

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

Regular Session

Tuesday

December 17, 2002

All Supervisors Present

Pledge of Allegiance to the Flag

Presentation to Assessor Mike DeFerrari upon his retirement from Stanislaus County was canceled.

Supervisor Nick W. Blom was recognized upon his retirement from the Stanislaus County Board of Supervisors.

P/C unan. Adopted the consent calendar after removing ***B17** Approval to Continue Collection of Penalty Assessment, from the consent calendar

- *A1** Approved the minutes of 12/10/02
- *A2** Set a public hearing on 1/14/03 at 9:40 a.m. to Consider an Appeal of the Planning Commission Denial for Vesting Tentative Subdivision Map Application #2001-01
– Del Rio Vista 2002-949
- *A3a** Appointed Frank Durao to the West Stanislaus Resource Conservation District Board 2002-950
- *A3b** Appointed Jason Gordo to the Parks and Recreation Commission 2002-951
- *A3c** Appointed Linda E. White and Christine L. Munoz to the IHSS Advisory Committee 2002-952
- *A3d** Appointed Ronald West to the Tuolumne River Regional Park Citizens Advisory Committee 2002-953
- *A3e** Appointed Chris Savage to the Primary Industry/Agriculture position on the SJVUAPCD Citizen's Advisory Council 2002-954
- *A4** Approved request from HobieCat Fleet 20 for use of the Woodward Reservoir on 5/17-18/03 for their Roaring 20's Regatta 2002-955
- *A5a** Reappointed Don Amario to the Oakdale Rural Fire Protection District Board 2002-956
- *A5b** Reappointed David Duran, Charles Stone and Karen Henry to the Tuolumne River Regional Park Citizens Advisory Committee 2002-957
- *A5c** Reappointed Carlos Estacio III, A. Dirk Hoek, Frank Courtney and B. C. Edwards to the Housing Authority of the County of Stanislaus Board 2002-958
- *A5d** Reappointed Warner Soelling and Doug Basmajian to the Stanislaus County Animal Advisory Board 2002-959
- *A5e** Reappointed Kurt Vander Weide to the Turlock Mosquito Abatement District Board 2002-960
- *A5f** Reappointed Alan Cover, Mike McElhiney and Norman Kline to the Agricultural Advisory Board 2002-961
- *A5g** Reappointed Lee Honore Means, Les Weidman, James Enoch, Eliose Preiss, Linda Avedon to the Stanislaus County Children's Council 2002-962
- *A5h** Reappointed Randall Heldt to the Advisory Board on Substance Abuse Programs 2002-963
- *A5i** Reappointed Judith Thorkelson and Ann Blair to the Mental Health Board 2002-964
- *A5j** Reappointed Ronald West to the Parks and Recreation Commission 2002-965
- *A5k** Reappointed Steve Bell to the Hills Ferry Cemetery District Board 2002-966
- *A5l** Reappointed Patrick Alves to the Storm Drain District # 8 Board 2002-967

