

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

Regular Session

Tuesday

February 4, 2003

All Supervisors Present

Pledge of Allegiance to the Flag

A moment of silence was observed in memory of the seven astronauts of the space shuttle Columbia.

John Hertle, Director of the East Stanislaus Resource Conservation District, presented a donation of \$32,500 to Stanislaus County for the reconstruction of the Riverdale Fishing Access.

Jorge Rivera, Manager and Director of United Domestic Workers, introduced himself to the Board and spoke regarding AB 1682 and employees who work for IHSS. He requested that the County remain neutral regarding union organization. The CEO responded that it is not County policy to discourage collective bargaining rights of employees.

Warren Brumley spoke regarding the need for police presence in the community of Empire.

M/P unan. Adopted the consent calendar after removing from consent items ***B7** Approval to Appoint Members to the Stanislaus Economic Development and Workforce Alliance Board and Youth Advisory Council; Approval of Third Year Modifications to the Stanislaus County Workforce Investment Act Five-Year Plan, and ***D8** Approval of Salida Planned Development Park Account Expenditures, from the consent calendar; and, after removing item ***B14** Approval to Open the Gate at the Shiloh Fishing Access from January 1 through October 15 Annually, from the agenda

***A1** Approved the minutes of 1/14/03

***A2** Commended Mary Moore upon her retirement as the Director of the Modesto Library
2003-81

***A3a** Accepted the resignation of Larry Hunter from the Youth Council of the Workforce
Investment Board
2003-82

***A3b** Accepted the resignation of Aaron Trott from the Reclamation District #2091 (Chase)
2003-83

***A3c** Accepted the resignation of Troyce Weese from the Keyes Fire Protection District
2003-84

***A3d** Accepted the resignation of Dave Young from the Advisory Board on Substance Abuse
Programs
2003-85

***A4a** Appointed Jim Poore to the Stanislaus County Planning Commission
2003-86

***A4b** Appointed Rebecca Barton-Nicholes to the Stanislaus County Children and Families
Commission
2003-87

***A4c** Appointed William G. Shipp to the Hazardous Waste Management Advisory Committee
2003-88

***A4d** Appointed Phil Rockey and Sandra Benitez to the Stanislaus County Local Task Force on
Solid Waste Management
2003-89

***A4e** Appointed Chris Fuzie to the Advisory Board on Substance Abuse Programs
2003-90

***A4f** Appointed Andrew Van Allen to the San Joaquin Valley Unified Air Pollution Control District
Citizen's Advisory Council
2003-91

***A4g** Appointed John Honnette to the San Joaquin Valley Unified Air Pollution Control District
Citizen's Advisory Council
2003-92

