

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

Regular Session

Tuesday

November 4, 2003

All Supervisors Present

Pledge of Allegiance to the Flag

Supervisor Caruso announced that Mae Hensley of Ceres is turning 100 years old today.

A commendation for Interagency Law Enforcement for their Investigation of the Home Invasion Robberies was presented to Sheriff Les Weidman.

Employee Service Awards for those honored for thirty years of service were given to Carol Hancock - BHRS; Marian Isaac - BHRS; and, Delores Pinto - BHRS. Employee Service Awards for those honored for twenty-five years of service were given to Amy Childs – BHRS; and, Guadalupe Perez – BHRS.

C/M unan. Adopted the consent calendar

- \*A1 Approved the minutes of 10/28/03
- \*A2 Approved request to cancel a public hearing on 2/17/04 at 6:35 p.m. to consider Williamson Act Cancellation #2002-01 and Use Permit #2002-53 – Catholic Church Cemetery 2003-1010
- \*A3 Proclaimed 11/15/03 as America Recycles Day 2003-1011
- \*A4 Proclaimed November 2003 as Adoption and Permanency Awareness Month 2003-1012
- \*A5 Approved request from E Clampus Vitus for use of the La Grange Gold Dredge Historical Site on Friday, 4/16/04 through Sunday, 4/18/04 2003-1013
- \*A6 Appointed in-lieu of election where no candidates filed, for Orestimba Creek Flood Control District 2003-1014
- \*A7 Accepted the Clerk-Recorder's Declaration of the Results of the Consolidated Election Conducted on 10/7/03 2003-1015
- \*A8 Approved waiving the procedural requirement to remove a member of the Children and Families Commission for meeting absences BD-69-9 2003-1016
- \*A9 Appointed Supervisor Ray Simon as the Director, and Supervisor Pat Paul as the Alternate, to the 2003/04 CSAC Board of Directors 2003-1017
- \*B1 Approved and authorized the Chairman to sign the FY 2003/04 Pesticide Application Reporting Contract with the California Department of Pesticide Regulation – Agricultural Commissioner 2003-1018
- \*B2 Authorized an amendment to the agreement with the United Advocates for Children of California for the provision of Mental Health Education, Advocacy and Support Services and authorized the Director, or his Designee, to sign the amendment – BHRS 2003-1019
- \*B3 Set a public hearing on 12/9/03 at 9:25 a.m. to consider the adoption of Updated Fire Protection Facilities Fees for the Salida Fire Protection District pursuant to Title 24 of Stanislaus County Ordinance Code 2003-1020
- \*B4 Approved submission of the Application for Reaccreditation of the Community Services Agency's Child Welfare Service Division to the Council on Accreditation and authorized the Chairman and the Director of CSA, or his designee, to sign the application – CSA 2003-1021

