

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

Regular Session

Tuesday

June 8, 2004

All Supervisors Present

Pledge of Allegiance to the Flag

A moment of silence was observed in memory of President Ronald Reagan, the 40th President of the United States.

Henry Dill spoke in support of a wage increase for IHSS workers. He noted that State legislation regarding IHSS funding has not changed.

Naria Bullock Jordan, Director of the Central Valley UDW, spoke regarding the need for increased wages and medical benefits for IHSS employees. She noted that caregivers are needed and the workforce is dwindling due to low wages.

Kristi Rosenquist, a UDW caregiver, spoke in support of health benefits for IHSS employees. She presented letters of support from the community for a wage increase and health benefits to the Board. She noted that UDW workers would be going to Sacramento tomorrow seeking support from State legislators for increased funding.

Ken Patterson, Director of CSA, spoke regarding the County labor negotiations with the UDW. He updated the Board regarding the potential federal waiver, which would assist in funding the IHSS program, and also the Governor's proposal to reduce the State's participation in IHSS provider wages.

Miguel Donoso gave copies of information to the Board regarding a local non-profit agency, which provides low income housing for the community. He is asking for the State Attorney General to investigate this agency.

Jim Duval, Deputy Director of the Redevelopment Agency, noted that the RDA has not provided any cash assistance to the non-profit agency that was mentioned by Miguel Donoso.

Simon/Mayfield unan. Adopted the consent calendar

*A1 Approved the minutes of 5/18/04

*A2a Adopted and waived the second reading of Ordinance C.S. 876 establishing new fees and increasing other existing fees for the Office of the Assessor ORD-54-R-9 2004-385

*A2b Adopted and waived the second reading of Ordinance C.S. 877 establishing new fees for the Clerk Recorder's Department ORD-54-R-10 2004-386

*A2c Adopted and waived the second reading of Ordinance C.S. 878 establishing new fees and amending existing fees for the Department of Environmental Resources ORD-54-R-11 2004-387

*A2d Adopted and waived the second reading of Ordinance C.S. 879 establishing the Department of Public Works Land Survey 2004 Fee Schedule ORD-54-R-12 2004-388

*A2e Adopted and waived the second reading of Ordinance C.S. 880 establishing new fees and amending existing fees for the Department of Parks and Recreation ORD-54-R-13 2004-389

- *A2f Adopted and waived the second reading of Ordinance C.S. 881 establishing the Department of Planning and Community Development 2004 Fee Schedule ORD-54-R-14 2004-390
- *A2g Adopted and waived the second reading of Ordinance C.S. 882 establishing new fees and amending existing fees for the Probation Department ORD-54-R-15 2004-391
- *A2h Adopted and waived the second reading of Ordinance C.S. 883 establishing new fees relating to property tax administrative costs for the Office of the Treasurer-Tax Collector ORD-54-R-16 2004-392
- *A2i Adopted and waived the second reading of Ordinance C.S. 884 establishing new Animal Court fees for the Department of Animal Services ORD-54-R-17 2004-393
- *A2j Adopted and waived the second reading of Ordinance C.S. 885 establishing new fees and increasing other existing fees for the Office of the Auditor-Controller ORD-54-R-18 2004-394
- *A2k Adopted and waived the second reading of Ordinance C.S. 886 establishing new fees relating to Treasurer-Tax Collector administrative costs ORD-54-R-16 2004-395
- *A2l Adopted and waived the second reading of Ordinance C.S. 887 amending existing fees for the Department of Animal Services ORD-54-R-17 2004-396
- *A3 Proclaimed June 2004 as National Homeownership Month 2004-397
- *A4 Appointed Mike Navarro to the Stanislaus County Planning Commission 2004-398
- *A5 Commended Margaret Speed upon her retirement from the DA Office 2004-399
- *A6 Approved requests from the Mid-Valley Water Ski Club for use of the Modesto Reservoir for five Disabled Clinics and two National Ski League Tournaments in the Summer of 2004 2004-400
- *A7 Approved request from the Modesto Jaycees for use of the Courthouse lawn and electricity for the Fourth of July Parade 2004-401
- *B1 Approved the 2004/2005 Megabyte Automated Property Tax System Maintenance Agreement with Megabyte Systems, Inc. and authorized the Interim CEO, upon recommendation of the Assessor, Auditor-Controller and Treasurer/Tax Collector, to sign the agreement – Assessor 2004-402
- *B2 Approved the amendment to the FY 2003/2004 agreement with the State Department of Mental Health for Managed Mental Health Care for Stanislaus County Medi-Cal beneficiaries; and, authorized the Director, or his Designee, to sign the FY 2003/2004 amendment increasing the fund allocation and incorporating federal Medicaid changes – BHRS 2004-403
- *B3 Approved increasing Appropriations and Estimated Revenues for FY 2001/2002 in the amount of \$1,500,000 in the Stanislaus Behavioral Health Center budget; approved the increase in Appropriations in the amount of \$579,664 in the Managed Care Services Budget; authorized the transfer of \$154,162 budgeted in Fixed Assets to Salaries and Benefits in the Stanislaus Behavioral Health Center budget; and, authorized and directed the Auditor-Controller to make the adjustments – BHRS 2004-404
- *B4 Set a public hearing on 6/29/04 at 9:35 a.m. to consider closing the East Modesto Regional Services and reducing the level of mental health services to uninsured persons pursuant to §1442.5 of the Health and Safety Code; approved posting a notice of the hearing at all County Mental Health facilities by 6/15/04; and, established 7/1/04 as the proposed effective date of the reduction of the level of mental health services to uninsured persons and 12/15/04 as the effective date for the closure of the East Modesto Regional Services Office– BHRS 2004-405
- *B5 Approved the multi-year agreement with the State Department of Alcohol and Drug Programs for the provision of Alcohol and Drug Services for FY 2004/2005 through 2007/2008; authorized the Director, or his Designee, to sign the agreement; and, authorized the Director, or his Designee, to sign future amendments to the agreement which may be

