

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

Regular Session

Tuesday

September 16, 2003

All Supervisors Present

Pledge of Allegiance to the Flag

Juan Mercado from the community of Bret Harte spoke regarding sewer services, and the need for sidewalks, streetlights, and storm drainage improvements in this area. He spoke on the need for the funding for these projects.

Ida Mae Mullins, from the Shackelford neighborhood, spoke regarding the need for a light at Boulder and Hatch Road. She noted that there are problems with garbage in the alleys, and asked about sidewalks in this neighborhood.

Mike Birch spoke regarding the Fink Road Landfill expansion and the Enterprise Fund. He noted that the Stanislaus County Taxpayers Association feel that fees for refuse removal is a tax and not a fee. They recommend selling the land and returning the taxes to the Enterprise Fund for rate payer relief.

Raymond Ontiveroz, of the Shackelford area, spoke regarding odors coming from the Modesto Tallow Plant.

David Buchanan spoke regarding credit card misuse by County employees and the proposal to add two internal Auditor positions to address this issue. He suggested that the County eliminate the use of credit cards and not add more Auditor positions.

Miguel Donoso spoke regarding the unfinished Fairview Park, problems with gangs in the area, and the need for a crossing at the canal and a fence along the canal.

Dave Thomas spoke regarding various issues pertaining to the Fink Road Landfill, including the Grand Jury report, the purchase of the Vogel property, water rights, Enterprise Fund reporting, and title changes of some of the parcels.

Ed Perry, Acting Director and Farm Advisor for UC Cooperative Extension, spoke regarding the condition of the farm on County property adjacent to the landfill, and noted that the farm production levels of walnuts and almonds are average to above average.

Dennis Gudgel, Agricultural Commissioner, stated that the farm located next to the landfill is being well managed.

Darren Schafer noted that there was a community meeting in south Modesto on 8/24/03. He spoke regarding various issues including the need for sidewalks, sewers, storm drainage, and streetlights. He also noted the need for speed bumps on Watson and Pearson Avenue, problems with gang activity, drugs, abandoned vehicles, and alleys.

Georgina McDonald spoke regarding the Del Puerto Water District holding title to some parcels of land adjacent to the landfill.

P/C unan. Adopted the consent calendar after removing from consent items: **\*B2** Approval to Award Countywide Elevator Maintenance Agreement to Otis Elevator Company; **\*B4** Approval of Completion and Acceptance of the Reconstruction of the Nick W. Blom Salida Regional Library, 4835 Sisk Road, Salida CA, and Approval of a 30-day Time Extension to the Construction Contract; **\*B8a** Approval to Adopt the Recommendations of the Nuisance Abatement Hearing Board (Environmental Resources) Regarding Property Located at 4107 and 4125 Beckwith Road, Modesto, California (CE No. 02-1646 and 02-1931); **\*C1** Approval of Request by Del Rio Services Corporation to Locate a Private Sewer Line within the Public Road Right-of-Way of Carver Road; and, **\*D3** Approval to Respond to U.S. Fish and Wildlife Service's Proposal to List the Central California Distinct Population Segment of the California Tiger Salamander as Threatened

