

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

Regular Session

Tuesday

March 2, 2004

Supervisor Grover Absent

Pledge of Allegiance to the Flag

Distinguished Budget Presentation Award from the Government Finance Officers Association was presented to the Stanislaus County Chief Executive Office Budget Unit.

Raymond Ontiveroz thanked the Board for purchasing the land next to the Fink Road landfill.

Ida Mae Mullins, of the Shackelford area, thanked the Board for providing storm drains in her neighborhood and said the area stayed dry during the recent rains.

Ann Sutherland, of the United Domestic Workers Union (UDW), spoke regarding the current labor negotiations with the County. She stated that the County would be reimbursed within four years from the State Realignment Trust Fund for these labor costs.

Henry Dill spoke regarding the UDW labor negotiations. He asked the Board to make an investment in the people of the County, and noted that caregivers are working people in this County.

Kristi Rosenquist, a nurse caregiver, stated that 54 business owners in the County support giving caregivers a raise. The number of clients is growing rapidly and the number of caregivers is rapidly dwindling, which is causing an increased caseload.

Danielle Maxwell, caregiver for her son who is developmentally disabled, spoke regarding the UDW labor negotiations with the County, and the need for higher wages.

Walt Collinge, caregiver for his wife since 1980, spoke regarding the need for a raise.

Wanda Parks spoke regarding the excellent care her mother is receiving from her current caregivers, as compared to the poor medical care she received in a care-home. She supports giving the UDW employees a raise.

Patricia Boyd spoke regarding the importance of senior citizens being able to stay home and receive necessary care from caregivers, as opposed to being placed in skilled nursing facilities.

Olga Bentilan, a caregiver, spoke regarding the poor condition that Wanda Park's mother was in when she came home from a care-home.

Madeline Amaral, who has been taking care of her son for 36 years, noted that her son is receiving excellent care from his caregivers. She supports giving these caregivers a raise.

D. Maria Vasquez, a victim of violent crime, spoke in support of a raise for her caregivers. She noted that if it were not for her aide, she would not have any quality of life. Her aide makes her life better, and maintains her dignity.

Simon/Paul (4-0)(Grover absent) **B8** Approved proceeding with the Gallo Center for the Arts Project; adopted the new project schedule; approved the conditional award of the construction contract to the low bidder, Clark And Sullivan Builders, Inc. of North Highlands, California for \$21,107,000 (base bid and alternate 3) for construction of the Gallo Center for the Arts, subject to the close of the County's financing and receipt of funds from the Central Valley Center For The Arts (CVCA) for the construction costs being paid by private donations; authorized the County to accept funds from the Central Valley Center For The Arts (CVCA) upon the close of CVCA's financing for its share of project costs; authorized the Auditor/Controller to accept \$2,633,000 from CVCA for theatrical equipment and \$1,801,729 for deferred finishes within one year after award of the construction contract; in accordance with the financing plan approved by the Board of Supervisors on 2/17/04, authorized staff to proceed with the close of financing for Stanislaus County COP 2004 (Series A and B); after completion of financing and receipt of funds for the project, authorized the Project Manager to Issue A Notice To Proceed in accordance with the contract documents; authorized the Project Manager to execute contracts and work orders for necessary professional, inspection, and construction management services as long as they are within the budget; and, authorized the CEO to plan and conduct a public ground breaking ceremony to coincide with the commencement of construction

2004-151

Paul/Mayfield (4-0)(Grover absent) **B9** Approved proceeding with the 12th Street Office and Parking Garage Project; adopted the revised project budget and authorized the Auditor-Controller to transfer budget appropriations in accordance with the Budget Journal Voucher to reflect actual bids; adopted the project schedule; authorized the Project Manager to negotiate and execute a revised master agreement with Westland and STANCERA relating to the adoption of the revised budget and schedule; approved the conditional award of a construction contract to the low bidder, ACME Construction Co., Inc. for \$15,895,000 for construction of the 12th Street Office Building and Parking Garage, subject to the close of the County's financing and receipt of funds from the County's partners in the project: Westland Development and the Stanislaus County Retirement Association (STANCERA) in accordance with project agreements; in accordance with project agreements and the revised budget, authorized the County to accept funds from Westland Development for its share of the cost of the office building; and authorized the County to accept funds from STANCERA for its share of project costs for the office building and parking garage; in accordance with the financing plan approved by the Board of Supervisors on 2/17/04, authorized staff to proceed with the close of financing for Stanislaus County COP 2004 (Series A and B) for the 12th Street Office Building and Garage Project; after completion of financing and receipt of funds for the project, authorize the Project Manager to issue a Notice To Proceed in accordance with the contract documents; authorized the Project Manager to execute contracts and work orders for necessary professional, inspection, and construction management services as long as they are within the budget; and, authorized the CEO to plan and conduct a public ground breaking ceremony to coincide with the commencement of construction

2004-152

Recessed at 10:31 a.m.

