



BOARD OF SUPERVISORS

Pat Paul, 1st District
Thomas W. Mayfield, 2nd District
Jeff Grover, 3rd District
Raymond Clark Simon, 4th District
Paul W. Caruso, 5th District

1010 Tenth Street, Suite 6500, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4410

AGENDA

April 20, 2004

6:30 P.M.

Chambers – Basement Level
1010 10th Street
Modesto, California
www.co.stanislaus.ca.us/BOS/AgenMin.htm

The Board of Supervisors welcomes you to its meetings which are regularly held each Tuesday, and your interest is encouraged and appreciated.

The agenda is divided into two sections:

CONSENT CALENDAR: These matters include routine financial and administrative actions and are identified with an asterisk (*). All items on the consent calendar will be voted on at the beginning of the meeting under the section titled "Consent Calendar." If you wish to have an item removed from the Consent Calendar, please make your request at the time the Board Chairperson asks if any member of the public wishes to remove an item from consent.

REGULAR CALENDAR: These items will be individually discussed and include all items not on the consent calendar, all public hearings and correspondence.

ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: Please raise your hand or step to the podium at the time the item is announced by the Board Chairperson. In order that interested parties have an opportunity to speak, any person addressing the Board will be limited to a maximum of 5 minutes unless the Chairperson of the Board grants a longer period of time.

PUBLIC COMMENT PERIODS: Matters under the jurisdiction of the Board, and not on the posted agenda, may be addressed by the general public at the beginning of the regular agenda and any off-agenda matters before the Board for consideration. However, California law prohibits the Board from taking action on any matter which is not on the posted agenda unless it is determined to be an emergency by the Board of Supervisors. Any member of the public wishing to address the Board during the "Public Comment" period will be limited to a maximum of 5 minutes.

NOTICE REGARDING NON-ENGLISH SPEAKERS: Board of Supervisors meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

REASONABLE ACCOMMODATIONS: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board at (209) 525-4494. Notification 72 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting.

- I. Pledge of Allegiance to the Flag
- II. Presentations:
 - A. Recognition of Measure P Committee and Library Week in Stanislaus County
 - B. Health Services Agency’s Report on the Community Health Action Project (CHAP) a Partnership Between Teen Live Challenge, Stanislaus County Community Assistance Project and the Havens Women Center
 - C. Recognition of April as Child Abuse Prevention Month in Stanislaus County
- III. Public Comment Period

IV. Consent Calendar

V. Agenda Items

A. Miscellaneous

- * 1. Approval of the Minutes for March 30, 2004 ([View Item](#))
- * 2. Approval to Set a Public Hearing on May 4, 2004 At 9:20 a.m. to Consider a Resolution Requesting the Board of Supervisors to Increase the Number of Members of the Board of Trustee for the Patterson Cemetery District ([View Item](#))
- * 3. Approval of Appointments of:
 - a. William K. Kurns to the Advisory Board on Substance Abuse Programs ([View Item](#))
 - b. Bruce Merchant, Greg Gaudio and Stacey Della and the Reappointment of Marianne Rucker and Stephanie Chandler to the Earl Pride Scholarship Committee ([View Item](#))
 - c. Laura J. Snyder to the Commission on Aging ([View Item](#))
- * 4. Acceptance of Resignation from Chuck Obert and Jason Gordo from the Stanislaus County Parks and Recreation Commission ([View Item](#))
- * 5. Approval to Proclaim:
 - a. April 18-24, 2004 as National Library Week in Stanislaus County ([View Item](#))
 - b. April 18-24, 2004 as National Medical Laboratory Week in Stanislaus County ([View Item](#))
 - c. May 10-14, 2004 as Juror Appreciation Week in Stanislaus County ([View Item](#))
 - d. May 1, 2004 as Law Day in Stanislaus County ([View Item](#))
- * 6. Approval of Commendations for:
 - a. James Beard Upon his Retirement ([View Item](#))
 - b. Native Daughters of the Golden West for their 118th Grand Parlor Annual Meeting ([View Item](#))
 - c. Assistant Sheriff Richard Breshears Upon his Retirement from Stanislaus County Sheriff Department ([View Item](#))
 - d. Carl Hornberger, MD as the 2004 Recipient of the Stanislaus Medical Society's John Darroch Memorial Award ([View Item](#))
- * 7. Approval of Request from East Bay Hi-Tailers to Reduce the Rate of Park Entrance Fees on April 24 and 25, 2004 for their Annual Dinner Dance at Frank Raines Park ([View Item](#))
- * 8. Approval to Amend the 2004 Stanislaus County Board of Supervisors' Committee Assignments ([View Item](#))
- * 9. Approval to Set a Public Hearing on May 4, 2004 at 9:30 a.m. to Consider an Appeal of the Planning Commission's Approval of East Oakdale Residential Projects Including: Vesting Tentative Subdivision Map No. 2001-04, Exception No. 2003-04 – Hillsborough II; Vesting Tentative Subdivision Map No. 2002-04 – Lands of Schutz; and, Vesting Parcel Map No. 2003-25, Exception No. 2003-02 - Kushar ([View Item](#))