- ***A5m** Reappointed Ken Bays, Tom Morris and Rob Brook to the West Stanislaus Resource Conservation District Board 2002-968
- ***A5n** Reappointed M. Robert Adkinson to the Airport Advisory Committee 2002-969
- ***A5o** Reappointed Mario Fovinci to the Stanislaus County Assessment Appeals Board 2002-970
- ***A5p** Reappointed James Shade, Felix Reichmuth, Timothy Ragsdale, D.C. Vient and Ross Kitson to the Building Code Appeals Board 2002-971
- ***A5q** Reappointed Neil Van Duyn and Ron Greenwood to the East Side Mosquito Abatement District Board 2002-972
- ***A5r** Reappointed Steve Pedrazzi to the EMS Committee 2002-973
- ***A5s** Reappointed Michael Krausnick and Jim Milam to the Law Library Board of Trustees 2002-974
- ***A5t** Reappointed Mike Lucas to the Mountain View Fire Protection District Board 2002-975
- ***A5u** Reappointed Caroline Mitton, Ron Grider, Mark MacKenzie, Ignacio Lopez, and Carla Den Dulk to the Stanislaus County Local Task Force on Solid Waste Management 2002-976
- ***A5v** Reappointed Constant Fliermans to the Stanislaus County Equal Rights Commission 2002-977
- ***A5w** Reappointed Ismael Saldana and Paul Antigua to the Stanislaus-Ceres Redevelopment Commission 2002-978
- ***A5x** Reappointed James W. Hughes and Ron Macedo to the Turlock Rural Fire Protection District Board 2002-979
- ***B1** Approved the FY 02/03 Pest Exclusion Program contract with the California Department of Food and Agriculture and authorized the Chairman to sign the contract – Agricultural Commissioner 2002-980
- ***B2** Approved annual Proposition 4 appropriation/budget limit for Stanislaus County Government for FY02/03, including a general operating County limit of \$200,767,258 using the population and inflation methodology, and limits for applicable lighting districts governed by the Board of Supervisors – Auditor-Controller 2002-981
- ***B3** Approved fees for audit services, in the amount of \$3,500, to be charged to the other 5 member counties of the California County Tobacco Securitization Agency that issued bonds by 6/30/02– Auditor-Controller 2002-982
- ***B4** Approved an educational stipend for Joseph R. Hahn, LVN III, from 1/2003 through 4/2004 - BHRS 2002-983
- ***B5** Authorized the CEO to negotiate and execute necessary and appropriate amendments to the agreement with RGA Environmental for the abatement of hazardous materials on the former City Hall block, amendments not to exceed \$25,000 2002-984
- ***B6** Approved the bid documents for the abatement and demolition of two structures on the site of the future Gallo Arts Center, at 11th and I Streets in downtown Modesto (former City Hall block); authorized staff to advertise for bids; set the bid date for 2/5/03, no later than 2:30 p.m.; and, authorized staff to receive bids and return to the Board with a recommendation for award of the abatement and demolition contract, consistent with the final fund raising efforts underway 2002-985
- ***B7** Approved the amended agreement with Moss Beach Homes, Inc., DBA Aspira Foster and Family Services for the Promoting Safe and Stable Families Program; and, authorized the CSA Director, or his Assistant Director Designee, to sign the agreement not to exceed the total contract amount of \$380,000 for the period 10/1/01 through 9/30/04 – CSA 2002-986
- ***B8a** Adopted the decision of the Nuisance Abatement Hearing Board, Hearing #CE 02-1858, regarding nuisances at 2513 and 2521 W. Hatch Rd., Modesto, CA – DER 2002-987
- ***B8b** Adopted the decision of the Nuisance Abatement Hearing Board, Hearing #CE 02-440, regarding 1010 Santa Fe Ave., Modesto, CA – DER 2002-988