Reconvened at 10:44 a.m.

Simon/Mayfield (4-0)(Grover absent) Adopted the consent calendar after removing from the agenda item ***B4** Approval to Pay a Flat Rate Daily Meal Allowance to District Attorney Staff Assigned to the Peterson Trial who Must Work in San Mateo County During the Course of the Trial

***A1** Approved the minutes of 2/17/04

***A2** Accepted the resignation of Judith L. Thorkelson from the Mental Health Board 2004-135

***A3** Appointed Bobby Yamamoto to the West Stanislaus Irrigation District 2004-136

***A4** Proclaimed 3/7 – 13/04 as Girl Scout Week 2004-137

- *A5 Proclaimed March 2004 as Social Worker Recognition Month 2004-138
- *A6 Approved changing the name of the Turlock Joint Unified School District to the Turlock Unified School District 2004-139
- *A7 Accepted the resignation of Evelyn Allinson and approved the appointment of Janet M. Cuiriz to the Empire Sanitary District Board 2004-140
- *A8 Appointed Rhonda Flemmings to the Mental Health Board 2004-141
- *B1 Approved the agreement between the State Department of Mental Health and Behavioral Health for State hospital bed usage for FY 2003/04; approved an amendment to an agreement between Crestwood Behavioral Health, Inc. for psychiatric services for clients in locked-down facilities through 6/30/04; and, authorized the Director, or his Designee, to sign the agreement and the amendment – BHRS 2004-142
- *B2 Approved a one-year extension of an Educational Stipend for Hard to Recruit Positions for Guadalupe Sanchez, Behavioral Health Specialist II, through 6/30/05 – BHRS 2004-143
- *B3 Approved staff findings, pursuant to California Government Code 56425, that the City of Turlock’s Proposed Sphere of Influence Expansion in the northeast Turlock Master Plan is logical and orderly C-5-E-5 2004-144
- *B5 Declared 32 County vehicles as surplus equipment and authorized the items to be auctioned, and directed the Auditor-Controller to deposit all receipts from the sale of these vehicles to the Fleet Services Division’s account 46000, Sale of Fixed Assets – Purchasing 2004-145
- *B6 Accepted the Stanislaus County Treasury Pool’s December 2003 Monthly Investment Report 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 for the Board that the report has been reviewed and accepted – Treasurer/Tax Collector 2004-146
- *B7 Approved and adopted the General Use Guidelines for Harvest Hall; approved the Facility Use Fees Schedule; authorized the Ag Commissioner to serve as the designated County Officer responsible for the use and rental of Harvest Hall; directed that the revenue from the use of the facility be dedicated to the maintenance, repair, and upkeep of the Harvest Hall Facility; and, amended the Salary and Position Allocation Resolution to add one full-time Agricultural Assistant I Position to the Ag Commissioner 2004-147
- *C1 Find that all subdivision improvements required for Summit Corporate Center Phase 2 (PM2001-12) by the Subdivision Improvement Agreement, executed by Berberian Properties, LLC and the Stanislaus County Board of Supervisors on 11/25/03, have been constructed to the satisfaction of Stanislaus County; accepted all streets, avenues, roads, and the drainage system within Summit Corporate Center Phase 2 for maintenance by Stanislaus County; and, pursuant to §66499.7(B) of the Subdivision Map Act, upon receipt of a Mechanic’s Lien Guarantee, authorized the release of the Certificate of Deposit, Account No. 8931029295, issued by Wells Fargo Bank in the amount of \$502,388.00 for Payment of Labor and Materials, the Mechanic’s Lien Guarantee must be dated a minimum of 61 days after the filing of the appropriate Notice of Completion; be in the amount of \$502,388.00; be prepared by a Title Company; be to the benefit of Stanislaus County; and state that there are no Liens of Record 2004-148
- *D1 Set a public hearing for 3/30/04 at 9:30 a.m. to set aside and void the approvals of the 2001 Addendum to the Diablo Grande Specific Plan EIR and the Modified Condition of Approval Number 57 for Vesting Tentative Map 97-01, Diablo Grande, Unit 1, and to take associated actions 2004-149
- *D2 Set a public hearing for 3/30/04 at 9:25 a.m. to consider Rezone Application No. 2003-07 ORD-54-R-7 2004-150

Recessed at 10:45 a.m.