- *A5 Approved request to remove Joseph M. Sanchez from the Keyes MAC because his residence is no longer within the district boundaries 2003-93
- *A6 Authorized the Clerk-Recorder to conduct a special election on 6/3/03 to fill a vacancy on the Newman City Council 2003-94
- *B1 Approved and authorized the Chairman to sign the 02/03 Glassy-Winged Sharpshooter Contract with the California Department of Food & Agriculture; and, directed the Auditor-Controller to increase estimated Revenue and Appropriations – Agricultural Commissioner 2003-95
- *B2 Approved the allocation for Highway Property Rental Revenue Deposit Permit 872258 dated 11/15/02, \$14,970.36; allocated \$6,858 for payment of possessory interest tax bill (APN 029-3048-991) in accordance with §104.13(c) of the California Streets and Highways Code; allocated \$2,630.40 to the City of Modesto in accordance with §104.10 of the California Streets and Highways Code; and allocated \$5,481.96 to the County Road Fund in accordance with the provision in §104.10 of the California Streets and Highways Code that its spending be limited to mass transit or streets and highway purposes – Auditor-Controller 2003-96
- *B3 Approved a two-month extension of an educational stipend for Orlene Bell, Clinical Services Technician, through 3/17/03 – BHRS 2003-97
- *B4 Approved a master agreement with Pinkerton’s, Inc. for security services; authorized the Chairman to sign the agreement; authorized the BHRS Director to sign Project 03-01 for security services at Stanislaus Behavioral Health Center and Stanislaus Recovery Center; and, authorized the BHRS Director to negotiate and sign amendments to Project 03-01 during the term of the project not to exceed \$25,000 – BHRS 2003-98
- *B5 Approved an agreement with the California Institute for Mental Health to facilitate training and technical assistance to aid California Counties in providing services to homeless adults with psychiatric disabilities; and, authorized the BHRS Director, or his Designee, to sign the agreement – BHRS 2003-99
- *B6 Appointed for the 2003 term to the Stanislaus County Discipline/Equal Employment Opportunity (EEO) Grievance Appeals Board: Larry Haugh, Auditor-Controller as the Department Head Member, Theresa Grieshaber (Service Employees International Union Local 535) as the Employee Member, and local attorney Darrell Champion to serve as the Chairperson; appointed alternate members as follows: attorney Dave Walker to serve as Alternate Chairperson, Jeanne Hardin, Director of Regional 911 and Kevin Williams, Director of DER/Parks and Recreation, as the Department Head Alternates, Ronda Bell (Stanislaus Regional Emergency Dispatchers’ Association) as the First Alternate Employee Member and Debbie Hiebert (Stanislaus County Employees Association) as the Second Alternate Employee Member 2003-100
- *B8 Approved the State Water Resources Control Board Underground Storage Tank Local Oversight Program Contract No. 02-019-550-0; authorized the Director of DER to sign the contract and purchase the supplies, equipment and services included in the contract budget; and, authorized the Director of DER to approve any future amendments to contract No. 02-019-550-0 not exceeding the contract amount – DER 2003-101
- *B9a Adopted the decision of the Nuisance Abatement Hearing Board, Hearing #CE02-818, regarding nuisances at 5105 Central Ave., Ceres – DER 2003-102
- *B9b Adopted the decision of the Nuisance Abatement Hearing Board, Hearing #CE01-1637 and #CE01-1219, regarding nuisances at 960 and 966 Hickman Rd. – DER 2003-103
- *B9c Adopted the decision of the Nuisance Abatement Hearing Board, Hearing # CE02-1763, regarding nuisances at 5224 Motsinger Rd., A & B, Keyes – DER 2003-104
- *B9d Adopted the decision of the Nuisance Abatement Hearing Board, Hearing # CE02-1314, regarding nuisances at 5566 9th St., Keyes – DER 2003-105

