

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

Special and Regular Session
Supervisor Mayfield and Caruso absent
Pledge of Allegiance to the Flag

Tuesday

September 14, 2004

Special Session convened at 8:33 a.m.

Recessed to closed session at 8:34 a.m. for Labor Negotiations: Agency Negotiator Patricia Hill Thomas. Labor Organization UDW. Government Code §54954.5(f).

Supervisor Mayfield arrived at 8:38 a.m.

Supervisor Caruso arrived at 8:44 a.m.

Reconvened at 9:01 a.m. for Regular Session

A moment of silence was observed in memory of Eva Schicke, a Tuolumne County Firefighter who died fighting a fire near Mariposa County.

Ida Mae Mullins voiced concerns regarding cars parked on the new sidewalks in the Shackelford neighborhood. Sheriff Weidman responded that the Sheriff's department can immediately tow cars that are parked on the sidewalks, and that he will work on updating the County Code regarding abandoned vehicles. She also asked County staff to look into a church located at 110 El Paso Avenue in Modesto.

Dave Thomas spoke regarding County leadership, fiscal management, Board members compensation, and the hiring of a public relations consultant. County Counsel Mick Krausnick responded to statements made by Mr. Thomas, and advised him that he made false statements during his presentation.

Naria Jordan, of the UDW, spoke regarding the founding of the UDW. She thanked the Board for their leadership and working partnership in the labor negotiations for IHSS employees. She invited the Board to a small reception today, between 12-6pm, and to another reception at the end of the month.

Kristi Rosenquist, Henry Dill, Ed Donafrio, Pat Boyd, and Chris Wagner, all IHSS employees, thanked the Board for the increased wages and benefits for the IHSS employees.

Susan Robinson, of the Coalition for Cats and Dogs, spoke regarding a visit by the Chairman of the Animal Advisory Committee at her home yesterday morning. She raised several concerns regarding the Chairman's visit. She also raised concerns with the Director of Animal Services still doing convenience euthanasia. The Interim CEO noted that they will look into Ms. Robinson's concerns, and respond in writing and in a public forum.

Ken Beard spoke regarding the problems he is having with the Planning Department in obtaining a temporary mobile home permit to house his in-laws for medical reasons. The Chairman responded that the Board will look into this issue.

Simon/Paul unan. Adopted the consent calendar after removing from consent the following items: ***A2** Approval to Adopt and Waive the Second Reading of Ordinance C.S. 893 Relating to the Regulation of Primary and Secondary On-Site Wastewater Treatment Systems and Approval to Amend Measure X Guidelines – Environmental Resources; ***B6** Approval to Authorize the Registrar of Voters to Accept Two Federal Grants from the Help America Vote Act of 2002 for Voter Education/Pollworker Education and Election Assistance for Individuals with Disabilities – Clerk Recorder; and, item ***B7** Approval of Kaiser Permanente’s Voluntary Regional Transportation Contribution (VRTC) and Public Facility Fee (PFF) for the Proposed New Kaiser Permanente Medical Center in the North Salida Area