- \*B5 Approved the close-out of the Mainframe Computer Operations Internal Service Fund, Budget Unit 5151, as of 12/31/03; authorized the CEO-HR to transfer the Mainframe Operations staff to CSA, Budget Unit 1631, effective with the pay period beginning 11/30/03; authorized the Auditor-Controller to adjust appropriations within the Mainframe Operations Budget Unit Fund 5151; authorized the Auditor-Controller to adjust appropriations within the CSA Budget Unit 1631; and, authorized the Auditor-Controller to make closing journal entries to Budget Unit 5151 during the month of December 2003 and to issue any necessary rebates to customers to ensure close-out of the Internal Service Fund by 12/31/03 – CSA 2003-1022
- \*B6 Approved one contract and one amendment with California Department of Education for the Administration of the Child Care and Development Block Grant and authorized the Director of CSA, or his Designee, to sign the contract and amendment, and any other amendments not to exceed the individual contract amount – CSA 2003-1023
- \*B7 Approved a resolution to designate the Auditor-Controller as the County Officer authorized to receive a gift of any amount on behalf of Stanislaus County, and to report to the Board quarterly regarding the source and value of each gift valued in excess of \$10,000 – County Counsel 2003-1024
- \*B8 Approved the acceptance of funding from the California Wellness Foundation, through the California Family Health Council for Peer Provider Teen Clinics for Calendar Year 2004; approved submitting scope of work and preliminary budget to the California Family Health Council for Peer Provider Teen Clinics at the Paradise Medical Office, Hughson Medical Office and the McHenry Medical Office; and, approved the HSA Director, or her Designee, to sign the contract to accept \$100,000 for the Peer Provider Teen Clinical Services – HSA 2003-1025
- \*B9 Accepted bridge funding from the California Family Health Council, Inc. for the Health Services Agency’s Information and Education (I&E) Program and authorized the Managing Director of HSA to sign and execute the contract – HSA 2003-1026
- \*B10 Accepted the FY 2002/03 Fourth Annual Report from the Stanislaus County Family Violence Death Review Team – HSA 2003-1027
- \*B11 Authorized the Director of the Department of Parks and Recreation to accept a grant in the amount of \$50,000 from the State of California Off-Highway Motor Vehicle Recreation Grant Fund, for the construction of a boundary fence at Frank Raines Regional Park Off-Highway Vehicle Area; authorized the Auditor-Controller to make the necessary financial adjustments; and, approved the finding that this project is categorically exempt from CEQA – Parks and Recreation 2003-1028
- \*B12 Approved the purchase of playground equipment for Paradise School pursuant to a Joint Use Agreement and approved the transfer of ownership of the equipment to the Paradise Elementary School District – Parks and Recreation 2003-1029
- \*B13 Approved a resolution authorizing the Department of Parks and Recreation to apply for grant funds for the Park Bond Act of 2002 (Proposition 40) Per Capita Grant; authorized the Director of the Department of Parks and Recreation to apply to the State of California Resource Agency, Department of Parks and Recreation, for the Park Bond Act 2002 (Proposition 40) Per Capita Grant, and to sign all necessary documents; and, directed the Director of Department of Parks and Recreation to return to the Board with a list of specific projects to be funded by the Park Bond Act 2002 (Proposition 40) Per Capita Grant Program – Parks and Recreation 2003-1030
- \*B14 Approved a resolution authorizing the Department of Parks and Recreation to apply for the Park Bond Act 2002 (Proposition 40), Roberti-Z’ Berg-Harris Urban Open Space and Recreation Program Grant Program Funds; authorized the Director of the Department of Parks and Recreation to apply to the State of California Resource Agency, Department of