- ***B9e** Adopted the decision of the Nuisance Abatement Hearing Board, Hearing # CE02-1174, regarding nuisances at 4701 McHenry Ave., Modesto – DER 2003-106
- ***B9f** Adopted the decision of the Nuisance Abatement Hearing Board, Hearing # CE02-767, regarding nuisances at 1506 Grimes Ave., Modesto – DER 2003-107
- ***B9g** Adopted the decision of the Nuisance Abatement Hearing Board, Hearing # CE02-131, regarding nuisances at 937 Pauline Ave., Modesto – DER 2003-108
- ***B9h** Adopted the decision of the Nuisance Abatement Hearing Board, Hearing # CE02-2266, regarding nuisances at 428 S. Conejo Ave., Modesto – DER 2003-109
- ***B9i** Adopted the decision of the Nuisance Abatement Hearing Board, Hearing # CE02-1707, regarding nuisances at 320 Rio Grande Ave., Modesto – DER 2003-110
- ***B9j** Adopted the decision of the Nuisance Abatement Hearing Board, Hearing # CE02-1339, regarding nuisances at 1100 S. Soderquist Rd., Turlock – DER 2003-111
- ***B10** Approved the California Youth Advocacy Network/Public Health Foundation Enterprises contract with the HSA for Youth Advocates Promoting Better Health Mini-Grant, and authorized the HSA Managing Director to sign and execute the allocation agreement and any amendments thereafter, up to the mini-grant total of \$4,750 2003-112
- ***B11** Approved grant from Blue Cross of California State Sponsored Programs for telemedicine technical support and medical equipment warranties, and authorized the HSA Managing Director, or her Designee, to sign and execute the agreement 2003-113
- ***B12** Approved amendment to the Urgent Care Agreement between the HSA and SFMG to temporarily permit SFMG to utilize mid-level providers in the Urgent Care, and authorized the HSA Managing Director, or her Designee, to sign the amendment 2003-114
- ***B13** Approved the HSA to enter into an agreement with the California Department of Health Services, Sexually Transmitted Disease (STD) Control Branch, to accept funds in the amount of \$100,000 for health opportunities for teens, to provide screening, prevention and treatment of sexually transmitted diseases; and, authorized the HSA Managing Director, or her Designee, to sign the agreement and accept the funds 2003-115
- ***B15** Approved the transfer of \$18,364.60 from the general liability self insurance fund to Fleet Services, and increase appropriations in both funds for reimbursement of a damaged vehicle -Risk Management 2003-116
- ***B16** Authorized the Chairman, the CEO, and the Sheriff to sign the extension of the contract with the City of Patterson for the Sheriff to provide general law enforcement services for an additional five years beginning 7/1/03 to 6/30/08 – Sheriff 2003-117
- ***B17** Accepted the Stanislaus County Treasury Pool’s November 2002 monthly investment reports as prepared by the Treasurer/Tax Collector’s Office and reviewed for conformity with State law and local investment policy by the Treasury Pool Oversight Committee; and, authorized the Chairman to sign that the report has been reviewed and accepted – T/TC 2003-118
- ***B18** Accepted the Stanislaus County Groundwater Management Preliminary Feasibility Report for the County to provide groundwater management and planning activities to unincorporated areas that are not represented by an agency eligible to adopt an AB 3030 Groundwater Management Plan; and, directed DER staff to continue identification of funding sources and resources necessary for the completion of a feasibility report – DER 2003-119
- ***C1** Directed the Auditor-Controller to increase appropriations by \$1,220 and estimated revenue by \$1,077 to cover survey staking sheets for the Carpenter Rd. Realignment Project – PW 2003-120
- ***C2** Approved the subject agreement for sale of county’s interest in property needed for the planned project to replace the 9th St. Bridge across the Tuolumne River, to the City of Modesto; authorized the Chairman to execute the agreement; and, authorized the Chairman

to sign the Grant Deed as provided by the subject agreement, at such time as the agreement has been fully executed by City of Modesto, City of Ceres, and Stanislaus County – PW
2003-121

- *C3** Set a public hearing on 3/25/03, at 9:25 a.m., for the Golden State Lighting District, to receive comments regarding the proposed formula for calculation and levy of annual assessment to pay for street lighting services; and, authorized the Public Works to conduct a ballot procedure in compliance with Proposition 218 – PW 2003-122
- *D1** Rescinded a portion of Williamson Act Contract # 77-2451 (August Rd., District 2); approved new contract pursuant to Minor Lot Line Adjustment Application 2002-42, 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 §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 2003-123
- *D2** Adopted the Mitigated Negative Declaration and approved the Robertson Road Neighborhood Infrastructure Improvements Project – Planning & Community Development 2003-124
- *D3** Accepted the 2001-2002 Annual Report on the Stanislaus County General Plan and authorized the Planning Director to submit it to the State – Planning & Community Development 2003-125
- *D4** Set a public hearing on 2/18/03 at 6:35 p.m. for Rezone Application #2002-34 - Gerry Hughes – Planning & Community Development ORD-54-M-2 2003-126
- *D5** Set a public hearing on 2/18/03 at 6:40 p.m. for Rezone Application #2002-32 - Forrest Aarvig – Planning & Community Development ORD-54-M-3 2003-127
- *D6** Set a public hearing on 2/18/03 at 6:45 p.m. for Rezone Application #2002-35 - Post Properties, LLC – Planning & Community Development ORD-54-M-4 2003-128
- *D7** Set a public hearing on 2/18/03 at 6:50 p.m. for Rezone Application #2002-08 - Mark Porter – Planning & Community Development ORD-54-M-5 2003-129