- *A1** Approved the minutes of 8/24/04
- *A3** Approved the amendments to the Conflict of Interest Codes for the Salida Union School District and the Riverbank Unified School District 2004-656
- *A4** Approved request from JAFCO Canine Management for use of the Woodward Reservoir for their Annual Police K-9 Training Seminar on 9/24/04 through 9/26/04 2004-657
- *A5** Approved request from E Clampus Vitus for use of the La Grange Gold Dredge Historical Site on Friday, 10/15/04 through Sunday, 10/17/04 2004-658
- *A6** Approved request from Hughson High School for use of the Modesto Reservoir area from September 2004 through November 2004 for their cross-country team practices and two cross-country track meets 2004-659
- *A7** Accepted the declaration of the results of the Oak Valley Hospital District Special Bond Election held on 8/31/04 – Clerk-Recorder 2004-660
- *A8** Appointed Gabe Juarez, Celeste Edwards, Judy Ensley and Elizabeth Habib-Sakuma; and, re-appointed James Merriam and Paul Van Tress to the Youth Advisory Council of the Stanislaus Economic Development and Workforce Alliance 2004-661
- *A9a** Appointed, in-lieu of election, James Teter and Paul A. Westburg to the Oak Valley Hospital District Board 2004-662
- *A9b** Appointed, in-lieu of election, Jeannette Kessler and Edward Maring to the Del Puerto Health Care District Board 2004-663
- *A9c** Appointed, in-lieu of election, Renita Bassett and Dail Avila to the West Side Community Health Care District Board 2004-664
- *A9d** Appointed, in-lieu of election, Clifford W. Koster, Ivan E. Bays, Peter Lucich, Fred Vogel, Earl Perez, Thomas W. Dompe and Jim Jasper to the Del Puerto Water District Board 2004-665
- *A10a** Accepted the resignation of Don Viss from the Stanislaus Consolidated Fire Protection District Board 2004-666
- *A10b** Accepted the resignation of Linda Vargo from the Juvenile Hall Service League 2004-667
- *A11** Approved proclaiming the week of 9/27/04 through 10/1/04 as Cultural Awareness Week 2004-668
- *A12** Appointed Kathaleen Allen to the Empire MAC 2004-669
- *B1** Accepted the report on Stanislaus County’s Revolving Funds as of 6/30/04 – Auditor-Controllor 2004-670
- *B2** Approved an amendment to the agreement with the United Advocates for Children of California for the provision of mental health education, advocacy and support services; and, authorized the Director, or his Designee, to sign the amendment - BHRS 2004-671
- *B3** Approved the non-acceptance of the Emergency Food Assistance Program MOU with the California Department of Social Services (CDSS); recommended that the CDSS issue the Emergency Food Assistance Program MOU directly to the Modesto Salvation Army; and, approved the recognition of the Salvation Army in their excellent work to address the needs of the hungry in our community - CSA 2004-672
- *B4** Authorized the Interim Director of DER to extend the existing contract with Clean Harbors Environmental Services, Inc., for the removal and disposal of hazardous waste at the

- Household Hazardous Waste Collection Facility to 6/30/05, at a cost not to exceed \$225,000 for eighteen months – DER 2004-673
- *B5** Approved the Letter of Agreement to contract with Toyon Associates, Inc., for preparation of the required Annual Medicare and Medi-Cal Rural Health Clinic Cost Report; and authorized the HSA Managing Director, or her Designee, to sign and accept the Letter of Agreement – HSA 2004-674
- *B8** Approved a public reception for the CEO, Richard W. Robinson, on 9/28/04 at 4:00-6:00 p.m. located at the Tenth Street Place Lobby and Plaza; and, authorized staff to prepare for this public event 2004-675
- *C1** Approved the filing and recording of the final map for Bonita Ranch Unit 1A Subdivision; finds that the final map is in substantial compliance with the previously approved tentative map; finds that Stanislaus County has adopted a specific plan covering the area proposed to be included within the final map; finds that the final map, together with the provisions for its design and improvement, is consistent with the specific plan for the area; authorized the Chairman to sign the final map; and, authorized the final map to be filed and recorded as presented – PW 2004-676
- *C2** Approved the subdivision improvement agreement for the Pentecost Industrial Subdivision and authorized the Chairman to sign the agreement – PW 2004-677
- *C3** Approved Amendment No. 1 to Project 2004-01 with CH2M Hill of Sacramento, California, for a Scour Countermeasures Phase; authorized the Purchasing Agent to execute the amendment; directed the Auditor-Controller to increase Appropriations for the Hickman Road Bridge Project at Tuolumne River by \$63,900; and, authorized the Purchasing Agent to increase the contract amount with CH2M Hill in the amount of \$63,900 – PW 2004-678
- *C4** Awarded the contract for the Tuolumne River Bridge at Waterford Project to Steelhead Constructors, Inc., of Redding, California, in the amount of \$887,700; directed the Auditor-Controller to increase Appropriations by \$887,700 and Estimated Revenue by \$542,892 in the project account; and, authorized the Purchasing Agent to establish a contract with Steelhead Constructors, Inc., of Redding, California, for the contract amount of \$887,700 – PW 2004-679
- *C5** Finds that the Norman Glick School Annexation, the territory more particularly described on Exhibits "A" and "B", is owned by petitioner, and that petitioner's ownership represents 100% of the total assessed valuation of all taxable property within the territory proposed to be annexed into Empire Highway Lighting District; finds that Stanislaus County Code, §21.40.040, requires the installation of a street lighting system to serve the territory; finds that the territory proposed to be annexed is not within the limits of any other lighting district; finds that public necessity and welfare require that the territory be annexed to the lighting district; ordered that the requirements of notice, hearing, and election shall not be applicable to this proceeding, pursuant to Streets and Highways Code, §19056; ordered that the territory be annexed to the Empire Highway Lighting District of Stanislaus County; finds the fact of filing of the petition was received by the Clerk of the Board on 9/14/04; approved the resolution annexing to the lighting district; ordered that, pursuant to the Streets and Highways Code, §19000, et seq, the cost of conducting and maintaining the lighting district shall be assessed against the individual parcels of land within the District's boundaries; and, directed the Department of Public Works to send a certified copy of the resolution ordering the annexation to the lighting district, and all other required documents and the processing fee to the State Board of Equalization –PW DL-1-28 2004-680
- *C6** Approved the installation of stop sign traffic controls, under the authorization granted to local authorities in Vehicle Code §21355, at the following locations: Service Road at Carpenter Road, Martha Avenue at Seventh Street; Martha Avenue at Ninth Street, and Keys Road