Reconvened as the Stanislaus County Capital Improvements Financing Authority at 10:45 a.m.

Paul/Mayfield (3-0)(Simon abstained)(Grover absent) **9:20 a.m. (I-A*)** Approved the minutes of 2/17/04

Mayfield/Simon (4-0)(Grover absent) **9:20 a.m. (I-*B)** Appointed the Stanislaus County Deputy Clerks of the Board of Supervisors as the Deputy Secretaries of the Capital Improvements Financing Authority
2004-154

Recessed at 10:48 a.m.

Reconvened as the Stanislaus County Board of Supervisors at 10:48 a.m.

Simon/Paul (4-0)(Grover absent) **9:25 a.m.** Finds the project for Rezone Application #2003-08 and Vesting Tentative Parcel Map Application #2003-15 - B & D United Builders, Inc. a request to rezone 23.4 +/- acres from PD-233 (Planned Development) to two new Planned Development zones and create eight (8) parcels and storm drain basin, 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 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) by finding 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; 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 and that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation; finds that based on the record, none of the parcel map findings listed below can be made: (A) that the proposed map is not consistent with applicable general and specific plans, (B) that the design or improvement is not consistent with applicable general and specific plans, (C) that the site is not physically suitable for the proposed density of development, (D) that the site is not physically suitable for the type of development, (E) that the design or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, (F) that the design or the type of improvements are likely to cause serious public health problems, (G) that the design or the type of improvements will conflict with easements acquired by the public at large, for access through, or use of property proposed for division; finds the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; approved Rezone Application #2003-08 and Vesting Tentative Parcel Map Application #2003-15 - B & D United Builders, Inc., subject to the attached development standards and mitigation measures; and, introduced, waived the reading and adopted Ordinance C.S. 862 for the approved Rezone Application #2003-08
- Planning
ORD-54-R-6 2004-155 & 2004-156

Mayfield/Simon (4-0)(Grover absent) **9:30 a.m.** Continued an appeal of Stanislaus County Planning Commission Approval for Use Permit Application #2002-28 - Santa Fe Aggregates, Inc. to 3/23/04
at 9:30 a.m. 2004-157

Corr 1 Referred to the Department of Planning and Community Development a letter from U.S. Department of Housing and Urban Development regarding Fiscal Year 2004 allocation of \$2,288,000 for the Community Development Block Grant Program and \$85,010 in Emergency Shelter Grants.

Corr 2 Referred to the Fish and Game Committee, Agricultural Commissioner and the Department of Parks and Recreation a letter from the California Department of Fish and Game regarding Mammal Hunting and Trapping Regulations proposed regulatory actions and language changes.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Richard A. Ney; Joseph Edward Lopes; Jose Santos Baudista; Olga Ruezga; Albert Hernandez; Guadalupe Villagomez Vega; and, California Highway Patrol.

Supervisor Paul noted that there was a wonderful celebration for the Empire Neighborhood Park GroundBreaking. She attended the Habitat for Humanity dinner and was pleased to see County staff there. She also attended, with Mayor Ridenour, an event celebrating the completion of the Needham Overpass.

Chairman Caruso noted that he and Supervisor Paul attended the Hispanic Chamber meeting.

Chairman Caruso attended a meeting on 2/26/04, conducted by the California Integrated Waste Management Board. The meeting was to discuss the process involving the permitting of landfills. County Counsel noted that representatives of the Waste Management Board acknowledged at the meeting that the Board of Supervisors limited the proposed expansion of the Fink Road Landfill to 129 acres and that the process for the 129 acres is continuing. The Waste Management Board representatives stated that at this point in time there is no permit request before them for expansion of the landfill.

The Interim CEO noted that there is a delegation of public and private individuals in Washington D.C. today to pursue transportation funds for the County. Supervisor Grover is representing the Board on this delegation. She noted that there has been much discussion in Sacramento regarding Workers' Compensation reform. The Federal penalty for the State's failure to automate the child support system is being charged to the Counties, and the invoices are being sent out. She noted that County staff, along with CSAC and the CEO association, is actively engaged in the budget process in Sacramento. She will bring a County budget report to the Board by the end of March.

The Chairman reminded everyone that today is Election Day and he encouraged all to vote.

Adjourned to Closed Session at 11:13 a.m. for a Conference with Legal Counsel: Anticipated Litigation – Significant Exposure to Litigation: Two Cases. Government Code §54954.5(c). Labor Negotiations: Agency Negotiator Patricia Hill Thomas. United Domestic Workers. Pursuant to Government Code §54954.9(f).

Adjourned at 12:35 p.m.

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

BY: CHRISTINE FERRARO TALLMAN, 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.)