- \*A1** Approved the minutes of 8/19/03
- \*A2** Adopted Amended Local Rules and Regulations of the Stanislaus County Assessment Appeals Board  
BD-9-A-8 2003-803
- \*A3** Adopted and waived the second reading of Ordinance C.S. 857 amending the Stanislaus County Code regarding authorization for County employees who voluntarily use regular days off, vacation days or compensatory time off to serve as Pollworkers on election day and receive the applicable statutory stipend from the Registrar of Voters – Clerk-Recorder  
ORD-54-O-11 2003-804
- \*A4a** Accepted the resignation of Anthony Beato from the Salida Municipal Advisory Council  
2003-805
- \*A4b** Accepted the resignation of Taryn Muralt from the Workforce Alliance Youth Advisory Council  
2003-806
- \*A5** Commended Douglas D. Wann upon his retirement from the Stanislaus County Probation Department  
2003-807
- \*A6** Approved request from Oakdale High School for use of Woodward Reservoir Park on 9/24/03 and 10/9/03 for track meets for the Mustang Cross Country Team  
2003-808
- \*A7** Approved request from Escalon High School for use of Woodward Reservoir Park on Thursday, 10/2/03 for their Annual Cross Country Invitational  
2003-809
- \*A8** Approved request from Mid-Valley Water Ski Club for use of Modesto Reservoir on Thursday, 1/1/04 for their Annual Polar Bear Day  
2003-810
- \*A9** Approved request from Modesto Centre Plaza for use of the Courthouse lawn on Saturday, 12/6/03, for the City of Modesto Celebration of Lights Holiday Parade  
2003-811
- \*A10** Approved appointment of Latisha Leap to the Juvenile Hall Services League  
2003-812
- \*B1** Authorized the Director of Aging and Veterans Services to sign the grant agreements and any subsequent amendments to Older Americans Act (OAA) contracts #FF-0304-30, #TV-0304-30, Older Californians Act Aging Program contract #CB-0304-30 with the California Department of Aging, and contracting service providers for FY 2003/04; and, authorized the CEO to approve budget changes related to contract amendments which do not increase overall County contributions to programs  
2003-813
- \*B3** Accepted the completed tenant improvements for the Grand Jury Office at 1021 I Street, Modesto, California; approved the final contract with the contractor, Silveira General Construction of Newman, CA as follows: original contract of \$39,981, total change orders of \$839 and final contract cost of \$40,820; 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  
2003-814
- \*B5** Approved receipt of the grant from the FY 2002 State Office of Emergency Services (OES) for the State Domestic Preparedness Equipment Support Program in the amount of \$295,186

and directed the Auditor-Controller to establish a new Special Revenue Fund Budget Unit and establish appropriations rolling over funds at year end 2003-815

- \*B6** Approved receipt of the grant from the State Homeland Security to enhance local Homeland Security efforts in the amount of \$458,412; directed the Auditor-Controller to establish a new Special Revenue Fund Budget Unit and establish appropriations rolling over funds at year end; authorized the operational area to apply for this and future Homeland Security Grants; and, authorized the Assistant Director of the Office of Emergency Services to finalize and execute a standard MOU to be used when issuing equipment to non-County agencies for this and other equipment grants 2003-816
  - \*B7** Authorized CSA to suspend the Fourth Wednesday Extended Hour Schedule effective September 2003 2003-817
  - \*B8b** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 219 Lathrop Street, Modesto, California (CE No. 03-461) – DER 2003-818
  - \*B8c** Adopted the recommendations of the Nuisance Abatement Hearing regarding nuisances at 2369 Regal Road, Modesto, California (CE No. 03-791) – DER 2003-819
  - \*B9** Approved contract with Mountain Valley Emergency Medical Services Agency for FY 2003/04 to administer Local Emergency Medical Services; authorized the Chairman to sign the contract with Mountain Valley Emergency Medical Services Agency; recognized ambulance fees collected pursuant to Ordinance C.S. 410, Section 6.72.050 as an additional revenue source for this contract; directed staff to review and recommend revisions, as necessary, to Ordinance C.S. 410, Section 6.72.050; and, authorized the transfer of \$93,623 from the County General Fund Appropriations for Contingencies Budget Unit – HSA 2003-820
  - \*B10** Authorized the Library to accept a grant from the California State Library through the Federal Library Services and Technology Act (LSTA) in the amount of \$34,525 for computer and internet classes; authorized the Librarian to execute contracts and/or agreements to accept the funds; and, approved the necessary budget adjustments to the existing FY 2003/04 final budget 2003-821
  - \*B11** Approved the continuance of the Probation Department’s contracts with the Center for Human Services for the High Risk Offender Program and for Hutton House Crisis Intervention and Shelter Care 2003-822
  - \*B12** Approved the amendments to Retirement Board bylaws Article 4 – Members’ Contributions and Article 13 – Retiree Health Insurance Policy as recommended by the Board of Retirement BD-36-A-7 2003-823
  - \*B13** Authorized the Sheriff to enter into an agreement with Modesto City Schools for one School Resource Officer for the Fairview Elementary School Neighborhood; directed the Auditor-Controller to increase Appropriations and Estimated Revenues in the amount of \$71,723; and, amended the Salary and Position Allocation Resolution to add one Deputy Sheriff-Coroner to Sheriff’s Operation 2003-824
  - \*D1** Authorized the Auditor-Controller to increase Estimated Revenues and Appropriations in the amount of \$4,525,000 in the Redevelopment Agency budget – Planning 2003-825
  - \*D2** Approved the Home Ownership Program agreement with the Stanislaus County Redevelopment Agency and the Stanislaus County Housing Authority; and, authorized the Director of Planning and Community Development to execute the agreement – Planning 2003-826
- Continued item **\*B2** Approval to Award Countywide Elevator Maintenance Agreement to Otis Elevator Company, to a future meeting date 2003-827