- at Sperry Road; required motorists on all approaches to stop prior to entering the said intersections, and the stop signs shall be located at or near all entrances to said intersections listed above; approved the installation of stop sign traffic control at Rodney Avenue at El Roya Avenue; required motorists on Rodney Avenue to stop prior to entering the intersection, and the stop sign shall be located at or near the west entrance to said intersection; approved the installation of stop sign traffic control at Lindstrom Avenue at Claire Way; and, required motorists on Claire Way to stop prior to entering the intersection, and the stop sign shall be located at or near the south entrance to said intersection – PW 2004-681
- *C7** Approved Change Order No. 1 to the contract for the Knights Ferry School Access Road with Donniker Construction, Inc., of Avery, California; authorized the Road Commissioner to execute the change order; directed the Auditor-Controller to increase Appropriations by \$137,413.80, and increase Estimated Revenue in the amount of \$21,700.00, to cover the additional cost related to the change order; and, authorized the Purchasing Department to increase the contract amount by \$137,413.80 – PW 2004-682
- *C8** Approved the subdivision improvement agreement for Sterling Ranch Unit No. 2 Subdivision; finds that the final map is in substantial compliance with the previously approved tentative map; finds that Stanislaus County has adopted a specific plan covering the area proposed to be included within the final map; finds that the final map, together with the provisions for its design and improvement, is consistent with the specific plan for the area; rejects all roads, highways, avenues, alleys, courts, ways, lanes, places, etc.; authorized the Chairman to sign the final map and the subdivision improvement agreement along with the first addendum to the subdivision improvement agreement for Sterling Ranch Unit No. 2; and, authorized the final map to be filed and recorded as presented - PW 2004-683
- *C9** Approved the revised specifications for the School Sidewalk Project at Various Locations; directed the Clerk to publish a notice inviting bids for the project as required by law; set the deadline for submission of bids as 10/13/04, prior to 2:30 p.m.; and, directed the Public Works staff to mail notice inviting bids to trade journals as required by law – PW 2004-684
- *D1** Set a public hearing on 9/28/04, at 9:25 a.m., to consider the introduction, waiving of the reading, and adoption of Ordinance C.S. 895 extending the Redevelopment Plan for the maximum period allowed pursuant to Health and Safety Code §33333.2(C) – Planning ORD-54-S-8 2004-685
- *D2** Awarded the construction contract for shade shelters at Murphy Park in Salida to M. A. K. Associates, Inc. dba Playgrounds Unlimited of Sunnyvale, California in the amount of \$47,080; authorized the Purchasing Agent to establish a contract with M.A.K. Associates, Inc. dba Playgrounds Unlimited of Sunnyvale, California for the contract amount; authorized expenditures from the Salida Park account in an amount not to exceed \$47,080; and, authorized the Auditor-Controller to issue warrants in amounts not to exceed \$47,080 to M.A.K.. Associates, Inc. dba Playgrounds Unlimited – Planning 2004-686
- *D3** Rescinded all or a portion of Williamson Act Contract #1977-2857 (River Road, Oakdale area), and approved new contract pursuant to Minor Lot Line Adjustment Application 2004-039; authorized the Planning Director to execute new contracts; finds the new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years; finds there is no net decrease in the amount of the acreage restricted; in cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate

acreage restricted by the rescinded contracts; finds at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; finds after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in §51222; finds the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts; finds the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; and, finds the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan – Planning 2004-687