- proposed by the State Department of Alcohol and Drug Programs for FY 2004/2005
through 2007/2008 – BHRS 2004-406
- *B6 Approved a resolution commending Deputy Chief Executive Officer Patricia Sweeny and County Librarian Vanessa Czopek on being selected as the 2003 recipients of the Annual Equal Rights Award for their work in promoting equal rights 2004-407
 - *B7 Approved the Plans and Specifications for the remodel of the Animal Control Quarantine Building at 2846 Finch Road, Modesto; approved the project schedule for the Animal Control Quarantine Building Remodel Project; set the bid opening date as 7/20/04, no later than 2:30 p.m.; authorized staff to advertise for bids; authorized staff to review bids and recommend award; and, authorized staff to negotiate a temporary agreement with T-Kennel Systems to furnish containment units separate from the construction contract as long as costs are within the project budget 2004-408
 - *B8 Approved the decrease of the disposal fee at the Stanislaus Waste-to-Energy Facility to \$25.00 per ton effective 8/1/04 – DER 2004-409
 - *B9a Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 7749 Monterey Avenue, Ceres, California (CE No. 02-1920) – DER 2004-410
 - *B9b Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 1647 Portland Avenue, Modesto, California (CE No. 03-3261) – DER 2004-411
 - *B9c Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 1637 Seattle Street, Modesto, California (CE No. 03-3865) – DER 2004-412
 - *B9d Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 560 Cowan Street, Modesto, California (CE No. 03-3418) – DER 2004-413
 - *B9e Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 617 Marshall Avenue, Modesto, California (CE No. 04-62) – DER 2004-414
 - *B9f Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 1041 Beverly Drive, Modesto, California (CE 03-3838) – DER 2004-415
 - *B9g Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 708 Avon Street, Modesto, California (CE No. 03-3817) – DER 2004-416
 - *B9h Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 928 Acacia Street, Modesto, California (CE No. 04-300) – DER 2004-417
 - *B9i Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 136 Sperry Road, Patterson, California (CE No. 04-102) – DER 2004-418
 - *B9j Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 228 H Street, Turlock, California (CE No. 04-5) – DER 2004-419
 - *B9k Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 115 G Street, Turlock, California (CE No. 04-810) – DER 2004-420
 - *B10 Approved the Public Health Institute/Public Health Trust Grant No. 1008432 for the Tobacco Free Events Project with HSA and authorized the HSA Managing Director, or her Designee, to sign and execute the contract and any amendments thereafter – HSA 2004-421
 - *B11 Set a public hearing on 6/29/004 at 9:30 a.m. to consider ending the County’s participation in the California Healthcare for Indigents Program and eliminating the Child Health and Disability Prevention Treatment Program for FY 2004/2005 pursuant to §1442.5 of the Health and Safety Code; approved posting the notice of the hearing at all County medical facilities by 6/15/04; and, established 7/1/04, as the proposed effective date of the elimination of the Child Health and Disability Prevention Treatment Program – HSA 2004-422
 - *B12 Approved the agreements for physician and related services for medical care and HIV testing for FY 2004/2005; authorized the HSA Managing Director, or her Designee, to sign the