C/M (4-0)(Grover abstained) \***B4** Accepted the completed reconstruction of the Nick W. Blom Salida Regional Library, 4835 Sisk Road, Salida CA, subject to receipt of close-out documents from the contractor; approved the final contract with the contractor, The McDonald Glenn Co. of Manteca, CA as follows: original contract of \$1,600,554, total change orders of \$193,748, and final contract cost of \$1,7940,302; approved a 30-day time extension at no cost to the County; authorized the Chairman, on behalf of the Board of Supervisors as the awarding authority, to sign the completion documents; authorized staff to record the Notice of Completion subject to receipt of close-out documents from the contractor; and, accepted the Project and authorized the necessary recording of the Notice of Completion and all other necessary close-out activities 2003-828

P/C (4-0)(Grover abstained) \***B8a** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 4107 and 4125 Beckwith Road, Modesto, California (CE No. 02-1646 and 02-1931) – DER 2003-829

G/M unan. \***C1** Denied the request by Del Rio Services Corporation to locate a private sewer line within the public road right-of-way of Carver Road – PW 2003-830

C/G unan. \***D3** Directed staff to finalize a response to U.S. Fish and Wildlife Service’s proposal to list the Central California distinct population segment of the California Tiger Salamander as threatened, and amended the draft response to request a time extension of the comment period – Planning 2003-831

C/P unan. **6:35pm** Finds the project for Rezone Application #2002-18 and Tentative Map Application #2002-27 - John Stewart, a request to rezone from A-2-3 (General Agriculture) to R-A (Rural Residential) to create three parcels from a 5-acre site located at 2742 River Road, in the Ceres 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 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 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 §15074(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; determined that none of the findings precluding parcel map approval can be made; determined that all of the necessary findings for an exception 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 #2002-18 and Parcel Map Application #2002-27 - John Stewart, subject to the attached Conditions of Approval; and, introduced, waived the reading and adopted Ordinance C.S. 858 for the approved Rezone Application #2002-18 – Planning

ORD-54-P-2 2003-838 & 2003-839

G/M (4-1)(Paul opposed) **6:40pm** Based on the Planning Commission’s recommendation, the Board denied Rezone Application #2003-02 and Parcel Map Application # 2003-02 - Ervin Rifenburg, a request to amend the zoning designation from A-2-40 (General Agriculture) to A-2-3 (General Agriculture) and create four parcels ranging in size from 3.5 to 5.2 acres from a 16.4± acre parcel, located at 1118 Bent Road, west of Wellsford Road, in the Modesto/Empire area – Planning ORD-54-P-3 2003-840

M/C unan. **B14** Approved the responses to the 2002-2003 Stanislaus County Civil Grand Jury Final Reports Part Two on the Correctional Facilities Inspection of Juvenile Hall, and Part Eight on the Stanislaus County Landfill; authorized the Chairman to forward the responses to the Presiding Judge of the Superior Court; and, directed the CEO to ensure that the recommended actions be followed and completed by each County department as appropriate, and report back to the Board

M-39-I-1 2003-832

C/P unan. **B18** Approved the 2003 Financing Plan for the Gallo Arts Center, the 12<sup>th</sup> Street Office Building and Parking Garage Project, and the Salida Regional Library; authorized the previously approved County's financing team to proceed with the necessary financing actions, including the municipal financing consultant, special tax counsel and disclosure counsel; and, authorized the Interim CEO and other appropriate County officials to execute the necessary agreements 2003-836

G/M unan. **6:45pm (A)** Held a public hearing and approved a resolution pursuant to §147(f) of the Internal Revenue Code of 1986 approving the request from the Central Valley Center for the Arts (CVCA) for the Stanislaus County Capital Improvements Financing Authority to issue conduit revenue bonds on behalf of CVCA 2003-841

C/P unan. **6:45pm (B)** Held a public hearing and approved a resolution pursuant to §147(f) of the Internal Revenue Code of 1986 approving Stanislaus County's execution and delivery of certificates of participation for the Gallo Arts Center 2003-842