- Parks and Recreation, for the Park Bond Act 2002 (Proposition 40) Roberti-Z' Berg-Harris Urban Open Space and Recreation Program Grant Program Funds, and to sign all necessary documents; and, directed the Director of the Department of Parks and Recreation to return to the Board with a list of specific projects to be funded by the Roberti-Z' Berg-Harris Urban Open Space and Recreation Program Grant Program 2003-1031
- \*B15** Approved the abandonment of irrigation pipeline facilities at the proposed Empire Park site and authorized the Chairman to sign the necessary documents for the abandonment of irrigation pipeline facilities – Parks and Recreation 2003-1032
- \*B16** Authorized the Sheriff to donate driving simulators as surplus property to the Los Angeles Police Department – Sheriff 2003-1033
- \*B17** Authorized the acceptance of \$226,067 Eighth-Year Funding from the U.S. Department of Justice, Bureau of Justice Assistance for the 2003 Local Law Enforcement Block Grant Program; directed the Auditor-Controller to establish a new interest-bearing Budget Unit in the Special Revenue Fund and estimated revenue and appropriations accounts; approved the recommendations from the Local Law Enforcement Advisory Group for use of the 2003 Local Law Enforcement Block Grant Program Funds; and, authorized disbursement of any interest earned on the Special Revenue Budget Unit proportionately to the relevant departments at the conclusion of the grant, and increase the budget accordingly 2003-1034
- \*B18** Approved an employment agreement with the Gallo Arts Center, LLC and authorized the Interim CEO to execute the agreement; amended the Salary and Position Allocation Resolution to reflect this agreement and provide for the structure to allow the Gallo Arts Center to contract with the County for employment services; and, authorized the Auditor-Controller to accept funds from the Gallo Arts Center, LLC, and to pay any and all cost associated with the employment agreement from those funds 2003-1035
- \*C1** Finds that all off-site street improvements required for Vesting Tentative Parcel Map #2002-06 by the Subdivision Improvement Agreement executed by California Equity Management Group, Inc., and the Stanislaus County Board of Supervisors on 1/7/03, have been constructed to the satisfaction of Stanislaus County; finds that said agreement was recorded on 1/9/03 as Document #2003-0003617-00 and filed with the Stanislaus County Clerk Recorders Office; accepted all street improvements within the North El Roya Avenue right-of-way in the Modesto area required by Vesting Tentative Parcel Map #2002-06 for maintenance by Stanislaus County; authorized the release of Irrevocable Letter of Credit #7700802208, issued by County Bank in the amount of \$202,330 for faithful performance of the Subdivision Improvement Agreement, pursuant to §66499.7(A) of the Subdivision Map Act; authorized the release of Irrevocable Letter of Credit #7700803008, issued by County Bank in the amount of \$202,330 for payment of labor and materials upon receipt of a Mechanic's Lien Guarantee dated a minimum of 61 days after a Notice of Completion has been recorded, pursuant to §66499.7(B) of the Subdivision Map Act; and, the Mechanic's Lien Guarantee must be in the amount of \$202,330. be prepared by a title company, be to the benefit of Stanislaus County, and state that there are no Liens of Record – PW 2003-1036
- \*D1** 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 \$9,394.35 to Grover Landscape Services, Inc.; and, authorized the Auditor-Controller to issue a warrant in the amount of \$469.72 to SCM Corporate Group – Planning 2003-1037
- \*D2** Set a public hearing on 11/25/03, at 9:30 a.m. for Rezone Application #2003-06 and Tentative Map Application #2003-02, Del Rio Lago – Planning 2003-1038

- \***D3** Set a Public Hearing on 11/25/ 03 at 9:35 a.m. for Rezone Application #2003-05, Parcel Map Application #2003-23 and Abandonment of Pirrone Court for Innovative Technologies Business Park (Phase 2) – Planning 2003-1039
- \***D4** Set a public hearing on 11/25/03 at 9:25 a.m. to consider the introduction, waiving of the reading, and adoption of Ordinance C.S. 861, Planning and Community Development Department Ordinance Amendment #2003-01 an amendment to Zoning Ordinance Chapters 21.12 and 21.20 to require use permits for new or expanded confined animal facilities; and, authorize the Clerk of the Board to publish notice of the hearing as required by law – Planning 2003-1040

G/C unan. Continued the **9:25am** Public Hearing to Consider an Appeal of Planning Commission Decision for Use Permit Application #2002-30 - Salida Hulling Association, a request to establish an almond hulling facility, consisting of a sheller plant, dryer, office, shop and truck scale, on approximately 50.42 acres located on the northeast corner of State Route 132 (Maze Blvd.) and Dakota Avenue, in the Modesto area; the Board made a finding that a supplemental traffic report was provided which was not available at the time of the Planning Commission consideration of the proposed negative declaration and proposed project; and, continued the appeal to an unspecified future date to allow the recirculation of the CEQA document and for the Planning Commission to consider the recirculated document, take action on the Use Permit, and report to the Board on its conclusions – Planning 2003-1041

M/C unan. **9:35am** Adopted the 2003/04 Annual Assessment Rates for Del Rio Heights Landscape Assessment District as shown in Table 2; and, authorized the transfer of any fund balances into the General Reserve and/or the system replacement funds (funds shall retain all interest earned) for the Del Rio Heights Landscape Assessment District – Parks and Recreation 2003-1042

