

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

Regular Session

Tuesday

April 9, 2002

All Supervisors Present

Pledge of Allegiance to the Flag

A presentation was given by the Modesto A's mascot, Peanut, for National Library Week, 4/14 – 20/02.

Employee Service Award for those honored for thirty years of service was given to Patricia Gillihan - CEO. Employee Service Awards for those honored for twenty-five years of service were given to Constance Brimm, Robert E. Seagrave, Andrea R. Thompson, and Douglas D. Wann – Probation Department.

Chairman Mayfield presented a commendation to retired Agricultural Commissioner Donald Cripe.

Supervisor Paul presented the 2001 Joint Center Sustainable Community Award from NACO and the League of Cities.

Cecil Russell from Save Mart Inc. presented hats to the Boardmembers regarding the Modesto Relays on 5/11/02.

B/C unan. Adopted the consent calendar after removing from the agenda, item **\*A7** - Approval of Request from the Stanislaus Child Care and Development Planning Council to Remove Karen O'Bannon from the Council; and, removing from the consent calendar the following items: **\*B7** - Approval of Health Services Agency 2002 Community Health Report – Health Services Agency, and **\*C4** - Approval of Plans and Specifications for the Shackelford Neighborhood Improvement Project

**\*A1** Approved the minutes of 3/26/02

**\*A2** Adopted Ordinance C.S. 789 relating to traffic control amending no parking zones on various County roads – PW ORD-54-J-7 2002-194

**\*A3a** Commended Russ Richards, Fire Warden, upon his retirement from Stanislaus County 2002-195

**\*A3b** Commended Judge Edward M. Lacy, Jr., upon his retirement from Stanislaus County 2002-196

**\*A3c** Commended the Modesto Symphony Youth Orchestra (they will be Performing at the 4/16/02 Board Meeting) 2002-197

**\*A3d** Commended Donald Cripe, Agricultural Commissioner, upon his retirement from Stanislaus County 2002-198

**\*A4a** Proclaimed 4/21 - 27/02 as National Volunteer Week 2002-199

**\*A4b** Proclaimed 4/2002 as Child Abuse Prevention Month and 4/26/02 as Children's Memorial Day 2002-200

**\*A4c** Proclaimed 4/21 – 27/02 as Victims' Rights Week; and, approved request from the DA's Office for use of the Courthouse Lawn on 4/25/02, for a dedication ceremony for the third phase of the Victims' Garden of Healing 2002-201

**\*A4d** Proclaimed 5/13 – 18/02 as California Bike Commute Week; and, approved a request for use of the Courthouse Lawn on Saturday, 5/18/02 for the 7<sup>th</sup> Annual Family Cycling Festival and Criterium 2002-202

