

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

Regular Session

Tuesday

March 23, 2004

All Supervisors Present

Pledge of Allegiance to the Flag

Ken Patterson, Director of CSA, and Dan Souza, Director of BHRS, presented a resolution proclaiming Social Worker Recognition Month.

Kristi Rosenquist, from the United Domestic Workers (UDW), stated that they are taking Supervisor Simon up on his offer to assist them in going to Sacramento on 4/22/04. She spoke regarding the labor negotiations with the County and said that they are aware of the cost to County, State and Federal government to give the caregivers a raise. She noted that if caregivers were given a raise, it would bring more income to the County. Based on a UDW Economic Impact Report, she anticipates that in the first year, the impact would be \$15 million.

Simon/Paul unan. Adopted the consent calendar after removing from consent item ***A3** Approval to Accept the Clerk-Recorder's Declaration of the Results of the Presidential Election Held on March 2, 2004; and, item ***B3** Approval to Award Construction Contract to Menghetti Construction, Inc. for the Public Defender Tenant Improvements at 1021 I Street, Modesto, California

***A1** Approved the minutes of 3/9/04

***A2** Adopted and waived the second reading of Ordinance C.S. 875 amending Title 11 of the Stanislaus County Code, adding No Parking Zones on Crows Landing Road, Hackett Road and Whitmore Avenue, and a No Truck Parking Zone on Hatch Road – PW

ORD-54-R-8 2004-176

***A4** Commended Fred J. Bastian upon his retirement from the Probation Department 2004-177

***A5** Proclaimed 3/25/04 as Healthy Nutrition Day 2004-178

***A6** Approved request from E Clampus Vitus for use of the Courthouse lawn on 4/3/04 for the dedication of a monument honoring the 150th Anniversary of Stanislaus County

2004-179

***B1** Approved and authorized the Interim CEO to sign the application for Federal Assistance from the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) and Veterinary Services (VS) to Continue Conducting Exotic Newcastle Disease Services – Ag Commissioner 2004-180

***B2** Approved staff findings that the City of Modesto's proposed prezone and annexation in the Bret Hart Area of approximately two acres adjacent to Glenn and Guthrie Street southwest of the City of Modesto should be subject to the provisions of the Master Property Tax Agreement between the County and the City of Modesto

C-6-I-2 2004-181

***B4** Approved the agreement between the Stanislaus Foundation for Medical Care and the HSA which provides claims processing services necessary for emergency room physician payments on behalf of eligible indigent patients in accordance with AB 1762 from the Emergency Medical Services Appropriation (EMSA); and, authorized the HSA Managing Director, or her designee, to sign the agreement– Health Services Agency 2004-182

- ***B5** Authorized the appointment of Beverly Anstine to the position of Dietitian in the HSA Women, Infants and Children’s Program (WIC) at step five of the Salary Classification – HSA 2004-183
- ***B6** Authorized the Sheriff to apply to the Department of Alcoholic Beverage Control (ABC) for a grant for Local Law Enforcement to assist in the regulation of ABC licensees in Stanislaus County in the amount of \$65,000; approved a resolution undertaking a project designated as “Targeted Abatement Project” (TAP); and, if awarded, directed the Auditor-Controller to make the necessary budget adjustments in an amount not to exceed the grant award – Sheriff 2004-184
- ***B7** Approved certain transportation control measures that will help mitigate negative impacts to air quality and that will begin to address the “Extreme Status” classification of the valley air quality, and adopted a resolution to implement local government transportation control measures 2004-185
- ***B8** Approved the exhibition of a model of Stanislaus County with active river components identified as part of the County Design for the 2004 California State Fair; authorized the Interim CEO, or her designee, to execute a contract with Gaffney Display for the design, construction and installation of the 2004 Stanislaus County State Fair Exhibit; and, authorized the Chairman to sign the Official Entry Form appointing Keith Boggs, Management Consultant IV, as the official County representative 2004-186
- ***C1** Approved a purchase agreement to acquire road right-of-way on the west side of Carpenter Road to realign a curve north of Crows Landing Road; authorized the Chairman to execute the agreement; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$3,018 payable to Fidelity National Title Company – PW 2004-187
- ***C2** Approved Contract Change Order #1 and Contract Change Order #2 for the Compressed Natural Gas (C.N.G.) Vehicle Fueling Facility Project and authorized the Purchasing Agent to increase the contract amount by \$17,372.66 – PW 2004-188

