

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

Regular Session

Tuesday

January 7, 2003

All Supervisors Present

Pledge of Allegiance to the Flag

P/M unan. Elected Supervisor Simon as the Chairman and Supervisor Caruso as the Vice-Chairman of the Board of Supervisors for 2003 2003-1

A presentation was given by Vanessa Czopek, Stanislaus County Librarian, to Tony Borba, Superintendent of Salida Union School District, for Space for the Interim Salida Library.

P/C unan. Adopted the consent calendar

- \*A1 Approved the minutes of 12/17/02
- \*A2 Canceled the Board of Supervisors' meeting on 1/28/03 2003-2
- \*A3a Accepted the resignation of Jerry Ann Gradford from the Monterey Park Tract Community Services District 2003-3
- \*A3b Accepted the resignation of Jacqueline Amaral from the Empire Sanitary District 2003-4
- \*A3c Accepted the resignation of Mary DeAbreu from the Stanislaus County Equal Rights Commission 2003-5
- \*A3d Accepted the resignation of Maria Arevalo from the Mental Health Board 2003-6
- \*A4 Proclaimed the week of 1/27/03 as Family Services Specialist Recognition Week 2003-7
- \*A5a Appointed Dennis Shuler to the Stanislaus County Local Task Force on Solid Waste Management 2003-8
- \*A5b Appointed Lynn S. Goldstein, Michael J. Shinkel and Vicki L. Bauman to the Advisory Board on Substance Abuse Programs 2003-9
- \*A6 Approved request from the California Motorcycle Association for use of the La Grange O.H.V. Park's Motocross Track on 1/24-26/03, 1/31/03, 2/1-2/03, 2/14-16/03 and 3/14-16/03; 3/28-30/03 2003-10
- \*A7 Approved request from Mutant Motorsports for use of the La Grange O.H.V. Park's Motocross Track on 1/16-19/03 and 3/20-23/03 2003-11
- \*B1 Approved the Annual Equal Rights/Non-Discrimination Commitment Statement and authorized the Chairman and the CEO to sign the Statement 2003-12
- \*B2 Set a public hearing on 2/4/03 at 9:30 a.m. to consider an increase in the Public Facility Fees levied on new development M-64-C-14 2003-13
- \*B3a Adopted the decision of the Nuisance Abatement Hearing Board, Hearing #CE 01-72, regarding nuisances at 901 Lombardo Ave., Modesto, CA - DER 2003-14
- \*B3b Adopted the decision of the Nuisance Abatement Hearing Board, Hearing #CE 01-761, regarding nuisances at 1318 and 1322 Alamo Ave., Modesto, CA - DER 2003-15
- \*B3c Adopted the decision of the Nuisance Abatement Hearing Board, Hearing #CE 01-1623, regarding nuisances at 1212 Hilltop Ln., Modesto, CA - DER 2003-16
- \*B3d Adopted the decision of the Nuisance Abatement Hearing Board, Hearing #CE 02-954, regarding nuisances at 23792 Yosemite Blvd., Waterford, CA - DER 2003-17
- \*B3e Adopted the decision of the Nuisance Abatement Hearing Board, Hearing #CE 02-1161, regarding nuisances at 1229 Boulder Ave., Modesto, CA - DER 2003-18