- \*A4e Proclaimed 5/1/02 as Law Day 2002-203
- \*A5a Accepted the resignation of Rae Janzen from the Juvenile Hall Service League 2002-204
- \*A5b Accepted the resignation of Lynn Dickerson from the WIB 2002-205
- \*A5c Accepted the resignation of Clay Thomas from the Modesto City Cable Committee 2002-206
- \*A5d Accepted the resignation of George Boodrookas from the Stanislaus Child Care and  
Development Planning Council 2002-207
- \*A6 Approved the COI Code for the Stanislaus Child Care and Development Planning Council  
BD-68-4 2002-208
- \*A8a Appointed Charles K. Obert to the Stanislaus County Parks and Recreation Commission  
2002-209
- \*A8b Appointed Lynne Hale to the Commission on Aging 2002-210
- \*A9 Authorize the CEO to vote in favor on the ballots for the City of Modesto’s Storm Drainage  
Sewer Surcharge Proposed Rate Increase Election for properties owned by Stanislaus  
County 2002-211
- \*A10 Approved request from CARE-ousel Therapeutic Riding for use of the Woodward Reservoir  
park area for their Ride-A-Thon on Saturday, 5/18/02 2002-212
- \*B1 Approved reclassifying funds and closing old funds due to new Governmental Accounting  
Standards Board (GASB) reporting requirements; authorized the Auditor-Controller to  
make the necessary accounting adjustments to the funds on the attached list of trust funds  
to close and transfer their respective balances to the General and Special Revenue Funds;  
authorized the Auditor-Controller to set up an interest-bearing Enterprise Fund for the Jail  
Commissary and Inmate Welfare Fund and to transfer the budget and the actual balances  
from the Jail Commissary Special Revenue Fund and the Inmate Welfare Trust Fund; and,  
authorized the closure of the Jail Commissary Special Revenue Fund and the Inmate  
Welfare Trust Fund 2002-213
- \*B2 Approved appropriations (budgetary) limit for FY 2001/02, which includes a general operating  
limit of \$198,254,604, using the population and inflation methodology, and includes limits  
for applicable lighting districts governed by the Board per attachment “A” – Auditor-  
Controller DL-1-26; DL-3-B-12; DL-11-18; DL-12-15; DL-13-A-1; DL-15-16;  
DL-16-18; DL-17-20; DL-18-13; DL-19-17; DL-24-23 2002-214
- \*B3 Approved the Public Facilities Fees Annual Financial Report for the FY ending 6/30/01 –  
Auditor-Controller 2002-215
- \*B4 Approved the appointment of Lee Lundrigan as Clerk-Recorder 2002-216
- \*B5 Authorized the Director of DER to apply for and administer the FY 2002/03 Block Grant  
funds to Promote Used Oil Recycling from the California Integrated Waste Management  
Board – the grant will continue to be administered during FYs 2002/03, 2003/04, and  
2004/05; authorized the Director of DER to sign the Grant Agreement to receive funds  
from the California Integrated Waste Management Board for the FY 2002/03 Used Oil  
Block Grant Program, in the current FY and in FYs 2002/03, 2003/04, and 2004/05; and,  
authorized the Auditor-Controller to make the necessary financial transactions to be  
effective 7/1/02, within the existing Environmental Resources Fund and Organization  
Account as identified in Attachment “B”, and roll forward unexpired appropriations into  
FYs 2003/04 and 2004/05 2002-217
- \*B6 Adopted the recommendations of the Nuisance Abatement Hearing Board regarding 2200  
West F Street, Oakdale, CA, Hearing #CE01-794 – DER 2002-218
- \*B8 Authorized letters to be sent to Assemblymen Dennis Cardoza and Dave Cogdill, and Senator  
Dick Monteith, informing them that Child Health and Disability Prevention (CHDP) funds  
are crucial to Stanislaus County and asking that they support the restoration of State CHDP  
funding – HSA 2002-219