- agreements; and, authorized the HSA Managing Director, or her Designee, to negotiate and sign amendments to the agreements not to exceed \$75,000 – HSA 2004-423
- *B13** Approved personal service contracts for medical and dental services for FY 2004/2005 and authorized the HSA Managing Director, or her Designee, to sign the personal service contracts – HSA 2004-424
- *B14** Authorized the appointment of Alicia Hinshaw to the position of Staff Nurse III to the HSA Specialty Clinic at Step Five of the Salary Classification at \$31.45 per hour – HSA 2004-425
- *B15** Authorized the Director of the Department of Parks and Recreation to enter into an agreement with the Yahi Bowmen Archery Club, for the purpose of using and maintaining the field archery range at Modesto Reservoir Regional Park; and, approved adjusting the Annual Day Use Vehicle Permit Fee to a \$25.00 charge for all Yahi Bowmen Archery Club members in exchange for the club members' assistance with maintenance of the archery range - Parks and Recreation 2004-426
- *B16** Authorized the Department of Parks and Recreation to hold the Eighth Annual Fireworks Activities on 7/4/04 at Woodward Reservoir and authorized the Director of Department of Parks and Recreation to sign agreements to provide a fireworks display and activities - Parks and Recreation 2004-427
- *B17** Authorized the Sheriff to engage the transportation services of the Los Angeles County Sheriff's Department Statewide Transportation Bus System and authorized the Chairman to sign the agreement for the transportation of prisoners between the County of Los Angeles and the County of Stanislaus – Sheriff 2004-428
- *B18** Accepted the Stanislaus County Treasury Pool's March 2004 Monthly Investment Report as prepared by the 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 on behalf of the Board that the report has been reviewed and accepted – T/TC 2004-429
- *C1** Approved the installation of stop sign traffic control, under the authorization granted to local authorities in Vehicle Code §21355, at the following locations: 10th Street at Esmail Avenue, Roeding Road at Washington Road, and Hart Road at Blue Gum Avenue; required motorists on all approaches to stop prior to entering the intersections; and, the stop signs shall be located at or near all entrances to said intersections – PW 2004-430
- *C2** Approved the purchase agreement to acquire road right-of-way at the northeast corner of the intersection of Carpenter Road and Beverly Drive; authorized the Chairman to execute the agreement; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$5,400 payable to Antonio Arellano and Elena Arellano – PW 2004-431
- *C3** Approved the plans and specifications for the AC Overlay Program (FY 02-03) Project; directed the Clerk to publish notice inviting bids for the program as required by law; set the deadline for submission of bids as 7/14/04, prior to 2:00 p.m.; directed the Public Works staff to mail notice inviting bids to trade journals as required by law; and, directed the Auditor-Controller to increase Appropriations by \$5,000 and Estimated Revenue by \$4,823.50 in the project account, to defray the cost of advertising and publishing – PW 2004-432
- *C4** Finds that all off-site street improvements including the storm drain system required for Vesting Tentative Parcel Map #2002-16 have been constructed to the satisfaction of Stanislaus County; and, accepted all street improvements including the storm drain system required by Vesting Tentative Parcel Map #2002-16 for maintenance by Stanislaus County within the proposed development and the North Oaks Court right-of-way in the east Oakdale area – PW 2004-433

