by \$160,000 and estimated revenue by \$132,794; and, authorized the Purchasing Agent to establish a contract with George Reed, Inc., of Lodi, CA, for the contract amount – PW 2002-785
 - *C4 Authorized the Institution of Proceedings for the formation of CSA #18 - Atlas Park, to provide the extended County service of drainage control and landscape maintenance within the Atlas Park Subdivision; approved the Engineer’s Report, prepared by the County Engineer; authorized an assessment ballot procedure in conformance with Proposition 218 for the proposed formula for calculating the annual assessment; set a public hearing on 12/03/02, at 9:30 a.m., regarding the formation of CSA #18 - Atlas Park, and the proposed formula for calculating the annual assessment; and, ordered that the Notice of Public Hearing be given by mail, pursuant to GC Section 53753(b) – PW CSA-18-2 2002-786
 - *C5 Authorized the Institution of Proceedings for the formation of CSA #19 - Tuolumne – Gratton, to provide the extended CSA with drainage control and maintenance of the park and landscaping within the planned development for 4 residential subdivisions; approved the Engineer’s Report, prepared by the County Engineer; authorized an assessment ballot procedure in conformance with Proposition 218 for the proposed formula for calculating the annual assessment; set a public hearing on 12/03/02, at 9:35 a.m., regarding the formation of CSA #19 - Tuolumne – Gratton, and the proposed formula for calculating the annual assessment; and, ordered that the Notice of Public Hearing be given by mail, pursuant to GC Section 53753(b) – PW CSA-19-1 2002-787
 - *C6 Approved a request by the Gateway Community Church to hold a Harvest Festival on 10/31/02, located at 3350 Lester Road in Denair, CA, and authorized the Director of Public Works to issue a permit for the event 2002-788

B/S unan. *B3 Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 5512 Terminal Avenue, Riverbank, CA; amended the item to extend the time for removal of all the items to 3/1/03, and adopted all the other conditions as set forth in the attachment – DER 2002-789

B/S unan. **9:25 a.m.** Approved final cost reimbursement for the demolition of a structure located at 1831 John Street, Modesto, CA; authorized the T/TC to recover these costs by special assessment and a lien placed upon the property and to record the lien on the Assessment Roll; ordered that thereafter, said assessment shall constitute a special assessment against and a lien upon the property; and, ordered that all proceeds received from payment of this assessment in satisfying the lien upon the property shall be paid to the County Treasurer, who shall transfer the same to the Demolition Trust Fund #1746 (Org. #0043290/Account #30200) - PW
2002-795

Recessed at 10: 13 a.m.

Reconvened at 10:19 a.m.

P/C unan. **B6** Authorized the acceptance of the report from the IHSS Advisory Committee; approved the recommendation of the IHSS Advisory Committee as follows: recognized Stanislaus County as the employer of record for the purposes of employer-employee relations for IHSS providers, adopted a mixed mode of services delivery by adding the homemaker mode of service delivery to the existing supported IP Program, and considered the establishment of a public authority once the County's IP wages exceed \$7.11 per hour – CSA
2002-790

B/S unan. **B7** Approved the acceptance of the Annual Report on the Substance Abuse Crime Prevention Act (Proposition 36) implementation; approved the policy recommendations of the Alcohol and Drug Related Coordinating Council as stated in the Annual Report on the substance Abuse Crime Prevention Act; approved an amendment to the salary and position allocation resolution for the Probation Department per the staffing impact section of this agenda item to support the Substance Abuse and Crime Prevention Act, and authorized the Auditor-Controller to increase budget expenditures and revenues – BHRS
2002-791

Supervisor Paul absent at 11:00 a.m.

B/C (4-0) (Paul absent) **B8** Authorized an amendment to the City of Patterson and County Development Cooperation Agreement to reflect the entire proposed West Patterson Business Park area – CEO
C-4-A-3 2002-792

B/S (4-0) (Paul absent) **B9** Authorized the CEO to finalize and execute the following agreements contingent on the Modesto City Council taking related actions on 10/08/02 and the Stanislaus County Retirement Board taking related actions on 10/09/02: a) a site purchase agreement with the City of Modesto pursuant to which the County would purchase land, located at 12th and I Streets (APN 105-24-09), from the City for \$245,000; b) parking covenant between the City of Modesto and Stanislaus County pursuant to which the County would dedicate 44 parking spaces on the ground floor of the parking garage to public parking; c) Master Agreement between the County, the Stanislaus County Employees Retirement Association (StanCERA) and Westland Development Company, LLC, (Westland) relating to the contribution of funds for the development of an office building to be divided into condominium units for Stanislaus County (three floors), Westland (two floors) and StanCERA (one floor); d) Parking License Agreement between the County and Westland pursuant to which the County would license 103 parking spaces in the County's parking garage to Westland from 6 a.m. to 6 p.m.; e) Parking License Agreement between the County and StanCERA pursuant to which the County would license 56 parking spaces in the County's parking garage to StanCERA from 6 a.m. to 6 p.m.; approved the attached project budget and schedule; authorized staff to negotiate amendments to the agreements with the project architects, the construction manager, and the traffic engineers to modify the scope of work to include the office building project, provided the amendments are within the approved project budget; authorized staff to proceed with planning, programming, and design of the office building and parking garage; and, in the event the conditions and related agreements are not satisfied or executed fully by 10/16/02, authorized staff to complete the design work and prepare bid documents for the County's parking garage project to proceed by itself
2002-793

The Chairman announced that Item **C7** will be discussed and considered by the Board when they reconvene tonight, at 7:00 p.m., at the Agricultural Center, Harvest Hall, 3800 Cornucopia Way, Modesto, CA.