- *B9 Approved the transfer of \$18,414 from the General Liability Self Insurance Fund (5051) to Fleet Services (5021) for the reimbursement of a damaged vehicle – Risk Management
2002-989
- *B10 Authorized the Sheriff to accept funds of \$238,547 from the California OCJP distributed through the Sacramento CAL-MMET for the Central Valley California HIDTA for CY 2002 and 2003; directed the Auditor-Controller to increase estimated revenues and appropriations for HIDTA; and, directed the Auditor-Controller to carry forward all remaining funds at fiscal year-end due to the calendar year nature of the grant 2002-990
- *B11 Authorized the Sheriff to apply for, and accept funds of \$2,500,000 from the Federal ONDCP for the Central Valley California HIDTA for CY 03; and, directed the Auditor-Controller to make the necessary 5th year grant funding revenues and appropriations budget adjustments upon award of the grant and to carry over unused funds at the end of the fiscal year 2002-991
- *B12 Awarded the construction contract for the on-site improvements for the Sheriff’s office Annex to Menghetti Construction Co.; authorized the Project Manager to issue a Notice to Proceed upon approval of the proper insurance and bonds; and, authorized the Project Manager to negotiate and execute agreements for testing and inspection services provided the costs of those services are within budget 2002-992
- *B13 Authorized the Sheriff to purchase a mobile response lab truck with an estimated cost of \$135,119 to include estimated tax and license and directed the Auditor-Controller to transfer existing appropriations in the HIDTA budget from services and supplies to fixed assets 2002-993
- *B14 Approved the Public Facilities Fees Annual Financial Report for FY ending 6/30/02 – Auditor-Controller M-64-C-13 2002-994
- *B15 Awarded construction contract to Barham, Inc. of Ceres, for tenant improvements at 2612 Crows Landing Rd. for the Department of Child Support Services; authorized the Project Manager to issue a Notice to Proceed pursuant to approval of required bonds and insurance; and, authorized the Project Manager to negotiate and execute a work authorization for inspection services provided the amount is within budget 2002-995
- *B16 Approved the additional scope to the Salida Regional Library Project for the reconstruction of the building temperature control system and authorized staff to complete negotiations and to process a change order with the McDonald Glenn Company to replace the temperature control system 2002-996
- *C1 Directed the Auditor-Controller to increase appropriations by \$25,000 to cover Quality Assurance Program (QAP) inspections associated with the Abbie St. South Ave. Curb and Gutter Project – PW 2002-997
- *C2 Finds all subdivision improvements required for Astoria Sound by the Subdivision Improvement Agreement, executed by McRoy-Wilbur Communities and the Board of Supervisors on 11/14/00, have been constructed to the satisfaction of the County; finds that the agreement was recorded on 11/15/00, as document #2000-0096935-00, and filed with the Clerk Recorder’s Office; accepted all streets, avenues, roads, courts, and the drainage system within Astoria Sound Subdivision for maintenance by the County; pursuant to Section 66499.7(A) of the Subdivision Map Act, authorized the release of Performance Bond #108002081, issued by Amwest Surety Insurance Company and Continental Casualty, as co-sureties, in the amount of \$682,000 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 #108002081, issued by Amwest Surety Insurance Company and Continental Casualty Company, as co-sureties, in the amount of \$341,000 for payment of labor and materials; 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 \$341,000, be prepared by a title company, be to the benefit of the County; and state that there are no liens of record – PW 2002-998

- *D1** Approved 2003 Williamson Act Contracts and authorized the Clerk to forward to the Clerk-Recorder's Office for recording – Planning & Community Development 2002-999
- *D2** Rescinded a portion of Williamson Act Contract #72-0617 (Maze Blvd., District 3), and a portion of Contract #78-3033 (Page Rd., District 3) and approved new contracts pursuant to Minor Lot Line Adjustment Application 2001-76 and authorized the Planning Director to execute new contracts; finds the new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years; finds there is no net decrease in the amount of the acreage restricted; in cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts; finds at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; finds after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222; finds the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts; finds the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; and, finds the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan - Planning & Community Development 2002-1000
- *D3** Rescinded a portion of Williamson Act Contract # 72-0938 (Dodds Road, District 1), and approved new contracts pursuant to Minor Lot Line Adjustment Application 2002-50 and authorized the Planning Director to execute new contracts; finds the new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years; finds there is no net decrease in the amount of the acreage restricted; in cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts; finds at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; finds after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222; finds the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts; finds the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; and, finds the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan - Planning & Community Development 2002-1001
- *D4** Rescinded a portion of Williamson Act Contract Nos. 73-1525, 79-3691, and 85-3997 (Whitmore Ave, Washington Rd., and Roeding Rd., District 2), and approved new contracts pursuant to Minor Lot Line Adjustment Application 2002-52 and authorized the Planning Director to execute new contracts; finds the new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years; finds there is no net decrease in the amount of the acreage restricted; in cases where

two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts; finds at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; finds after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222; finds the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts; finds the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; and, finds the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan - Planning & Community Development 2002-1002

***D5** Accepted the Financial Report and Agency Activities Report for FY 01/02 of the Stanislaus County Redevelopment Agency as required by Health and Safety Code Section 33080.1 - Planning & Community Development 2002-1003

***E1** Adopted a resolution making Government Code Section 31625.3 titled "Members Having Credit For 30 Years of Service; Nondeduction of Contributions; Adoption by Counties" applicable and operative in Stanislaus County – County Counsel 2002-1004

S/C unan. ***B17** Approved continuing the collection of penalty assessments 2002-1005