- *C5** Finds that the subject ordinance is not subject to CEQA (Public Resources Code, §2100 et seq.); and, introduced and waived the first reading of Ordinance C.S. 889 amending Title 11 of the Stanislaus County Code, adding speed zones on Lake Road, Waring Road and Dakota Road, and repealing speed zones on Diablo Grande Parkway – PW
ORD-54-S-2 2004-434
- *C6** Awarded contract for \$316,700 to RBF Consulting of Walnut Creek, California, for the intersections of Geer Road at Whitmore Avenue, and Geer Road at Hatch Road; authorized the Purchasing Agent to establish a contract with RBF Consulting for the contract amount; and, directed the Auditor-Controller to increase Appropriations by \$349,000 and Estimated Revenue by \$349,000, to cover engineering design, environmental studies, and geotechnical investigation – PW 2004-435
- *C7** Authorized the Auditor-Controller to increase Appropriations in the amount of \$25,000 for the Cooperstown Road Bridge Repair at Rydberg Creek Project to cover engineering design and other expenses related to the project – PW 2004-436
- *C8** Authorized the Purchasing Agent to execute Project No. 2004-01 with CH2MHILL for Scour Mitigation Study (Task 2) for the Hickman Road Bridge; and, directed the Auditor-Controller to increase Appropriations and Anticipated Revenue for the Hickman Road Bridge Scour Mitigation Study – PW 2004-437
- *D1** Set a public hearing on 6/22/04, at 9:25 a.m., to consider the introduction, waiving of the reading, and adoption of Planning and Community Development Department Ordinance Amendment #2004-01 an ordinance relating to the regulation of produce stands/produce markets and seasonal activities; and, authorized the Clerk to publish notice of the hearing as required by law – Planning ORD-54-S-3 2004-438
- *D2** Rescinded a portion of Williamson Act Contract #69-0458 (Rodden Road, District 1), and approved new contract pursuant to Minor Lot Line Adjustment Application #2003-02; 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 2004-439
- *D3** Rescinded a portion of Williamson Act Contract #807-1972 (Villa Manucha Road, District 5), and approved new contract pursuant to Minor Lot Line Adjustment Application #2003-32; 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 2004-440

***D4** Authorized the reallocation of \$50,740 to assist in the cost for design of the Keyes Storm Drain Infrastructure Project – Planning 2004-441

Simon/Paul unan. **A8** Proclaimed June 2004 as “Graffiti Summer” Month 2004-442

Grover/Mayfield unan. **B19** Approved the agreement with the State Department of Mental Health for FY 2004/2005 in which Stanislaus County agrees to administer the Managed Mental Health Care for Stanislaus County Medi-Cal Beneficiaries and to operate the Mental Health Plan for Stanislaus County; authorized the Director, or his Designee, to sign FY 2004/2005 agreement with the State Department of Mental Health; and, authorized the Director, or his Designee, to sign the future amendments to the Managed Care contract that may be proposed by the State Department of Mental Health for FY 2004/05 – BHRs 2004-443

Grover/Mayfield unan. **B20** Approved the “Five-Year Countywide Integrated Waste Management Plan Review Report,” including the updated Siting Element Map showing the 129 Acre Proposed Fink Road Landfill Expansion and authorized the Director of DER to submit the “Five-Year Countywide Integrated Waste Management Plan Review Report,” including the updated Siting Element Map showing the 129 Acre Proposed Fink Road Landfill Expansion to the California Integrated Waste Management Board – DER 2004-444

Recessed to sit as the Stanislaus County Redevelopment Agency at 9:43 a.m.

Paul/Simon unan. Approved the consent calendar
Approved the minutes of 5/4/04

9:25 a.m., *VI-A, Authorized the Executive Director to retain Kelling, Northcross and Nobriga to prepare a debt capacity study for a cost of \$12,850 2004-445

Mayfield/Simon unan. **9:25 a.m., VI-B,** Authorized the allocation of \$244,000 to assist in the cost for design of the Keyes storm drain infrastructure project 2004-446

Reconvened to sit as the Stanislaus County Board of Supervisors at 9:45 a.m.

