

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

Regular Session

Tuesday

October 12, 2004

All Supervisors Present

Pledge of Allegiance to the Flag

Vice-Chair Pat Paul presented a resolution proclaiming October 2004 as Domestic Violence Awareness Month to Leah Silvestre, Executive Director of the Haven's Women Center.

Chairman Caruso presented a resolution proclaiming October 21-31, 2004 as Red Ribbon Week to Ken De Vore, Chairman of the Advisory Board on Substance Abuse Programs.

Paul/Grover unan. Adopted the consent calendar after removing from consent item ***B7** Approval to Submit a Ten Year Recycling Market Development Zone Renewal Application and a Negative Declaration for the Zone Renewal – Environmental Resources

- ***A1** Approved the minutes of 10/5/04
- ***A2a** Adopted and waived the second reading of Ordinance C.S. 898 regarding the inspection and permitting of employee housing/labor camps ORD-54-T-2 2004-782
- ***A2b** Adopted and waived the second reading of Ordinance C.S. 899 regarding regulations and procedures concerning the operation of mobile home parks ORD-54-T-3 2004-783
- ***A3** Approved scheduling a Special Board of Supervisors meeting on 10/12/04 at 5:30 p.m. in the Board Chambers to adjourn no later than 6:30 p.m., and approved changing the meeting time for the Joint Board of Supervisors and City of Ceres Meeting from 6:30 p.m. to 7:00 p.m. to accommodate the special Board meeting 2004-784
- ***A4** Accepted the notification of vacancy on the Eastside Water District Board of Directors 2004-785
- ***A5a** Appointed Beverly Hay to the Advisory Board on Substance Abuse Programs 2004-786
- ***A5b** Appointed Johnathon Parker to the Keyes Community Services District 2004-787
- ***A6** Accepted the resignation of Connie Moreno-Peraza and appointed Denise Hunt to the Stanislaus County Children's Council 2004-788
- ***B1** Authorized the BHRS Director to appoint Barbara A. Kennison, MSN, RN to the position of Nurse Manager at SBHC at a salary of \$42.66 per hour which exceeds the mid-point of Band E – BHRS 2004-789
- ***B2** Approved amending the Salary and Position Allocation Resolution to add an Account Clerk III position in the Children and Families Commission Office 2004-790
- ***B3** Approved an accreditation agreement between the Child Welfare Services Office Division of CSA and the Council on Accreditation Services for Families and Children; and, authorized the Chairman of the Board of Supervisors and the Director of CSA, or his Designee, to sign the agreement – CSA 2004-791
- ***B4** Introduced and waived the first reading of Ordinance C.S. 902 adding Chapter 2.93 to the Stanislaus County Code establishing standards and regulations regarding vacant structures that have become a public nuisance – DER ORD-54-T-6 2004-792
- ***B5** Introduced and waived the first reading of Ordinance C.S. 903 adding Chapter 2.94 to the Stanislaus County Code establishing standards and regulations regarding vacant properties that have become a public nuisance – DER ORD-54-T-7 2004-793