B. Chief Executive Office

- * 1. Approval of the Animal Court By-Laws that will Establish the Hearing Board and Administrative Hearing Procedures – Animal Services ([View Item](#))
- * 2. Authorization to Request Funds from the State of California for the Clean Up of Soil and Groundwater Contamination on Property at 402 Downey Avenue, Modesto, CA - Environmental Resources ([View Item](#))
- * 3. Approval of Underground Storage Tank Local Oversight Program Contract with the State Water Resources Control Board – Environmental Resources ([View Item](#))

- * 4. Approval of a Contract with Hilton, Farnkopf & Hobson for Accounting Services Related to the Annual Refuse Collection Rate Adjustments - Environmental Resources ([View Item](#))
- * 5. Approval to Set a Public Hearing for May 11, 2004, at 9:30 a.m. to Consider Fiscal Year 2004-2005 Annual Assessment Rates for Del Rio Heights Landscape Assessment District – Parks and Recreation ([View Item](#))
- * 6. Approval of a Contract for the Purchase and Installation of a Local Automated Fingerprint Identification System and Adjust the Budget – Sheriff ([View Item](#))
- * 7. Acceptance of the Stanislaus County Treasury Pool’s February 2004 Monthly Investment Report – Treasurer/Tax Collector ([View Item](#))
- * 8. Approval of a Resolution to Apply for and Accept the River Parkways Grant for the Riverdale Fishing Access Under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40) ([View Item](#))
- * 9. Approval to Set a Public Hearing for the Fiscal Year 2004-2005 Final Budget on June 15, 2004 at 6:40 p.m. and June 16 & 17, 2004 at 9:00 a.m. ([View Item](#))
- * 10. Approval to Change the Local Administrator for Public Agency Retirement System (PARS) from Tom Watson, Tax Collector, to David L. Dolenar, Deputy Executive Officer in the Chief Executive Office – Risk Management Division ([View Item](#))
- * 11. Approval of the State Department of Health Services Contract for the Continuation of the Immunization Assistance Program for the Period January 1, 2004 through December 31, 2004 – Health Services Agency ([View Item](#))
- * 12. Approval of Completion and Acceptance of the Health Services Agency Pharmacy – Administration Remodel Project at 900 and 820 Scenic Drive, Modesto and Related Items ([View Item](#))
- * 13. Approval to Execute a Change Order to Gayle Manufacturing Company, Inc., for Unexpected Price Increases in the Cost of Raw Steel for the 12th Street Project ([View Item](#))
- 14. Approval to Set a Public Hearing on June 15, 2004, at 6:35 p.m., Regarding the Fiscal Year 2004-2005 Annual Assessments for County Service Area No. 10 – Salida; Approval of Engineer’s Report and Approval of Ballot Procedure ([View Item](#))

C. Department of Public Works

- * 1. Approval to Summarily Vacate a Portion of Frazier Street and a Portion of the Adjoining Alley in West Modesto ([View Item](#))
- * 2. Approval of the Addition of Ladd Road from McHenry Avenue to Stoddard Road to the Public Facility Fee Program, Inter-City Component of the Transportation Element and Adjustment of the Inter-City Fee Transportation Component to Account for the Listed Improvements ([View Item](#))
- * 3. Approval of the Transportation Development Act Claim for Fiscal Year 2003/2004; Increase Appropriations and Estimated Revenue for the Grayson Bike Lane Project ([View Item](#))
- * 4. Approval to Hold a Peddlers’ Faire on Covered Bridge Road on April 25, 2004 ([View Item](#))
- * 5. Approval to Hold a Traditional Cinco De Mayo Parade on Several County Roads on May 1, 2004 ([View Item](#))
- * 6. Approval to Amend the Maximum Compensation Amount for Professional Service Contract with Pacific Plan Review from \$100,000 to \$150,000 for the Remainder of County Fiscal Year 2004 and for Subsequent County Fiscal Years for a Period of Three Years ([View Item](#))