- \*B3f Adopted the decision of the Nuisance Abatement Hearing Board, Hearing #CE 02-1234, regarding nuisances at 1405 Avondale Ave., Modesto, CA – DER 2003-19
- \*B3g Adopted the decision of the Nuisance Abatement Hearing Board, Hearing #CE 02-1295, regarding nuisances at 2437 Riverdale Ave., Modesto, CA – DER 2003-20
- \*B3h Adopted the decision of the Nuisance Abatement Hearing Board, Hearing #CE 02-1661, regarding nuisances at 636 Santa Fe Ave., Empire, CA – DER 2003-21
- \*B4 Approved contract amendment #GAPP-2076 with the California Department of Education for administration of the Child Care and Development Grant – State General Fund and authorized the Director of the CSA, or his Assistant Director Designee, to sign the contract and amendments not to exceed the total contract amount of \$74,523 2003-22
- \*B5 Approved the independent contractor agreement between Guardsmark, Inc., and the HSA for security services at 800-830 Scenic Dr. and 700 17<sup>th</sup> St., Modesto, for the period 1/1/03-6/30/03; and, authorized the HSA Managing Director, or her Designee, to sign the agreement 2003-23
- \*B6 Approved contract #02-25720 with the State Department of Health Services for the WIC Supplemental Nutrition Program, authorized the HSA Managing Director, or her Designee, to sign and execute the contract; and, approved changes to the legal budget for FY 02/03 2003-24
- \*B7 Authorized the Library to accept \$2,863 in Children and Families Commission Mini Grants, authorized the Librarian to execute contracts and/or agreements to accept the funds; and, approved changes to the Library’s 02/03 legal budget 2003-25
- \*B8 Approved the amendments to the Retirement Board Bylaws Article 10 - Claims for Benefits, Rights, or Privileges other than Disability Retirement; Article 11 – Subpoenas; and, Article 12 – Time Limits for Judicial Review (CCP §1094.6) BD-36-A-6 2003-26
- \*B9 Accepted the Stanislaus County Treasury Pool’s October 2002 Monthly Investment Reports 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 2003-27
- \*C1 Directed the Auditor-Controller to increase appropriations and estimated revenue by \$4,750.27, to cover extra work associated with the Albers Rd. Widening Project – PW 2003-28
- \*C2 Approved the Master Agreement and Project Agreement #2003-01 for professional services with Associated Engineering Group, Inc., for the Carpenter Rd. Traffic Signal Project; authorized the Chairman to execute the Master Agreement and Project Agreement #2003-01; and, directed the Auditor-Controller to increase appropriations by an additional \$22,795 and to increase anticipated revenue by an additional \$19,483 to cover additional professional engineering design and geotechnical investigation associated with the Carpenter Rd. Traffic Signal Project – PW 2003-29
- \*C3 Approved the agreement for road right-of-way acquisition at the southwest corner of Glenn Ave. and Dallas St. in the south Modesto area for the 1998 School Sidewalk Program; authorized the Chairman to execute the agreement; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$476 payable to Clara Jane Alvarez – PW 2003-30
- \*C4 Approved the agreement to relocate a sign on the southeast corner of the Crows Landing and Hatch Rd. Intersection with Quik Stop Markets, Inc., in the amount of \$7,943 and directed the Auditor-Controller to increase appropriations \$7,493; and, authorized the Director of Public Works to execute the agreement 2003-31
- \*C5 Awarded contract for the Crows Landing at Butte Ave., Winmoore Way, and Hatch Rd. Signalization and Intersection Improvements to Northern Electric of Lodi, CA, in the

- amount of \$332,501.50; directed the Auditor-Controller to increase appropriations by \$332,501.50; and, authorized the Purchasing Agent to establish a contract with Northern Electric of Lodi, CA, for the contract amount 2003-32
- \*C6 Approved the contract change order and balance of contract items for the Pelican Rd. Flood Repair Project contracted with Steelhead Constructors, Inc. and directed the Auditor-Controller to appropriate additional funds in the amount of \$3,000 to offset the costs of the extra work required for the construction of the Pelican Rd. Flood Repair Project (Native American Cemetery) – PW 2003-33
  - \*C7 Approved the installation of stop sign traffic control, under the authorization granted to local authorities in Vehicle Code §21354, at the following locations: Houser Lane at Alcamo Ave., Maud Ave. at 8th St., Hawthorne St. at Merced Ave., Claribel Rd. at Smith Rd., and Dakota Ave. at Kansas Ave. – PW 2003-34
  - \*C8 The Board finds that Ordinance C.S. 817 is not subject to the CEQA; and, introduced and waived the first reading of Ordinance C.S. 817 amending Title 11 of the County Code, §11.04.060 to establish speed zones on Orestimba Rd., Church St. and Hoyer Rd. – PW ORD-54-L-10 2003-35
  - \*C9 Approved the Subdivision Improvement Agreement for Vesting Tentative Parcel Map #2002-06 – PW 2003-36

M/G unan. **B10** Approved the contract for the first year of the State-County Property Tax Administration Grant Program; authorized the CEO to sign the contract and any amendments; directed the Assessor and the CEO to report back to the Board at the completion of the first year of this program; and, authorized the Auditor to accept \$866,155 from the State Department of Finance, and directed the Auditor-Controller to make the necessary accounting entries – Assessor 2003-37