Mayfield/Paul unan. **9:30am** The Board considered and approved the Planning Commission Recommendations Nos. 1 through 8 as set forth in the staff report to the Board; finds the project for Rezone Application #2003-13 - Millefiore Landscape Materials, a request to rezone 3.56 acres from A-2-40 (General Agriculture) to PD (Planned Development) to operate a landscape materials business which includes recycling wood-chips, bark colorizing, bulk storage, landscape material sales, and a concrete batch plant located on the west side of Highway 99, south of the East Keyes Road overpass and at the north end of Taylor Court, in the Keyes/Turlock 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 analyses presented in the Initial Study; ordered the filing of the certificate of Fee Exemption with the Stanislaus County 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 §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 project is consistent with the overall goals and policies of the County General Plan; finds that the proposed PD zoning is consistent with the Planned Development General Plan description; 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; and approved Rezone Application #2003-13, Millefiore Landscape Materials, subject to the attached Development Standards which will include the Turlock Irrigation District's Conditions in a letter dated December 2, 2003; amended Condition No. 7 to read "A landscaping plan shall be approved by the Planning Director prior to operation, which shall include continuous screening 3 to 6 feet tall, except that if a batch cement plant is installed, landscaping in the area in front of the batch plant will be 8 to 10 feet tall with appropriate trees."; amended Condition No. 8 to read "A plan for any proposed sign indicating the location, height, area of the sign, and message must be approved by the Planning Director as stated and found by the Planning Commission, which is 35 feet tall and limited to a 250 square foot sign."; deleted Condition No. 16; and, introduced, waived the reading and adopted Ordinance C.S. 888 for the approved Rezone Application #2003-13 - Planning
ORD-54-S-1 2004-447 & 2004-448

Corr 1 Referred to the Department of Public Works and the Environmental Review Committee, a letter from the California High-Speed Rail Authority regarding the public comment period on the Draft Program Environmental Impact Report/Environmental Impact Statement.

Corr 2 Referred to the DER, Form 10-Q for the Quarter ending March 31, 2004, and Form 10-K for the year ending December 31, 2003 from Covanta Energy Corporation regarding the Stanislaus Waste-to-Energy Financing Agency and Covanta Stanislaus, Inc.

Corr 3 Referred to the HSA, a copy of *Health in the Heartland: The Crisis Continues*, a report on health status and access to care in the San Joaquin Valley from the Central Valley Health Policy Institute, California State University, Fresno.

Corr 4 Referred to the CSA, a copy of the *California Report Card 2004: Focus on Children in Immigrant Families* from Children NOW.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Terry Turner; Steve Flores; Paulino Ibarra; Jimmy McCleary; Lorraine Baltz; Lance E. Ellis Real Estate; Yolanda Briseno; Sidney Lankford; Rocky C. Sanderson; and, Nicolaj Svoboda.

Supervisor Mayfield spoke regarding the financing of the Waste-to-Energy Plant, which is a partnership between City of Modesto and the County. He noted that the fixed interest rate of the \$20 million loan was changed to variable rate, which saved over \$10 million dollars in interest during the last 8 or 9 years.

Chairman Caruso went to Mariposa County on Friday to present a resolution commemorating the 150th year anniversary of their Courthouse and newspaper.

The Interim CEO reported on the County's Proposed FY 2004/2005 Budget and its availability on the Internet. The County's Final Budget will be presented at the 9/14/04 Board meeting. She gave an update regarding the State budget situation, and noted that SB 1212 (VLF swap), and SB 1774 (property tax return to Counties and Cities) have been approved in the local government committee. She updated the Board regarding the status of Booking Fees, TANIF funding, law enforcement funding, Corrections Training funds, and the Child Support Penalty. The State has taken one-half of the child support penalty amount from Stanislaus County, and staff will continue to work with the other counties regarding this issue.

County Counsel gave an update regarding the County Counsel's Association action regarding the State Child Support Penalty.

Adjourned to closed session at 10:28 a.m. for conference with Legal Counsel: Anticipated Litigation – Significant Exposure to Litigation. One potential case. Government Code §54954.5(c). Labor Negotiations: Agency Negotiator Patricia Hill Thomas. Labor Organizations SCEA/AFSCME, SEIU, OE3, DSA, SCSSA, CAIR/CIR, CNA, UDW and Management and Confidential. Government Code §54954.9(e).

Adjourned at 11:45 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.)