Corr 1 Referred to the Agricultural Commissioner, DER, Planning and Community Development, and Public Works, a letter from the U.S. Department of the Interior regarding the proposed designation of Critical Habitat for 4 Vernal Pool crustaceans and 11 Vernal Pool plants in California and Southern Oregon.

Corr 2 Accepted the Annual Report of the 49-99 Cooperative Library System.

Corr 3 Referred to the Agricultural Commissioner and DER a letter from the Oroville-Wyandotte Irrigation District regarding Petition for Temporary Transfer of Water Rights.

Corr 4 Acknowledged receipt of a letter of resignation from Chief Probation Officer, Linda Duffy, announcing her resignation effective 11/09/02.

Corr 5 Referred to the CEO, Cooperative Extension and the Agricultural Commissioner a letter from Assemblyman, Dave Cogdill, regarding State Superintendent Delaine Eastin's decision to close all regional Ag-Education offices in California.

Corr 6 Referred to the Auditor-Controller, CEO, T/TC, and Planning and Community Development Department, a letter from the State Department of Finance regarding the requirement for redevelopment agencies to shift \$75 million in property tax revenues to the Education Revenue Augmentation Fund (ERAF) during the 2002-03 FY.

Corr 7 Referred to the Sheriff, Probation, CEO, HSA, and Superior Court a Notice of Proposed Regulatory Actions from the State Board of Corrections regarding minimum standards for local juvenile facilities and local adult detention facilities.

Corr 8 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Anthony Michael Narvaez and Andrew Martin Narvaez, minors, by and through their Guardian Ad Litem Regina Rios.

Supervisor Caruso attended a meeting with the California Transportation Commission in San Diego where he successfully secured the necessary funding in the amount of 21.1 million for the Kiernan Road Project. He thanked Kirk Lindsey, StanCOG, and staff for their support and hard work in helping the County to obtain this important funding. He also attended the Sheriff's Awards Dinner. He noted that he was indirectly involved in a traffic accident on Highway 120 and emphasized the need for improvements at certain intersections to prevent similar accidents from occurring.

The CEO reported on the upcoming Connecting Stanislaus Event to be held at the Modesto Centre Plaza this Friday, 10/11/02.

The Chairman announced that next Tuesday's Board Meeting will be a joint meeting between the Stanislaus County Board of Supervisors and the Hughson City Council. The meeting will be held at 7:00 p.m. on Tuesday, 10/15/02, at Hughson City Hall, 7018 Pine Street in Hughson, CA.

Recessed to closed session between 11:45 a.m. and 12:05 p.m., for conference with legal counsel on existing litigation for one case: Gina Arata vs. the County of Stanislaus, a government entity: MID, a government entity; Betty J. Harger Van Duyn Trust; John O. Van Duyn: H & J Ranch; Berberian Farms, Corp. and Does 1 – 50; Superior Court Case #291080. Pursuant to GC §54956.9.

Recessed at 12:05 p.m.

Reconvened with all Supervisors present at 7:00 p.m.

(Note: reconvened at the Agricultural Center, Harvest Hall, 3800 Cornucopia Way, Modesto, CA, for discussion of the report on the Draft Environmental Impact Report (EIR) on the Fink Road Landfill Expansion and direction to staff for modifications to the Draft EIR for a project sized only for the needs of Stanislaus County).

C/S (3-2) (Mayfield and Blom opposed) **C7** The Board of Supervisors directed staff to revise and recirculate the Draft Environmental Impact Report ("EIR") for expansion of the Fink Road Landfill for a project that meets the needs of the County by development of a landfill at the southern end of the County's expansion area approximately 129 acres in size, and to develop concepts for the possible use for the land around the landfill that is not needed for expansion, buffers, or environmental mitigation. The Board also directed staff that the EIR should not provide for importation of garbage from outside of Stanislaus County for disposal at the landfill, and should limit the County's current per day cap on garbage dumped at the site to the currently permitted amount of no more than 1,500 tons per day. In addition, the Board directed staff to look for, as well as obtain community input on, parks and recreation opportunities on the surrounding acreage that are considered good uses for the Westside, and directed staff to consider options to limit or prohibit importation of waste for disposal at the County landfill, such as adoption of a host fee – PW 2002-794

Adjourned at 10:45 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.)