C/G unan. **B19** Authorized amendment of the Salary and Position Allocation Resolution in Budget Unit 4041 to reflect the changes detailed in the staffing impact section of this item; authorized the Auditor-Controller to increase budget expenditures and revenues; upon approval of the Interim CEO, authorized the BHRS Director to develop and implement a program of one-time team retention incentive pay for nurses of up to \$5,000 per full-time psychiatric nurse assigned to the Inpatient Program at Stanislaus Behavioral Health Center who remains employed for at least one year from the date of initial hiring; authorized the BHRS Director to develop a program that rewards and recognizes employees who significantly contribute to the recruitment of additional psychiatric nurses assigned to the Inpatient Program at Stanislaus Behavioral Health Center; and, **amended** the item adding a staff recommendation which approved and authorized the Interim CEO to extend the additional benefits identified in the staffing impacts at such time as is necessary to ensure that sufficient nursing personnel are recruited to meet statutory requirements of the Inpatient Program at Stanislaus Behavioral Health Center – BHRS 2003-1043

C/G unan. **B20** Approved the contract with Economic Development and Workforce Alliance (Alliance) for the implementation of the Marketing Strategy of the Countywide Economic Development Strategic Plan and authorized the County Interim CEO, or her designee, to sign the contract with the Economic Development and Workforce Alliance (Alliance) to implement the scope of the project 2003-1044

M/C unan. **C2** Authorized the Director of Public Works to negotiate and execute an agreement to lease the County’s agricultural property located generally north and west of the Fink Road Landfill to Lent Burden Farming, Inc., for a period of two years – PW 2003-1045

**Corr 1** Referred to BHRS, a letter from the California Mental Health Planning Council regarding the composition study of Mental Health Boards and Commissions.

**Corr 2** Acknowledged receipt of the Center for Human Services' Annual Community Report 2002-03

**Corr 3** Referred to Public Works and Planning and Community Development, a letter from the California Department of Transportation regarding the public comment period for the Initial Study of the proposed widening of State Route 132 in the City of Modesto.

**Corr 4** Referred to the Chief Executive Office, a Fact Sheet, the Draft Finding of No Significant Impact and the Draft Finding of Suitability to Transfer from the National Aeronautics and Space Administration (NASA) regarding the transfer of the Crows Landing Flight Facility to Stanislaus County.

**Corr 5** Referred to Planning and Community Development, a letter from the United States Department of the Interior Bureau of Land Management (BLM) regarding the potential for development of wind energy on western BLM-administered lands.

**Corr 6** Referred to DET, "Profiles of Youth Systems in California's Workforce Investment Areas" from the California Workforce Investment Board.

**Corr 7** Referred to the Sheriff, the District Attorney and Chief Probation Officer, a letter from the Board of Corrections regarding the comment period on a new regulation titled: DNA Collection – Use of Reasonable Force.

**Corr 8** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Enterprise Rent-A-Car; Jan Jacobs; and, Brian S. Sparks.

Supervisor Caruso noted that today there will be a meeting at 5:30p.m. in Westley to follow-up on the Future Search progress. He attended the regional park ground breaking in Ceres a few days ago.

Supervisor Paul noted that she and Supervisor Caruso attended the annual training for all the MACs on Saturday. She requested that in the future this event be hosted in different areas of the County.

The Interim CEO thanked the Board for their support, and staff for their good work, on the Unincorporated Communities Workshop held on Saturday. She noted that last Thursday Assemblyman Aghazarian was here, which provided the opportunity for the County to articulate their needs. She reminded everyone that today is Election Day, and encouraged everyone to vote.

The Interim CEO announced that there will be a Ground Breaking Ceremony for the Grayson Community Center and Park on 11/8/03 at 10:00 a.m., 8900 Laird Street, Grayson, CA.

Adjourned to closed session at 10:41 a.m. for conference with Legal Counsel-Existing Litigation: Misty Marez, an Incompetent, by and through her Guardian Ad Litem. Sandra Benenati vs Ford Motor Company; County of Stanislaus, Ceres Unified School District; Rana S. Samra; Does 1 to 100, Inclusive. Superior Court Case Number 331398. Government Code §54956.9. Labor Negotiations: Agency Negotiator Patricia Hill Thomas. Labor Organizations SCEA/AFSCME, SEIU, OE3, DSA, SCSSA, CAIR/CIR, CNA and UDW. Pursuant Government Code §54954.9(e).

Adjourned at 11:50 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.)