- *D4** Set a public hearing on 9/28/04, at 9:30 a.m., to consider the introduction, waiving of the reading, and adoption of Ordinance C.S. 896, an ordinance amending Title 21 of the Stanislaus County Code relating to large scale retail businesses; and, authorized the Clerk to publish notice of the hearing as required by law – Planning ORD-54-S-9 2004-688
- *D5** Set a public hearing on 10/5/04, at 9:25 a.m., to consider Rezone Application #2003-15 - Raman V. Patel and adoption of the related Mitigated Negative Declaration – Planning ORD-54-T-1 2004-689
- *D6** Set a public hearing on 9/28/04, at 9:40 a.m., to consider Specific Plan Amendment Application #2002-01 and Tentative Map Application #2002-05 - Diablo Grande Unit 2A, and adoption of the related Mitigated Negative Declaration – Planning 2004-690
- *D7** Set a public hearing on 9/28/04, at 9:35 a.m., to consider Williamson Act Cancellation #2004-02 and Use Permit Application #2003-26 - Forrest Aarvig, and related actions – Planning 2004-691

Simon/Mayfield unan. ***B6** Authorized the Registrar of Voters to receive and spend Federal Help America Vote Act (HAVA) grant funds for voter education and pollworker training assistance, including the negotiation, award and execution of all corresponding contracts; authorized the Registrar of Voters to receive and spend grant funds for election assistance for individuals with disabilities, including the negotiation, award, and execution of all corresponding contracts; and, authorized the Auditor-Controller to make the necessary budget adjustments; **amended** the recommendations to authorize the Clerk-Recorder to expend funds and to seek reimbursement from the grants for expenditures - Clerk-Recorder 2004-693

Mayfield/Paul unan. ***A2** Adopted and waived the second reading of Ordinance C.S. 893 relating to the regulation of primary and secondary on-site wastewater treatment systems – DER ORD-54-S-6 2004-692

Paul/Grover (4-0)(Simon abstained) ***B7** Approved the revised and negotiated amount of Kaiser Permanente’s voluntary regional transportation contribution for the North Salida area, and authorized the Interim CEO to sign an agreement with Kaiser and the City of Modesto 2004-694

Grover/Simon unan. **B9** Adopted the report and recommendations of DER regarding the Stanislaus Wildlife Care Center 2004-695

Recessed at 10:32 a.m.

Reconvened at 10:44 a.m.

Simon/Grover unan. **9:30am** Conducted the scheduled public hearing; accepted and approved the recommended Final Budget for FY 2004/05 from the Interim CEO; accepted and approved the recommendations from the ad hoc committee of the Board of Supervisors on stable funding for public protection services; authorized the Interim CEO and the Auditor-Controller to make the necessary adjustments to implement the approved Final Budget; directed the CEO and the Auditor-Controller to

prepare the Final Budget document in accordance with state law and submit it to the State Controller prior to 12/1/04; amended the Salary and Position Allocation Resolution to reflect the position and classification changes as recommended in the Final Budget Addendum and included in Attachment “A” effective 9/18/04; approved the Interim CEO’s recommendation to not unfund or “freeze” specific allocated positions as was originally recommended in the Proposed Budget for some budget units, but rather give Department Heads the authority to manage their position vacancies and hold them accountable to ensure they end the year within their budgeted appropriations; authorized the Treasurer-Tax Collector and the Chairman of the Board of Supervisors to sign a loan agreement to formalize the repayment of the HSA’s cash deficit and directed the Auditor-Controller to establish an Interest Bearing Agency Fund to account for the internal borrowing; and, approved the transfer of \$1,800,000 of Reserves – general to the designation – contingency which is consistent with the County’s existing General Fund reserve designations

2004-696

Corr 1 Referred to the Sheriff and the Probation Department, a Notice of Public Hearings from the California Board of Corrections regarding proposed revisions to the Minimum Standards for Local Detention Facilities.