Mayfield/Simon unan. ***A3** Accepted the Clerk-Recorder’s Declaration of the Results of the Presidential Primary Election held on 3/2/04 – Clerk-Recorder 2004-189

Simon/Paul (4-0)(Grover abstained) ***B3** Awarded the contract to the lowest bidder, Menghetti Construction, Inc., for \$1,252,400 to construct the Public Defender Tenant Improvements at 1021 I Street, Modesto, California; authorized the project budget to be increased by \$32,000 to fund construction based on the low bid, and authorized the Auditor-Controller to make the proper transfers; authorized the Project Manager to issue a Notice to Proceed contingent upon receipt of the proper insurance and bonds; and, authorized the Project Manager to negotiate and sign other agreements and work authorizations necessary to manage the project as long as the cost is within the amount budgeted 2004-190

Mayfield/Grover unan. **A7** Approved the recommendations from the Special Board Committee consisting of Supervisor Grover and Supervisor Mayfield, regarding the allocation of Community Development Block Grant Funds 2004-191

Grover/Mayfield unan. **9:25am** Conducted the public hearing to consider the approval to reallocate \$791,101 CDBG funds; directed staff to continue discussions with the City of Modesto regarding sewer-only infrastructure in Robertson Road Neighborhood; and, directed staff to report back to the Board to complete discussions and to take appropriate action – Planning 2004-194

Simon/Paul unan. **9:30am** Based upon the staff reports, comments received from staff, documents which the Board has reviewed, including exhibits and attachments that are before this Board, and the entire record in this matter, including the testimony at the public hearing on 2/10/04 and Board comments, the

Board considered and adopted the Planning Commission and Staff Recommendations Nos. 1 through 5 set forth in the staff report to the Board; denied the appeal and upheld the Planning Commission's approval of Use Permit Application #2002-28 - Santa Fe Aggregates, Inc.; the Board considered and made the required findings in support of approval as set forth in "Attachment A" (Staff Recommendation No. 1); certified that the project environmental documentation is in conformance with CEQA; adopted the Mitigated Negative Declaration (State Clearinghouse #2002102142) 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 that the project will have a significant effect on the environment, and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgement and analysis; ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's office pursuant to Public Resources Code §21152 and CEQA Guidelines §15075; approved Use Permit Application #2002-28 - Santa Fe Aggregates, Inc., subject to the attached Conditions of Approval, Mitigation Measures as revised and the Mitigation Monitoring Plan; approved the attached Revised Reclamation Plan for Use Permit Application #2002-28 - Santa Fe Aggregates, Inc. subject to compliance with the Conditions of Approval and Revised Mitigation Measures - Planning 2004-195

Simon/Mayfield unan. **B9** Accepted the Airport Advisory Committee's 2003 Annual Report for the Modesto City-County Airport 2004-192

Recessed at 10:19 a.m.

Reconvened at 10:28 a.m.

Paul/Grover unan. **B10** Accepted the Stanislaus County Children's Council Annual Report for Calendar Year 2003; approved the Promoting Safe and Stable Families Program for Federal FY 2002/03 Annual Report; and, approved the Child Abuse Prevention, Intervention and Treatment/Community-Based Family Resource and Support FY 2002/03 Annual Report 2004-193

Corr 1 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Three & One Investment Group; Steven O'Garey; Duarte Nunes and Ernestina Nunes; Robert Camden Carder; and, Karen Leigh Gates.

Supervisor Paul announced that she is engaged and will get married in October, 2004.