G/M unan. ***B7** Appointed members to the Stanislaus Economic Development and Workforce Alliance Board and Youth Advisory Council; and, approved the third year modifications to the Stanislaus County Workforce Investment Act Five-Year Plan – DET 2003-130

C/P unan. ***D8** Approved Salida Park account expenditure to Grover Landscape Services, Inc.; approved Salida Park account expenditure to SCM Corporate Group; authorized the Auditor-Controller to issue a warrant in the amount of \$27,575 to Grover Landscape Services Inc.; and, authorized the Auditor-Controller to issue a warrant in the amount of \$1,523.89 to SCM Corporate Group – Planning & Community Development 2003-136

M/C unan. **9:20am** Finds the project for Rezone Application #2002-07 - Valley Peterbilt, Inc, to change zoning from A-2-40 (General Agriculture) to Planned Development on 11.7 acres for construction of a truck sales and service facility on Golden State Blvd. at Barnhart Rd. in the Turlock/Keyes 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 attached Certificate of Fee Exemption, those findings being based on the analysis presented in the Initial Study, and ordered the filing of the certificate of Fee Exemption with the Clerk-Recorder's Office; adopted the Mitigated Negative Declaration pursuant to CEQA Guidelines §15074(b); finds that on the basis of the whole record, including the Initial Study and any comments received, 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 §15075(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 proposed Planned Development is consistent with the Stanislaus County General Plan and Keyes Community Plan; approved Rezone Application #2002-07 - Valley Peterbilt, Inc., subject to the attached Mitigation Monitoring Plan and Amended Development Standards including language for Standard #39 as contained in the 1/28/03 memo from Public Works; and introduced, waived the reading and adopted Ordinance C.S. 816 for the approved Rezone Application #2002-07 - Planning and Community Development
ORD-54-L-9 2003-138 & 2003-139

C/P unan. **9:25am** Authorized an increase in the County Public Facility Fees per attachment A, after finding that there is a reasonable nexus between the impact of growth on existing facilities, current level of service and fee levels recommended by staff; approved and adopted the findings as set forth and as required by §66001 of the California Government Code as to the fees included in the modification of the Public Facility Program; and, amended the item to approve the effective date of 4/5/03
M-64-C-14 2003-140

Recessed at 11:18 a.m.

Reconvened at 11:28 a.m.

C/P unan. **B23** Adopted the CEO's preliminary budget reduction strategies for FY 02/03 and beyond; directed the CEO to return with more specific budget reduction strategies as a part of the Mid-Year Budget Report on 2/25/03, and on a regular basis thereafter; adopted a resolution formally opposing the Governor's budget proposal for FY 03/04 and urging the Governor and legislature to support all legislation to maintain essential local government funds as well as to continue to meet State mandated reimbursement obligations to county governments; authorized the CEO to conduct a thorough analysis of various human resource related initiatives, creating alternatives to allow for budget reductions and to report those results back to the Board in the context of upcoming budget reports; approved the County job-sharing policy for unrepresented confidential and management employees, and authorized the CEO to discuss this program and other options with the unions as a possible alternative to reductions-in-force; directed the CEO to provide regular updates to the Board and to provide fiscal status updates to our State Legislative Representatives, the Governor and the California Association of Counties to keep them informed of the budget impacts and the Board's fiscal policy in Stanislaus County; authorized County Counsel to aggressively consider legal action where appropriate to ensure that State budget actions and/or decisions are consistent with California and/or Federal law, and that county government interests are protected; reaffirmed the Board's No Back-Fill Policy relative to state or federal required programs for which funding is eliminated or reduced; and, considered establishment of policy in the coming weeks related to the state's failure to reimburse the counties for state mandated programs
2003-135

C/M unan. **B22** Authorized staff to prepare a Draft Master Development Plan for alternative uses of portions of County property located adjacent to the Fink Rd. and I-5 Interchange, authorized public discussions with the westside communities, elected officials and consultation with individuals and companies with expertise in recreation, business and economic development; and, authorized staff to include in the Fink Road Master Development Plan alternative uses, including, but not limited to, environmental mitigation, protection or buffer zones around the landfill, recreational facilities such as overnight camping and recreational vehicle parking, a motor sports complex, related business development, and highway oriented commercial development 2003-134