Corr 2 Referred to the Agricultural Commissioner and the Department of Planning and Community Development, a notice from the U.S. Fish and Wildlife Service regarding the final rule designating the California Tiger Salamander as a threatened species and a proposed rule to designate critical habitat for this animal.

Corr 3 Referred to the Agricultural Commissioner and the CEO/Office of Emergency Services, two letters from the State of California Office of Emergency Services regarding the U.S.D.A. and the U.S. Small Business Administration granting a disaster designation for the County of Alameda and the contiguous counties of Contra Costa, San Joaquin, Santa Clara, and Stanislaus due to agriculture losses caused by drought that occurred on March 1, 2004 and continuing.

Corr 4 Referred to the Agricultural Commissioner and the CEO/Office of Emergency Services, a letter from the State of California Office of Emergency Services regarding the U.S. Small Business Administration granting a disaster designation for the County of Merced and the contiguous counties of Fresno, Mariposa, Madera, San Benito, Santa Clara, Stanislaus and Tuolumne due to abnormal high temperatures and windy conditions that occurred on March 25, 2004.

Corr 5 Referred to the Chief Executive Office and Stanislaus County members of the San Joaquin Valley Rail Committee, a letter from the San Joaquin Valley Rail Committee regarding the creation of a Joint Powers Authority to oversee the operation of the San Joaquin Valley trains as authorized by Senate Bill 457.

Corr 6 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Cheryl Brey; Nissan North America, Inc. and Nissan Technical Center, North America, Inc.; Jerry Lewis Pumphery; Raquel Zepeda; Jorge Julius Sales; Larry Womack; Roman Ornelas; Vickie Huntley McCafferty; Carl H. Hogle; Chris Neal; Mychelle Vylonis; Clement Quinton Hayes and Sandie Goings; Roger G. Ladd; and, Annette deBoer.

Supervisor Grover thanked the Departments, Interim CEO Patricia Hill Thomas, and the Budget team for today’s budget presentation and for their work on the FY 2004-05 Budget. He also thanked Patty Hill Thomas for this past year, for her personal sacrifices, and how she stepped up and met the challenge of being our Interim CEO over the past 14 months. The other Board members also made additional comments on the excellent work Ms. Thomas has done during this period of time.

Supervisor Simon spoke regarding the visit of the French delegation from our Sister County Mayenne, France. He presented to the Board a sculpture, which was given by the delegation to the County. The sculpture is symbolic of our Sister County friendship and was made by a local French artisan. He also noted that Dave Thomas' comments today were an attempt to inject himself into Supervisor Mayfield's campaign and requested that the "Public Comment Period" not be allowed to be used as a campaign platform.

Supervisor Mayfield responded to the comments from Susan Robinson regarding the County's practice that stray animals must be kept for five days but if an animal owner comes in they can request that their animal to be euthanized prior to the five days. He requested the Board to review this policy. Supervisor Paul noted that a citizen can take their animal to a veterinarian to be euthanized with no waiting period.

Supervisors Mayfield and Grover attended a meeting regarding food processing residue application on agriculture land and the State Water Resources Board regulation of this matter. He would like the Board to address this issue prior to the State changing these regulations. Supervisor Grover noted that these regulation changes are often enacted without the use of appropriate science.

Chairman Caruso attended a dedication ceremony yesterday for a sign at the City-County Airport. He also requested that the pictures of former Board members' be hung in the building and that other historical artifacts of the County be displayed. He also requested that the MIA flag to be flown at 1010 Tenth Street. He requested that these matters be placed on the next agenda for the Tenth Street Place JPA for consideration.

Supervisors Mayfield and Chairman Caruso attended the opening of the River Oaks Soccer Field in the Ceres area, which provides services to both Supervisorial Districts 2 and 5.

Chairman Caruso noted that the Keystone Business Park in Patterson is having its grand opening event today.

The Interim CEO thanked the Board for their kind comments today.

Adjourned at 12:24 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.)