Supervisor Grover, Chair of the Local Task Force on Solid Waste (LTF), spoke regarding recent LTF meetings about the State mandated update of the Countywide Siting Element. He also spoke regarding recent articles and an editorial in the Modesto Bee concerning the update of the Siting Element and expansion of the Fink Road Landfill. He noted that the County had not been successful in convincing the community that there are no plans for a mega-dump or to privatize the landfill, even though the County proposed to put limitations in the updated Siting Element to prevent that from occurring. Supervisor Grover discussed a meeting with staff and Supervisor Caruso held on Monday, 3/22/04, on the Siting Element update and the proposed expansion. He indicated that he will recommend, along with staff, that the Board consider approving submission of an update of the Siting Element, which includes a map that outlines only the proposed 129-acre Canyon Landfill Alternative expansion project with additional area for access roads and placement of dirt for excavation around the landfill totaling less than 300 acres. He indicated that it is his belief that this limited expansion with lines drawn around the expansion on the siting map should eliminate citizens' concern regarding expansion at the landfill. He also indicated that along with the map showing the limited 129-acre expansion impact, the Siting Element update will include language clarifying that the County has no intent to privatize this landfill or expand the landfill at this time other than the 129-acre Canyon Landfill Alternative. Supervisor Grover also indicated that the

process is to move forward with the preparation of the Siting Element update that shows only the 129-acre expansion, and includes appropriate limiting language, share the update and all information with the nine cities, and then bring the Siting Element update back to the Board of Supervisors at a public meeting prior to the matter being submitted to the Integrated Waste Management Board by the Board of Supervisors. Supervisor Grover noted that the public would have an opportunity to comment on the Siting Element update and that the public would be able to see that the proposed expansion is a very limited one, which should dispel the false rumors of a large landfill expansion. Supervisor Grover indicated that the intention of the County is to provide for long-term landfill needs of the County.

The Board members discussed Supervisor Grover's comments and the proposed limited expansion of the Fink Road Landfill. Board members indicated that the Department of Environmental Resources should bring this matter back to the Board of Supervisors at the Board meeting of 4/27/04 for the Board to consider approving the update of the Siting Element, including the Siting Element map showing limited expansion, along with language which discusses the limited expansion. The Board wanted this matter to be discussed in public before deciding whether to approve sending the Siting Element update to the State for processing.

Board members also commented about the articles in the Modesto Bee and the misinformation and false impression that is being portrayed about the proposed expansion. Chairman Caruso noted that the issue of perception is important, that politics had unfortunately been brought into this issue, and that the Modesto Bee articles and other newspapers did not accurately portray the Board action on this matter. Supervisor Caruso noted that adoption of a Siting Element does not entitle development or expansion of a landfill and that compliance with CEQA is also required. He indicated that he believes Supervisor Grover's idea to bring the limited expansion map for Board consideration on 4/27/04 is necessary to give the public confidence that a large landfill expansion is not being considered by the Board.

Supervisor Mayfield also commented on the newspaper articles in the Modesto Bee. Supervisor Mayfield wanted to make it very clear that this current Board of Supervisors never voted for a "mega-dump," and voted years ago not to bring in any medical waste. He requested staff to produce documents at the 4/27/04 Board meeting regarding the sale of property from Mr. Vogel to the County.

The Chairman noted that the Federal Court in Sacramento has made a decision regarding the Diablo Grande project. County Counsel noted that the Federal Court ruled against the plaintiffs in favor of Diablo Grande and the Army Corp of Engineers.

Supervisor Mayfield noted that the San Joaquin Air Pollution Control District is being sued by Protect Our Air regarding the air quality status being changed from severe to extreme.

Legislative A Richard Jantz, Deputy CEO, gave a verbal update on the CSAC Legislative Conference

Legislative B Richard Jantz, Deputy CEO, gave a verbal update on The Local Taxpayers and Public Safety Protection Act

Richard Jantz, Deputy Executive Officer, updated the Board on the status of the Worker's Compensation reform.

Adjourned to closed session at 11:24 a.m. for conference with Legal Counsel - Existing Litigation: Three Cases: California Farm Bureau Federation v. California Department of Forestry, et al, Sacramento County Superior Court Case No. 04CS00225; County of San Diego v. State of California et al., Sacramento County Superior Court Case No. 04AS00371; County of San Diego v. State of California et al., San

Diego County Superior Court Case No. GIC825109. Government Code §54956.9 (a). Conference with Legal Counsel - Anticipated Litigation: Significant Exposure to Litigation. Two Cases. Government Code §54954.5(c). Public Employee Appointment: Title: Chief Executive Officer. Government Code §54954.5(e). Labor Negotiations: Agency Negotiator Patricia Hill Thomas. United Domestic Workers and Committee of Interns and Residents (CIR) Pursuant to Government Code §54954.9(f).

Adjourned at 1:10 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.)