- \*B9 Approved the Preventive Health Care for the Aging Program Funding Application to the Department of Health Services for FY 2002/03, not to exceed a total contract amount of \$55,000; and, authorized the HSA Interim Managing Director, or her Designee, to sign and execute the application 2002-220
- \*B10 Approved Amendment #1 to the Grazing Lease at the Modesto Reservoir between Larry A. Byrd and Stanislaus County dated 1/6/98; and, authorized the Director of the Parks and Recreation Department, or his Designee, to sign the amendment – Parks and Recreation 2002-221
- \*B11 Approved a resolution authorizing the County to join with other public agencies as a participant of the California Asset Management Trust (CAMP), and to invest in shares of the trust and individual shares – T/TC 2002-222
- \*B12 Accepted the Stanislaus County Treasury Pool’s January 2002 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 that the report has been reviewed and accepted 2002-223
- \*B13 Amended the contract with Krazan and Associates in the amount of \$5,152, to reinspect certain elements of the Juvenile Hall Special Needs Housing Unit; and, authorized the CEO to sign Amendment #1 to the agreement with Krazan and Associates in the amount of \$5,152 2002-224
- \*C1 Directed the Auditor-Controller to increase appropriations by \$15,000 and to increase estimated revenue by \$13,280 in the project account, for environmental studies for the Carpenter Road Reconstruction 1.5 Miles North of Crows Landing Road Project – PW 2002-225
- \*C2 Awarded the contract for the Intersection of Finch Road at Mariposa Road Traffic Signals to Teichert Construction of Turlock, California, in the amount of \$330,713.50; directed the Auditor-Controller to increase appropriations by \$335,000 and estimated revenue by \$185,000 in the project account; and, authorized the Purchasing Agent to establish a contract with Teichert Construction of Turlock, California, for the contract amount – PW 2002-226
- \*C3 Awarded the Contract for the Westley Landscape Project to Emert Construction of Stockton, California, in the amount of \$421,955; directed the Auditor-Controller to increase appropriations by \$425,000 and estimated revenue by \$327,300 in the project account; and, authorized the Purchasing Agent to establish a contract with Emert Construction of Stockton, California, for the contract amount – PW 2002-227
- \*C5 The Board finds that Ordinance C.S. 790 is not subject to the CEQA; and, introduced and waived the first reading of Ordinance C.S. 790, amending Title 11 of the Stanislaus County Code, §§11.04.040, 11.04.050, and 11.04.060 to establish speed zones on various County roads – PW ORD-54-J-8 2002-228
- \*C6 Set a public hearing on 5/7/02 at 9:40 a.m., to consider adopting a Resolution of Necessity relating to the condemnation of certain real property for the construction of Diablo Grande Parkway from Del Puerto Canyon Road to a point approximately 6,300 feet southwest of Del Puerto Canyon Road; and, authorized County Counsel, in cooperation with the Public Works Department, to give notice to the affected property owners pursuant to Code of Civil Procedure §1245.235 2002-229
- \*D1 Set a public hearing on 4/30/02 at 9:30 a.m. for GPA Application #2001-12 and Rezone Application #2001-22 - Larry Krueker - Planning and Community Development Department ORD-54-J-9 2002-230

- \***D2** Set a public hearing on 4/30/02 at 9:35 a.m. for GPA Application #2001-14 and Rezone Application #2001-24 - Jim Wyatt. - Planning and Community Development Department  
ORD-54-J-10 2002-231
- \***D3** Set a public hearing on 5/7/02 at 9:30 a.m. to consider the approval to introduce, waive the reading, and adopt Planning and Community Development Department Ordinance Amendment #2001-04, by D & L Concrete Pump, to amend Title 21, Subsection F of Section 21.20.030 of the County Code to allow parking of commercial, non-agricultural trucks in the A-2 (General Agriculture) Zoning District, subject to approval of a Use Permit in each case - Planning and Community Development Department  
ORD-54-J-11 2002-232
- \***D4** Set a public hearing on 4/30/02 at 9:40 a.m. for GPA #2001-11 and Rezone Application #2001-20 - John & Janette Freitas - Planning and Community Development Department  
ORD-54-J-12 2002-233
- \***D5** Approved Salida Planned Development Road Account expenditures to Cogdill & Giomi; and authorized the Auditor-Controller to issue a warrant in the amount of \$5,000 to Cogdill & Giomi – Planning and Community Development Department  
2002-234

P/C unan. \***B7** Accepted the HSA 2002 Community Health Report 2002-235

B/S (4-0) (Caruso abstained) \***C4** Approved the Plans and Specifications for the Shackelford Neighborhood Improvement Project; set the deadline for submission of bids as 5/15/02, prior to 2:30 p.m.; directed 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 in the project account to cover the costs of advertising and publishing – PW 2002-239

B/C unan. **B14** Adopted the Stanislaus County Business Process Improvements Policy, which was ratified by the Department Heads at their meeting of 2/13/02; and, directed Department Heads to implement it – CEO 2002-236

