

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

Regular Session

Tuesday

March 22, 2005

All Supervisors Present

Pledge of Allegiance to the Flag

Daniel Effman spoke regarding the need to regulate the dispensaries of medical marijuana in the County.

Patricia Boyd thanked the Board for their support of the IHSS workers and for approving the labor agreement with the United Domestic Workers (UDW).

Glenda Ponder, President of UDWA, thanked the Board for their support of the IHSS program. She noted that the approval of the labor agreement has increased the IHSS employees' salary, and has given 700 employees health benefits. She also noted that the County is reimbursed 100% for the cost of the IHSS Program.

The CEO recognized Jeff Lambaren for his work in implementing the IHSS Public Authority as the Interim Executive Director.

Mayfield/Simon unan. Adopted the consent calendar

- \*A1 Approved the minutes of 3/15/05
- \*A2a Approved commendation for Dr. John Payne upon his retirement, for his service as the Director of the Stanislaus Family Practice Residency Program and to HSA 2005-189
- \*A2b Approved commendation for Sareth Pen upon his retirement from CSA 2005-190
- \*A3 Accepted the resignation of Rhonda Flemmings from the Mental Health Board 2005-191
- \*A4 Appointed Helen Pulido to the Grayson Community Services District Board 2005-192
- \*A5 Proclaimed the week of 4/10/05 – 4/16/05 as Victims' Rights Week and approved the use of the Courthouse Lawn on Thursday, 4/14/05 2005-193
- \*A6a Approved request from Mid-Valley Water Ski Club for use of Modesto Reservoir on Saturday, 7/30/05, for Police Activities League Learn-to-Ski Clinic 2005-194
- \*A6b Approved request from Mid-Valley Water Ski Club for use of Modesto Reservoir on Tuesdays and Thursdays from 7/5/05 through 8/4/05 for their Junior Development Team Practices 2005-195
- \*A7 Set a public hearing on 4/12/05, at 9:30 a.m. to consider an appeal of the Planning Commission's denial of Use Permit Application #2004-29 – D.B. Trucking 2005-196
- \*A8 Accepted the Clerk-Recorder's Declaration of the Results of the Keyes Unified School District Special Bond Election held on Tuesday, 3/8/05 2005-197
- \*B1 Accepted a FY 2004/05 Grant from the Department of Insurance for DA's Office Workers Compensation Insurance Fraud Program totaling \$290,000; authorized the DA to sign the grant award agreement including any extension or amendments; and, approved a formal resolution as required by the state to receive this funding – DA 2005-198
- \*B2 Accepted a FY 2004/05 Grant from the Department of Insurance for DA's Office Auto Insurance Fraud Prosecution totaling \$216,736; authorized the DA to sign the grant award agreement including any extension or amendments; and, approved a formal resolution as required by the state to receive this grant funding – DA 2005-199

- \*B3 Authorized DER to contribute to the cost associated with the production of a Food Processing By-Products Use Video – DER 2005-200
- \*B4 Approved funding, not to exceed \$21,000 for the development of Phase III of the Groundwater Models for the Modesto Groundwater Basin – DER 2005-201
- \*B5 Approved entering the Participation Physician Group Fee-For-Service Provider Services Agreement with Health Net, Inc. for the provision of medical services to Health Net enrolled Medi-Cal beneficiaries; and, authorized the HSA Managing Director, or her Designee, to enter the Participation Physician Group Fee-For-Service Provider Services Agreement with Health Net, Inc. – HSA 2005-202
- \*B6 Accepted the completion of the Animal Control Quarantine Building Project at 2846 Finch Road, Modesto, CA; approved the final contract with Bruce Harper Construction of Plymouth, CA as follows: original contract in the amount of \$70,090.00, total change order \$15,900.00, to equal a final contract cost of \$85,990.00; authorized the Chairman, on behalf of the Board of Supervisors as the awarding authority, to sign the completion documents; and, authorized the required recording of the Notice of Completion and all other necessary close out activities 2005-203
- \*B7 Approved the plans and specifications for the Recreational Facility Upgrades for Woodward Reservoir; set the deadline for submission of bids as 5/18/05 prior to 2:30 p.m.; directed the Public Works staff to mail notice inviting bids to trade journals as required by law; and, directed the Clerk of the Board to publish a notice inviting bids for the project as required by law – Parks & Recreation 2005-204
- \*B8 Approved the plans and specifications for the Woodward Reservoir Saddle Dam Project; set the deadline for submission of bids as 5/18/05 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 Clerk of the Board to publish a notice inviting bids for the project as required by law – Parks & Recreation 2005-205
- \*B9 Amended the salary and position allocation resolution to adopt changes to StanCERA personnel positions as approved by the Retirement Board at its 2/22/05 meeting; added one Attorney V position to serve as General Counsel to the Retirement Board; and, reclassified downward one Manager III position to a Manager II position – Retirement  
BD-36-A-11 2005-206
- \*B10 Approved changes to Bylaw Article 10 for StanCERA, as approved by the Retirement Board on 2/9/05 – Retirement  
BD-36-A-12 2005-207
- \*C1 Approved an agreement for \$2,850 with Davis-King and Associates and approved an agreement for \$5,500 with Sycamore Environmental Consultants, Inc., for the PFF-Left Turn Channelization Project; authorized the Interim Purchasing Agent to sign the agreements; and, directed the Auditor-Controller to increase Appropriations and Estimated Revenue by \$10,000 (\$8,350 for the agreements and \$1,650 for mailing and advertising costs) – PW  
M-64-D-2 2005-208
- \*C2 Accepted the Knights Ferry School Access Road project as complete; approved an increase in the project account in the amount of \$29,695.52 to cover the balance of contract items for the final contract costs for construction and design; directed the Interim Purchasing Agent to increase the contract amount for Donniker Construction, Contractor, and Owens Designs, Design Engineer; approved an increase in the project account in the amount of \$25,000.00 for the implementation of the revegetation plan for the Knights Ferry School Access Road; and, directed the Auditor Controller to increase Appropriations – PW  
2005-209