C/M unan. **B19** Adopted a resolution in opposition to the direct sale to end-users of bulk co-compost (sewage sludge) containing biosolids by the City of Modesto without 1) an EIR, 2) health risk assessment and, 3) analysis of the economic impact to the citizens of the westside due to the importation of waste - DER C-6-H-17 2003-131

M/G unan. **B20** Approved an agreement with the Housing Authority of Stanislaus County for guaranteed access for person with psychiatric disabilities to fifteen units at Miller Pointe Apartments, and authorized the Director of BHRS, or his Designee, to sign the agreement – BHRS 2003-132

G/P unan. **B21** Accepted the CSA’s report “The First Year’s Results of Outcome-Based Contracts” - CSA 2003-133

C/G unan. **E1** Introduced and waived the first reading of Ordinance C.S.818 to amend the fee payment provisions of County Code §23.04.010 of the Public Facility Fee Ordinance – County Counsel ORD-54-M-1; M-64-C-14 2003-137

M/C unan. **Corr 1** Adopted a resolution of support for the continued funding for biomass industry-related programs, specifically the Biomass-to-Energy Incentive Grant Program administered by the California Technology, Trade and Commerce Agency, as requested by the SJVUAPCD. 2003-141

Corr 2 Referred to the Health Executive Committee, a letter from State Senator Gloria Romero requesting support for Senate Bill 5x, referred to as “Five for Life”, the Alcohol Related Emergency Services Reimbursement Act of 2003.

Corr 3 Referred to the CSA, a letter from the State Department of Social Services regarding the Revised Child Abuse Prevention, Intervention and Treatment Funding Process.

Corr 4 Referred to the DER, a Notice of Preparation of Environmental Impact Report for the Monterey Amendment to the State Water Project Contracts received from EIP Associates.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Jesus Aguirre Morales; Zoey Dawn Parkin, a minor, by and through her Guardian ad Litem, Linda Herring, and Linda Herring, individually; Melvyn R. Powell; Unigard Insurance Company/Glen Rapp; Arturo P. Garcia; Blanca Carrillo; Robert Bush; Claims Resource Services on behalf of CSAA for their insured, Nicolas Vega; Susan Lindstrom; Patricia E. Bryte; Bill M. Walley; Maria Gaxiola, (an individual), Dulce Camacho, a minor, Misael Camacho, a minor, Maria Camacho, Guillermo Torres, a minor, Julio Torres, a minor, Melida Torres, a minor, Patricia Camacho, Hector Camacho, Delia Camacho, Jose Camacho-Rivera, Estate of Jose Camacho, Deceased, and Maria Gaxiola as Successor in Interest of Jose Camacho, Deceased; Progressive Insurance for their insured Irja Tover; Rocky C. Sanderson; Richard Blackburn and Patricia Blackburn; Issa Salem; Tim and Shirley Woods; and, Audra Noppe.

Supervisor Caruso attended a community meeting last night in Grayson, which was very well attended.

Supervisor Mayfield attended a TID Board meeting regarding the proposed energy plant in Turlock.

C/G unan. **Legislative A.** Approved the Stanislaus County 2003 Legislative Platform 2003-142

P/G unan. **Legislative B.** Adopted a resolution urging the California Legislature to reject the Governor's proposed shift of Local Vehicle License Fee (VLF) Revenues and to Honor the 1998 Commitment to Restore the VLF 2003-143

Adjourned to closed session at 1:28 p.m. for conference with legal counsel: Existing Litigation – Sofia YanCey Neely vs. the County of Stanislaus, a public entity, and its Public Works Department; Angelo Gonzalez; Miguel Gonzalez and Does One through Thirty – Number 290885, filed in Stanislaus Superior Court on June 6, 2001. Government Code Section 54956.9.

Adjourned at 2:22 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.)