- *B6 Accepted the Annual Inspection/Evaluation of Local Jail/Detention Facilities Report pursuant to §101045 of the State of California Health and Safety Code – DER 2004-794
- *B8 Approved the Public Health Department’s acceptance of Local Assistance Funding to support tuberculosis (TB) prevention and control activities in FY 2004/05 and authorized the HSA Managing Director, or her Designee, to sign the acceptance of award – HSA 2004-795
- *B9 Authorized the use of FY 2003 State Homeland Security Grant Program Part II Funds previously approved for fixed assets procurements for the acquisition of communication equipment for the City of Oakdale Police Department and the Sheriff’s Department; and, directed the Auditor-Controller to make the necessary budget changes
C-7-A-23 2004-796
- *B10 Approved the agreements for legal indigent defense services with the firms of Grisez, Orenstein and Hertle, and Perry and Associates for the continued provision of legal representation of indigents which the Public Defender is unable to represent; authorized the CEO to finalize and execute the agreements for the period of 11/1/04 through 6/30/06; approved a \$6,000 per month increase for each of the law firms to be effective 11/1/04 and included in the 12/1/04 payment to each law firm; and, approved a \$2,000 per month increase for each of the law firms to be effective 7/1/05 and included in the 8/1/05 payment to each law firm 2004-797
- *B11 Set a public hearing on 11/9/04, at 9:25 a.m., to introduce and waive the first reading of an ordinance amending existing fees for the Stanislaus County Law Library
ORD-54-T-8 2004-798
- *C1 Approved the FY 2004/05 Transportation Development Act Claim; authorized the Director of Public Works to execute and submit the claim to StanCOG; and, directed the Auditor-Controller to increase Estimated Revenue by \$503,958 and Appropriations by \$3,000- PW 2004-799
- *C2 Authorized the Institution of the Proceedings for the formation of CSA #22 - Old School North (in Denair) to provide the extended county service of drainage control and landscape maintenance within the storm drain basin; approved the Engineer’s Report prepared by the County Engineer; authorized an assessment ballot procedure in conformance with Proposition 218 for the proposed method for calculating the annual assessment for CSA #22; set a public hearing on 11/30/04 at 9:25 a.m., regarding the formation of and the proposed method for calculating the annual assessment for CSA #22 - Old School North; and, ordered that notice of the public hearing be given by mail pursuant to Government Code §53753(B) – PW
CSA-22-1 2004-800
- *C3 Finds that all off-site street improvements, including the storm drain system, required for Vesting Tentative Parcel Map #2002-13 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 #2002-13 for maintenance by Stanislaus County within the proposed development and the Sutton Court Right-of-Way in the East Riverbank Area – PW 2004-801
- *D1 Set a public hearing on 11/9/04, at 9:30 a.m., to consider Rezone Application #2004-04 - Ray’s Carpets, and the adoption of the related mitigated negative declaration – Planning
ORD-54-T-4 2004-802
- *D2 Set a public hearing on 11/9/04, at 9:35 a.m., to consider Rezone Application #2004-08 – Kiernan Station, and adoption of the related negative declaration - Planning
ORD-54-T-5 2004-803

Grover/Simon unan. *B7 Approved the submittal of a Ten Year Recycling Market Development Zone Renewal Application; **amended** staff recommendation No. 1 to “adopt a Negative Declaration pursuant to CEQA Guidelines §15074(b) by finding, based on 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 Negative Declaration reflects the independent analysis and judgement of Stanislaus County and, pursuant to California Fish and Game Code §711.4(c)(2), finds that the project is de minimis in its effect on fish and wildlife in that, considering the record as a whole, the project involves no potential for adverse effect, either individually or cumulatively, on wildlife or on the habitat upon which the wildlife depends, and ordered the filing of a Certificate of Fee Exemption with the Stanislaus County Clerk-Recorder's Office"; finds that the project is subject to CEQA, that no significant environmental issues have been identified; ordered the issuance of a Negative Declaration; ordered the filing of a Notice of Determination with the Clerk-Recorder's Office pursuant to CEQA Guidelines; approved the resolution supporting renewal of the Stanislaus County Recycling Market Development Zone (RMDZ); and, authorized the Interim Director of DER, or her Designee, to submit a 10-year RMDZ renewal application to the California Integrated Waste Management Board – DER 2004-804

Mayfield/Simon unan. **B12** Approved the Area Agency on Aging's FY 2003/04 Area Plan Year-End Report on the 2001-2005 Planning and Service (PSA) Plan, and authorized the Chairman to sign the report transmittal letter to the California Department of Aging – Aging & Veterans Services 2004-805

Grover/Simon unan. **9:25am** Approved the appeal of the Planning Commission's denial of Use Permit Application #2003-36, D.B. Truck Body and Trailer Repair; finds the project to be de minimis for the purpose 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 Negative Declaration pursuant to CEQA Guidelines §15074(b), by finding 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 Negative Declaration reflects Stanislaus County's independent judgement and analysis; ordered the filing of a Notice of Determination with the Clerk-Recorder's Office pursuant to Public Resources Code §21152 and CEQA Guidelines §15075; finds that the establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "General Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County; finds that the use as proposed will not be substantially detrimental to, or in conflict with, agricultural use of other property in the vicinity; finds that the establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and finds that it is necessary and desirable for such an establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage; approved Use Permit Application #2003-36 as submitted, excluding any long term truck parking, subject to the attached Conditions of Approval – Planning 2004-811

Paul/Grover unan. **B13** Accepted the 2003/04 Annual Report from the Children and Families Commission 2004-806

Legislative A. The Board accepted a verbal update regarding flu vaccines in Stanislaus County

Recessed at 10:39 a.m.