B/P unan. **B15** Approved the WIB’s recommendations for the Board of Supervisor’s funding of Economic Development Projects from the Economic Development “Bank” for FY 2001/02; authorized the CEO to execute agreements with those jurisdictions receiving funding from the Economic Development “Bank”; adopted a resolution authorizing the CEO, or his Designee, to assist the unincorporated community of Hickman to administer their bank funds; and, authorized the County Auditor-Controller to establish any and all necessary accounting protocols for the administration, tracking, disbursement and reimbursement of the funds – CEO BD-71-9 2002-237

**Board recessed at 11:11 a.m.**

**Supervisor Paul absent at 11:12 a.m.**

**Board reconvened at 11:17 a.m.**

B/C (4-0) (Paul absent) **B16** Authorized CEO staff to modify the Downtown Plan of 12/19/00, as follows: move Department 16 to the former City Hall, move Grand Jury to the former Bank of America, and remodel space within the former Bank of America for the Public Defender; authorized staff to consider moving MIS to the former City Hall if space allows; authorized staff to complete negotiations with the insurance company for reimbursement of damages to the former City Hall; authorized the Project Manager to accept funds from the insurance company on behalf of the Board and to transfer those funds to the appropriate funds and account numbers; authorized the Project Manager to sign an amendment with

the design team on behalf of the Board to make the required changes to the design; authorized staff to negotiate work authorization with the Inspector of Record; authorized the Project Manager to sign on behalf of the Board; authorized staff to negotiate Work Authorization with the Construction Manager; authorized the Project Manager to sign on behalf of the Board; authorized the Project Manager to sign an amendment with the Hazardous Materials Consultant on behalf of the Board to design plans for the abatement of hazardous materials remaining in the building and to monitor the abatement; received the update on the emergency repair of water damage at the former Modesto City Hall Building at 801 11<sup>th</sup> Street; and, authorized the CEO and the Auditor-Controller to make the necessary budget transfers

2002-238

**Corr 1** Referred to the Department of Public Works, a letter from the Keyes Union Elementary School District giving a fourteen-day notice of their proposal to implement developer fees.

**Corr 2** Acknowledge receipt of the 2001 Annual Report on Toxic Emissions from Valley Facilities, from the SJVAPCD.

**Corr 3** Referred to the Department of Planning and Community Development, a letter from the law office of Herum Crabtree Brown requesting that the public hearings for two project applications from D&L Concrete Pumping be scheduled on the same day before the Board of Supervisors.

**Corr 4** Referred to the Agricultural Commissioner, a letter from California Department of Food and Agriculture regarding the notification of the availability of a Draft EIR for Pierce's Disease Control Program.

**Corr 5** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Jose J. Contreras; Avery Brewer, Arthearena Brewer, Deja O'Halloran; Arthur Walton; and, Gloria Owen.

Supervisor Blom discussed the deposit on bottles so that these bottles can be redeemed for a cash deposit. Many bottles are currently being thrown along the roadside. He requested County Counsel to research if the County can require a deposit on bottles to encourage recycling.

Supervisor Caruso noted that he attended the recent retirement event for 26 retiring Sheriff officers. He informed the Board that the Election Review Committee is still meeting weekly and will make their presentation on 5/7/02. He also noted that Stanislaus County would be hosting the San Joaquin Valley Regional Association of California Counties' Annual Spring Conference on 4/17-19/02 at the Tenaya Lodge in Yosemite.

The CEO noted that the Board's Planning Workshop will be held on Tuesday, 4/16/02, from 9:00 a.m. to 2:00 p.m. at County Center III, 917 Oakdale Road, Modesto.

Adjourned to closed session at 11:34 a.m. for public employee appointment for the Agricultural Commissioner – GC §54954.5(e).

**Closed Session Announcement:** S/B (4-0) (Paul absent) Appointed Dennis Gudgel as the Agricultural Commissioner/Sealer of Weights and Measures for a four-year term effective 4/6/02, which is the beginning of the pay period.

2002-240

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: LILLIE L. FARRIESTER, 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.)