G/M unan. **6:50pm** Denied the appeal of the Planning Commission decision for Parcel Map Application #2002-18 - Laurin M. Windus Trust, a request to create three parcels of 1.17, 1.07 and 1.12 acres in the R-A (Rural Residential) zoning district located on the west side of Robertson Road and south of Paradise Road, in the Modesto area; the Board upheld the Planning Commission decision of denial; finds that the decision to deny the project is not subject to the CEQA as it cannot be approved, as discussed in the project staff report (Public Resources Code, §21080(b)(5)); denied Parcel Map Application #2002-18 based on the findings of the City of Modesto, contained in the letter dated 8/12/02, the project is inconsistent with the city's general plan development policy; this denial is required based on language contained within the Stanislaus County General Plan, pages I-15 through I-18 and upon terms of the signed agreement between the County of Stanislaus and the City of Modesto – Planning 2003-843

**Recessed at 10:55 p.m.**

**Reconvened at 11:00 p.m.**

G/P unan. **B15** Approved full implementation of Stanislaus County as the Employer of Record of individual providers in the In-Home Supportive Services (IHSS) Program; approved full implementation of a County administered Individual Provider (IP) Program; authorized the CEO to direct the Auditor-Controller's office to make the necessary adjustments to the CSA budget, Fund 1631; and, authorized the CEO to amend the Salary and Position Allocation to add four new positions and fund two previously unbudgeted, vacant positions to the CSA Fund 1631 – CSA 2003-833

C/M unan. **B16** Adopted the retirement contributions rates, rate of interest posting and revised actuarial assumptions for FY 2003/04 as recommended by the Board of Retirement; and, directed the Auditor-Controller to change the employer and employee retirement contribution rates for the FY 2003/04 on the payroll check date of 10/15/03 – Retirement 2003-834

G/C unan. **B17** Awarded contracts for Bid Package 3 and Bid Package 4 for the 12<sup>th</sup> Street Office and Parking Garage Project: awarded a contract for Bid Package 3, Metals, Division 5, to Gayle Manufacturing Co., Inc., for \$1,219,000; awarded a contract for Bid Package 4, Conveying Systems, Division 14, to Kone, Inc., for \$620,165; authorized the Project Manager to issue Notices to Proceed contingent upon receipt of the proper insurance and bonds; and, authorized the Project Manager to negotiate and execute an amendment to the architect's contract to redesign the footings and foundations of the office building 2003-835

M/P unan. **B19** Authorized the addition of two Internal Auditor (Accountant III) positions to the Auditor-Controller's office for the purpose of strengthening the internal audit function of the County; approved the transfer of \$87,400 from Appropriations for Contingencies to the Auditor-Controller budget to fund the addition of these two positions; and, amended the Salary and Position Allocation Resolution to add two Accountant III positions to the Office of the Auditor-Controller 2003-837

**Corr 1** Acknowledged receipt of the National Association of Counties 2002-03 Annual Report.

**Corr 2** Referred to the CEO, a letter from the County of Yuba requesting opposition to SB 451 which would exempt privatized military housing from possessory interest property tax assessments.

**Corr 3** Referred to the Department of Planning and Community Development, a letter from the California State Office of Historic Preservation requesting comments regarding the consideration for nomination of the Plaza Center Building in Patterson to the National Register of Historic Places.

**Corr 4** Referred to the Department of Planning and Community Development, a letter and a public scoping meeting notice from Mariposa County Planning regarding Deerwood at the Lakes, a new development proposal that includes 1,348 residential units and a 27-acre commercial center in the Don Pedro Community.

**Corr 5** Referred to the CEO, a letter from the United States General Services Administration regarding the Social Security Administration Building at 1230 12<sup>th</sup> Street in Modesto being designated as surplus Government property and available for disposal.

**Corr 6** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Jim and Brenda Warfield; Michael Chabra; John Adams; Michelle Anderson; Wilma Gonzalez; Sean Dompe; Lusamerica Foods, Inc., a California Corporation and Paul Allen Freeman; Muhammed Shittu; Matthew John Bruns; Matthew John Bruns; and, Jennifer Arrieta.

The Interim CEO reported on the recall election and noted that the 9<sup>th</sup> Circuit Court has suspended their order. Citizens were encouraged to complete their ballots, as the process is going forward.

Adjourned at 11:20 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.)