D. Department of Planning and Community Development

- * 1. Approval to Set a Public Hearing for May 11, 2004 at 9:35 a.m. to Consider Setting Aside and Voiding the Approvals of the March 30, 2004 Addendum to the Diablo Grande Specific Plan Environmental Impact Report and the Modified Condition No. 57 for Vesting Tentative Map 97-01, Diablo Grande, Unit 1, and Related Actions ([View Item](#))

E. County Counsel

VI. Scheduled Matters

- 6:40 p.m. Public Hearing to Consider General Plan Amendment Application No. 2003-01, Rezone Application No. 2003-03, and Vesting Tentative Map Application No. 2002-02, Riopel and Associates, a Two Part Request. Part One Is a Request to Amend the General Plan and Rezone a 19.16 Acre Parcel from Urban Transition/General Agriculture to Planned Development to Allow for the Development of a 4.43± Acre Dual-Use Landscaped Drainage Basin with a 0.24 Acre Park. Part Two Is a Request to Create 53 Residential Lots of 8,000+ Square Feet from a 13.77 Acre Site, Consisting of Two Parcels. Access to the Proposed Subdivision Will Occur via Three Connections (Zeering Road, Corona Way, and Chalmer Way) or One Connection (Zeering Road) to the Existing Denair Street System. The Project is Located in the Denair Area. A Mitigated Negative Declaration Will Be Considered. ([View Item](#))

VII. Correspondence

1. This Board has received a copy of the Stanislaus County Employees' Retirement Association's Comprehensive Annual Financial Report for the fiscal year ending on June 30, 2003. ([View Item](#)) (Recommendation: Acknowledge receipt of report.)
2. This Board has received a letter from the Governor's Office of Emergency Services regarding the U.S. Small Business Administration declaring the primary counties of Kern, Merced and Tulare, and the contiguous counties of Los Angeles, Mariposa, Santa Barbara, San Bernardino, Santa Clara, San Luis Obispo, Stanislaus, Tuolumne and Ventura, a disaster area due to damages caused by adverse weather that occurred April 1, 2003 through August 31, 2003. ([View Item](#)) (Recommendation: Refer to the Agricultural Commissioner and Emergency Services/Chief Executive Office.)
3. This Board has received a letter from the Governor's Office of Emergency Services announcing a Request for Proposal for the Child Abuse Treatment Program Non-American Indian Agencies and for American Indian Agencies. ([View Item](#)) (Recommendation: Refer to the Community Services Agency.)
4. This Board has received a copy of the San Joaquin Valley Air Pollution Control District's 2003 Annual Report on Toxic Emissions from Valley Facilities. ([View Item](#)) (Recommendation: Refer the Department of Environmental Resources.)
5. This Board has received a letter from the Federal Emergency Management Agency regarding the final Base Flood Elevations for the unincorporated areas of Stanislaus County. ([View Item](#)) (Recommendation: Refer to the Department of Public Works.)

6. This Board has received an updated California County Platform from the California State Association of Counties (CSAC). ([View Item](#))
(Recommendation: Refer to the Chief Executive Office.)
7. This Board has received the report *Handgun Commerce in California, 2000*, as prepared by the Violence Prevention Research Program at the University of California, Davis. ([View Item](#))
(Recommendation: Refer to the Sheriff's Department, Probation Department and the District Attorney's Department.)
8. This Board has received a letter from Congressman Thompson requesting support of H.R. 1039, the Wholesale Motor Fuel Fairness and Competition Restoration Act, regarding the increase in the cost of retail gasoline. ([View Item](#))
(Recommendation: Refer to the Chief Executive Office.)
9. This Board has received the following claims: John Anaya; Diana Cabral-Higginbotham; Brendt H. Noon; Diana E. Carroll; Nelio Silva; and, Christine Trujillo, individually, and on behalf of her minor son, Michael Tristan Trujillo.
(Recommendation: Acknowledge receipt of claims and refer to the Chief Executive Office - Risk Management Division.)

VIII. Board of Supervisors' Reports

IX. Legislative, Fiscal and Management Report – Chief Executive Officer

- A. Authorize a Letter of Support for Congressman Cardoza's Legislative Bill HR 2933 Entitled "The Critical Reform Act" ([View Item](#))

X. Adjournment

- XI. Closed Session: Labor Negotiations: Agency Negotiator Patricia Hill Thomas. Labor Organizations SCEA/AFSCME, SEIU, OE3, DSA, SCSSA, CAIR/CIR, CNA and UDW. Pursuant Government Code Section 54954.9(e).

ANNOUNCEMENTS:

Gallo Center for the Arts Groundbreaking Ceremony
Tuesday, April 27, 2004 at 6:00 p.m.
10th and I Streets
Modesto, CA