M/C unan. **B11** Approved implementing reorganization of the SBT Department (formerly MIS) and continue business process improvement changes; authorized the CEO and the CIO to implement the following: 1) change SBT from being a County department to a division of the CEO, 2) transfer ownership of IBM Mainframe to the CSA which will be the only department using this system in approximately seven months, 3) simplify the billing processes and clarify services through service level agreements with customers, 4) on the departure of the Mainframe, continue to “rightsize” SBT to focus on specific customer needs for cost effective technology for their business, and 5) transfer staff positions to the CSA, Sheriff’s Office, DA, Probation, and the Assessor; and, amended the item correcting a typographical error to reflect that the positions being transferred to the DA, Probation, and Assessor are Software Developer Analysts III 2003-38

P/C unan. **B12** Approved the Business and Workforce Alliance Board’s recommendations for funding of economic development projects from the Economic Development “Bank” for the first cycle of FY 02/03; authorized the CEO to execute agreements with those jurisdictions receiving funding from the Economic Development “Bank”; and, authorized the Auditor-Controller to establish any and all necessary accounting protocols for the administration, tracking, disbursement and reimbursement of the funds 2003-39

G/P unan. **9:25am** Authorized the abandonment of portions of Jessup Rd. and Foote Rd., west of the town of Keyes; adopted a resolution to vacate, and finds that these portions of roads are unnecessary for present or prospective use; required that the following conditions be completed prior to the recording of the proposed abandonment: A.L. Gilbert Company shall acquire the needed right-of-way for the new cul-de-sacs at the end of Jessup Rd. and Foote Rd., complete the construction of the cul-de-sacs, provide access to the Keyes Community Service District facilities and relocate existing power poles and anchor wires from the area dedicated for the new cul-de-sac – PW 2003-40

P/G unan. **9:30am** Finds the project for Rezone Application #2002-10, Vesting Tentative Map Application #2002-16 and Exception Application #2002-03 - Orlin. C. Munns, to change the zoning from A-2-10 to A-2-3 and create four parcels of 3+ acres from a 12.23 acre site, located in the Oakdale area, to be De Minimis for the purposes of collection of Fish and Game Fees pursuant to California Code of Regulations §753.5, by adopting the findings of fact contained in the Certificate of Fee Exemption, those findings being based on the analyses presented in the Initial Study; ordered the filing of the certificate of Fee Exemption with the Clerk-Recorder's Office; adopted the Mitigated Negative Declaration pursuant to California Code of Regulations §15074(b); finds that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgement and analysis; adopted the Mitigation Monitoring Plan pursuant to California Code of Regulations §15074(d); ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office, pursuant to Public Resources Code §21152 and California Code of Regulations §15075; finds that the project is consistent with the overall goals and policies of the County General Plan; determined that none of the findings precluding parcel map approval can be made; determined that all of the necessary findings for an Exception can be made; finds that the project will increase activity in and around the project area, and increase demands for roads and services, thereby requiring dedications and improvements; approved Rezone Application #2002-10, Parcel Map Application #2002-16 and Exception Application #2002-03 - Orlin C. Munns, subject to the conditions of approval; and introduced, waived the reading and adopted Ordinance C.S. 815 for the approved Rezone Application #2002-10 - Planning and Community Development      ORD-54-L-8 2003-41 & 2003-42

**Corr 1** Referred to the DER, the 2002 Fire/Life Safety Inspection Report for the Stanislaus County Public Safety Center and the Honor Farm from the Stanislaus Consolidated Fire Protection District.

**Corr 2** Referred to the Agricultural Commissioner, a letter from the U.S. Fish and Wildlife Service regarding the reopening of the public comment period for the Mountain Plover to be listed as threatened under the Endangered Species Act.

**Corr 3** Referred to the Department of Planning and Community Development, a letter from the State Department of Fish and Game regarding a recommendation to hold a 2003-04 Deer Hunt at J-18 Pacific-Railroad Flat.

**Corr 4** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Phillip Spouji, Saul Spouji and Julie McClain; TID; Mary Ann Menezes; Juanita Lamb; and, Gerald Ray McMann.

The CEO noted that on 1/14/03, he will present a preliminary plan to the Board on how the County will handle the State budget crisis. He mentioned that the County has been in this position before back in 1993-1994, and that the County weathered that storm and we will do so again.

The Chairman announced that the State of the County Address, will be at 12:00 p.m. at the Modesto Rotary Club Meeting, DoubleTree Hotel 1150 9<sup>th</sup> Street, Modesto.

The Chairman announced that on 1/14/03, the Board of Supervisors will continue the Board Meeting for a Joint Meeting between the Stanislaus County Board of Supervisors and the Turlock Irrigation District at 6:30 p.m., Turlock Irrigation District Office. 333 E. Canal Avenue, Turlock.

Adjourned at 9:57 a.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.)