Reconvened at 10:51 a.m.

Simon/Mayfield unan. **B14** Approved the "Clean and Sober Living Facilities for Women and Children" Policy and Procedures; authorized the BHRS Director, or his Designee, and the CSA Director, or his Designee, to periodically update the policy as necessary; authorized the Purchasing Division to issue a request for applications (RFA) on behalf of BHRS and CSA to develop a list of approved sober living

facilities based on the criteria established in the “Clean and Sober Living Facilities for Women and Children” Policy – CSA 2004-807

Caruso/Simon unan. **B15** Approved the amendment to the Development Cooperation Agreement between Stanislaus County and the City of Patterson regarding conditions for the annexation of the West Patterson Business Park, and authorized the Chairman to sign the amended agreement C-4-A-5 2004-808

Caruso/Paul unan. **B16** Authorized the conveyance of a portion of the Crows Landing Air Facility (approximately 1352 acres) from the United States of America to Stanislaus County; authorized the Chairman to execute all necessary and appropriate conveyance documents to complete the transfer of the property to the County, including but not limited to the escrow documents, the agreement to convey real property, the Quitclaim Deed, the restrictive covenant and the acceptance of the assignment of the existing agricultural lease; authorized the County to fund property title transfer closing costs including escrow cost and title insurance not to exceed \$25,000; considered and accepted the environmental baseline survey, the findings of suitability for transfer and the environmental assessment prepared by NASA which describe the environmental condition of the property; authorized the County to obtain third party liability insurance which provides coverage for 10 years for hazardous materials risks for the air facility in an amount not to exceed \$200,000; authorized the County’s Public Works Director to install fencing along Davis Road in an estimated amount not to exceed \$10,000 and to return to the Board with further recommendations relating to the security of the facility; authorized the Stanislaus County Sheriff to provide patrol services at the Crows Landing Air Facility through the City of Patterson Police Department for an annual amount not to exceed \$20,000; authorized the CEO to negotiate and execute a professional services agreement relating to the development of an unexploded ordnance protocol in an amount not to exceed \$50,000; acknowledged the work of the Crows Landing Air Facility Steering Committee and thanked them for their contributions to the project; and, authorized staff to conduct an appropriate public celebration to commemorate the title transfer occasion in an amount not to exceed \$2,000 2004-809

Paul/Mayfield unan. **B17** Approved a request from the Stanislaus Consolidated Fire Protection District for an additional advance of future district revenues consistent with Government Code §203010; received an update from staff regarding Stanislaus Consolidated Fire Protection District financial status; imposed certain conditions on the District for the advance of additional future district revenue; and, authorized the CEO to finalize and execute all necessary agreements and conditions approved by the Board of Supervisors associated with any further advance of funds – the agreement, including the final conditions, will be returned to the Board for approval DF-20-A-3 2004-810

Corr 1 Referred to the Clerk-Recorder and Elections, a letter from San Diego County Supervisor Bill Horn requesting support of stronger legislation preventing voter fraud.

Corr 2 Referred to DER, Form 10-Q from Covanta Energy Corporation for the quarter ended 6/30/04 pursuant to the Sublease agreement between Stanislaus Waste-to-Energy Financing Agency and Covanta Stanislaus, Inc.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Terry Prater; Daniel Ulm; Beverly L. Stroup; Albert Zall; Sheri Lea Daniel; and, Russell Porter.

Chairman Caruso attended the CNG opening last week. The City-County JPA meeting approved the amending of the Flag policy to include the flying of the MIA/POW flag and the hanging of the former

Board of Supervisors pictures in the basement area with a display case for County artifacts. Also, the JPA Management Committee will be improving the directional building signage.

Supervisor Grover and Dan Souza, BHRS Director, traveled to Washington, D.C. to secure the Medicare funding for the Stanislaus Behavioral Health Center from the Federal Government.

The CEO requested support on Proposition 65 that would secure the preservation of funding for local government.

The Chairman announced that there will be a Special Board Meeting on 10/19/04 at 5:30 p.m., located in the Basement Chambers at 1010 Tenth Street, Modesto, CA, and also a Joint Meeting of the Board of Supervisors and the City of Ceres on 10/19/04 at 7:00 p.m., located in the Ceres City Council Chambers, at 2220 Magnolia Street, Ceres, CA.

Adjourned at 1:02 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.)