Mayfield/DeMartini unan. **B11** Accepted the HSA – Strategic Assessment Report prepared by The Camden Group; authorized the CEO to proceed with a more detailed analysis of the recommendations contained in the Report to develop and subsequently put forth a specific recommendation for consideration by the Board of Supervisors concerning the future direction of the Agency; and, directed the HSA Managing Director to pursue, where feasible, the “Potential Opportunities for Improvement” outlined in the Report 2005-210

O’Brien/Mayfield (4-0)(Grover abstained) **9:25am** Rescinded Ordinance C.S. 912 and finds Rezone Application #2004-05 and Parcel Map Application #2004-14, Kelly Business Park, a request to rezone 4.35 acres from A-2-40 (General Agriculture) to PD (Planned Development) and to create two parcels to allow the development with Commercial/Industrial uses consistent with others in the surrounding vicinity and to allow a new gymnasium to be constructed adjacent to an existing church within the proposed PD, 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 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 Mitigated Negative Declaration reflects Stanislaus County’s independent judgement and analysis; adopted the Mitigation Monitoring Plan pursuant to CEQA Guidelines §15074(d); ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorders Office pursuant to Public Resources Code §21152 and CEQA Guidelines §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; determined that none of the findings precluding parcel map approval can be made; 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; approved Rezone Application #2004-05, subject to the Development Standards; approved Parcel Map Application #2004-14, subject to the Development Standards; and, introduced, waived the reading and adopted Ordinance C.S. 914 for the approved Rezone Application #2004-05 - Planning ORD-54-V-1 2005-213 & 2005-214

**Recessed at 10:28 a.m.**

**Reconvened at 10:35 a.m.**

Simon/Mayfield unan. **B12** The Board approved Staff Recommendations Nos. 1 and 3; accepted the report regarding the current Gonorrhea and Chlamydia public health crisis in Stanislaus County and increased Appropriations in the HSA-Public Health budget for FY 2004/05 by \$60,883; **amended** the item to continue the consideration of Staff Recommendation No. 2 to a future meeting regarding the use of \$800,000 in Public Health Fund Balance, as available, over the next thirty-nine months to address this crisis; and, directed the Public Health Department to return to the Board with a specific plan - HSA 2005-211

Simon/Mayfield unan. **B13** Accepted the CEO’s Mid-Year Financial Report for FY 2004/05; authorized the CEO to make the necessary budget adjustments to achieve an appropriate fund balance at the end of the FY 2004/05; authorized the use of \$659,715 in Appropriations for Contingencies as recommended in the Mid-Year Financial Report; and, amended the Salary and Position Allocation Resolution as outlined in the staffing impacts section and attachment “A” effective the start of the 4/2/05 pay period 2005-212

**Corr 1** Referred to the Agricultural Commissioner and the Chief Executive Office-Office of Emergency Services, from the Governor's Office of Emergency Services regarding the disaster designation by the U.S. Small Business Administration for the Counties of Alpine, Amador, Calaveras, Inyo, Kings, Lake, Lassen, Mariposa, Mendocino, Mono, Monterey, Napa, Nevada, Orange, Plumas, San Benito, Santa Barbara, Santa Clara, Sierra, Sonoma, Tulare, Tuolumne, Yolo, Yuba, and the counties that are contiguous to them, including Stanislaus County, due to agricultural losses caused by drought that occurred January 1, 2004, and continuing.

**Corr 2** Referred to the Department of Planning and Community Development, a letter from from the U.S. Department of Housing and Urban Development regarding their review of Stanislaus County's Program Year 2003 Consolidated Annual Performance and Evaluation Report concerning the Community Development Block Grant Program.

**Corr 3** Acknowledged receipt of claim and referred to the CEO-Risk Management Division the following claim: Scott Whitemyer.

Supervisor DeMartini thanked the Public Works, Planning, and County Counsel departments for their help in writing a letter to the Department of Conservation regarding the intent of the Patterson School District to build a school in a flood plain in an agricultural area.

Supervisor O'Brien spoke regarding the current efforts of our State representatives in obtaining reimbursement from the State for the cost of the Peterson trial.

Adjourned at 12:11 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.)