B/P unan. **B18** Approved the Comprehensive Strategic Local Bioterrorism Preparedness Plan and application to the State Department of Health Services; authorized the Chairman to sign the application and certification form III-1 regarding non-supplanting of funds; directed the Auditor-Controller to establish a local public health preparedness trust fund in which funds from this grant may be deposited and disbursed; authorized the Auditor-Controller to sign and submit the fund's periodic reports; and, authorized the HSA Managing Director to sign other program progress and expenditure reports for this program 2002-1006

B/S unan. **B19** Accepted a grant from the State OES for the State Domestic Preparedness Equipment Support Program in the amount of \$181,652 for grant years two and three; directed the Auditor-Controller to establish a new interest-bearing special revenue fund budget unit and establish appropriations; and, authorized the Assistant Director of OES to apply for grant year four funding in the approximate amount of \$284,000 2002-1007

Corr 1 Referred to the County Superintendent of Schools, a letter from the Modesto City Schools regarding a public hearing to consider the rescinding of the agreement with the California Department of Education for Bret Harte Elementary School's participation in the High Priority Schools Grant Program.

Corr 2 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Ophelia Chiles; Arturo Lemus; and, Hector Mata.

Supervisors Paul and Caruso recently met with Congressman Cardoza regarding County related issues. At the meeting Congressman Cardoza mentioned that he would like to rent space in 1010 Tenth Street. Supervisor Paul asked for staff to look into why the cost of the building is higher than other rental property in the downtown area.

Supervisor Caruso spoke regarding the Visioning Process Committee's request to have StanCOG prepare a model regarding the ½ cent sales tax in Stanislaus County for transportation. At the meeting, the committee decided to have the ½ cent proposal and asked the Alliance Board to hold public meetings

regarding the proposal. He noted that he went to Mariposa County to present a plaque to retiring Supervisor Bob Stewart on behalf of the San Joaquin Valley Supervisors' Association. Supervisor Caruso took issue with a recent editorial in the Modesto Bee written by Eric Keen. He spoke regarding the job-housing balance that goes out to 2008, which recommends 21,000 homes be built. He noted that the State came back recommending 35,000 homes be built in Stanislaus County. He noted that the new Federal Fish and Wildlife designation for wildlife habitat is making it difficult to develop. He mentioned that it has been an honor to serve on the Board of Supervisors with Supervisor Blom, and he thanked him for serving on the Board.

Supervisor Simon spoke regarding Supervisor Blom's tenure on the Board. He said there were many good times and many difficult decisions that needed to be made over the years, and how those decisions accomplished a great deal. He complimented Supervisor Blom's vision for Salida and the Robinson Rd. area, and his work regarding the preservation of agricultural land in the County.

Chairman Mayfield wished Supervisor Blom well during his retirement years, as did Supervisor Paul.

The CEO updated the Board on the State Budget, and noted that staff will have a report available to them for consideration by the middle of January. He spoke regarding the new State Housing and Community Development's requirement for 35,000 homes to be built in Stanislaus County to achieve the job-housing balance and how no one from the State has contacted the County regarding this matter. The County Planning Director and County Counsel will contact the State requesting the completion of an EIR for these new requirements. He noted that the Department of Fish and Wildlife is requiring 154,000 acres in Stanislaus County to be set aside as a designated habitat area for fairy shrimp and the red legged frog. He closed by complimenting the Board on a good year of decisions, he thanked the Board for the support he has received, and he wished everyone a happy holiday.

The CEO announced that there will be a Swearing-in Ceremony on Tuesday, 1/7/03 at 8:30 a.m. in the Board Chambers at 1010 10th Street Place, Modesto for the County elected officials.

Adjourned to closed session at 7:13 p.m. for Personnel-Public Employment: Performance Evaluation – Chief Executive Officer. Government Code Section 54954.5(e). Existing Litigation: Coren David Wong vs. Cheryl Mae Albers, County of Stanislaus, et al. Stanislaus County Superior Court Case No. 227985. County Attorneys Association; Coren David Wong vs. County of Stanislaus. Superior Court Case No. 182199. Government Code Section 5954.5(c).

Closed Session Announcement: B/S unan. The Board granted the CEO, Reagan M. Wilson, a 5% one-time performance pay in the amount of \$9,381.84. The Board decided not to change his current salary.

2002-1008

Adjourned at 7:50 p.m.

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

BY: ELIZABETH A. KING, 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.)