

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

December 14, 2004

A moment of silence was observed in honor of the memory of Dilbert Reynolds, former Fourth Grade Teacher of Shackelford School.

Employee Service Award, for thirty years of service, was given to Velinda Tackett from BHRS.
Employee Service Award, for twenty-five years of service, was given to Barbara Pearce Chiesa from BHRS.

Cheryl Schrock, from the Stop Tobacco Sales To Youth Committee (S.T.S.T.Y.), spoke regarding an ordinance which would require establishments to obtain a license in order to sell tobacco. She noted that this ordinance is in development, and that it has support from our community, which recognizes that kids and tobacco are a deadly combination.

Ken Fitzgerald, Chair of the Tobacco Education Coalition and member of S.T.S.T.Y., also spoke regarding the tobacco ordinance and noted that they plan to bring it to the Board in the future. He thanked Sheriff Weidman for his efforts in developing an enforcement plan associated with this ordinance. He also thanked Supervisor Paul, and the entire Board, for their continued support of a healthy community.

Paul/Mayfield unan. Adopted the consent calendar after removing from consent item ***B11** Approval of Amendment No. 2 to the Agreement Between the County of Stanislaus and Claims Management, Inc.(CMI) as Third Party Administrator for the Workers' Compensation Claims Management Program – Risk Management

***A1** Approved the minutes of 12/7/04

***A2** Authorized the Chairman to request that US Fish and Wildlife Service Provide an informational workshop for the Board regarding their proposed designation of Critical Habitat for California Tiger Salamander and the Draft Recovery Plan for Vernal Pool Species 2004-947

***B1** Approved a resolution allowing an exemption or cancellation of assessment of real property with a base year value of \$2,000 or less and personal property with a full value of \$5,000 or less – Assessor 2004-948

***B2** Accepted State incentive grant funding for the reduction of binge drinking-related problems among youth and young adults; directed the Auditor-Controller to increase Appropriations and Estimated Revenue in the amount of \$181,217; directed the Purchasing Agent to issue an RFP on behalf of BHRS to solicit prevention specialist services; and authorized the BHRS Director to enter into a personal services contract for project coordination – BHRS 2004-949

***B3** Amended the salary and position allocation resolution to add a Manager II in the Children and Families Commission Office 2004-950

- *B4 Amended an agreement with the Inter-Faith Ministries for providing sober living environment services and authorized the CSA Director, or his Assistant Director Designee, to sign the agreement not to exceed the total contract amount of \$125,000 for the period of 7/1/04 through 12/31/04 – CSA 2004-951
- *B5 Approved personal services agreement for the DA Chief Criminal Investigator because this contracted service will exceed the \$100,000 maximum; and, authorized the DA, or his Designee, to sign the agreement for the period of 7/1/04 through 6/30/07 – DA 2004-952
- *B6 Authorized the Interim Director of DER, or her Designee, to sign agreements with the State Water Resources Control Board to accept Emergency, Abandoned, and Recalcitrant (EAR) account funds, in the form of a letter of award in an amount not to exceed \$100,000 for the clean up of soil and groundwater contamination of property at 402 Downey Avenue, Modesto; and, authorized the Interim Director of DER, or her Designee, to enter into and sign agreements and contracts to expend funds designated by the State Water Resources Control Board's EAR site account not to exceed \$100,000 – DER 2004-953
- *B7 Authorized the Interim Director of DER, or her Designee, to sign agreements with the State Water Resources Control Board to accept Emergency, Abandoned, and Recalcitrant (EAR) account funds, in the form of a letter of award in an amount not to exceed \$100,000 for the clean up of soil and groundwater contamination of property at 1131 Yosemite Boulevard, Modesto; and, authorized the Interim Director of DER, or her designee, to enter into and sign agreements and contracts to expend funds designated by the State Water Resources Control Board's EAR site account not to exceed \$100,000 – DER 2004-954
- *B8 Adopted the flat rate of \$50.00 to be paid to each member of the Nuisance Abatement Hearing Board per meeting pursuant to §2.44.065 of the Stanislaus County Code – DER BD-79-3 2004-955
- *B9 Approved closure of the Stanislaus Urgent Care Center at 5:30 p.m. on 12/24/04 and 12/31/04 and annually at the same time on these dates thereafter – HSA 2004-956
- *B10 Approved an agreement with A.M.P. Racing L.L.C. for use of La Grange Off-Highway Vehicle Park Motorcycle Track on 1/15/05, 1/16/05, 2/26/05, 2/27/05, 3/19/05 and 3/20/05; authorized the Purchasing Agent to sign the agreement with A.M.P. Racing L.L.C.; approved the waiver of the day use fee for participants and spectators in consideration of the promoter paying the daily exclusive use fee and ten percent of the gross revenue; and, approved waiver of the camping fee for participants and spectators in consideration of the promoter paying a flat rate of \$1,500 – Parks & Recreation 2004-957
- *B12 Authorized the Sheriff to provide patrol services at the Crows Landing Air Facility through the City of Patterson Police Department for an annual amount of \$18,000, and authorized the CEO, or his Designee, to sign a security services contract with the Sheriff through the City of Patterson Police Department – Sheriff 2004-958
- *B13 Amended the Salary and Position Allocation Resolution to add a Manager IV Position in the Sheriff's Administration to serve as Special Assistant to the Sheriff in support of policy, planning, research and legislative matters effective 1/1/05; and, amended the Salary and Position Allocation Resolution to delete a Manager III position in Sheriff's Administration effective 1/1/05 – Sheriff 2004-959
- *B14 Authorized the Sheriff to enter into an agreement with Hughson Unified School District and the City of Hughson to provide a School Resource Officer; directed the Auditor-Controller to increase Appropriations and Estimated Revenue in the amount of \$60,021; and, amended the Salary and Position Allocation Resolution to add one Deputy Sheriff-Corner position to the Sheriff's contract Cities Budget Unit – Sheriff C-9-23 2004-960
- *B15 Authorized the Sheriff to add one Deputy Sheriff-Coroner position to be assigned to the City of Riverbank Police Services in accordance with the existing contract for law enforcement services for that city; directed the Auditor-Controller to increase Appropriations and

Estimated Revenue in the amount of \$58,127; and, amended the Salary and Position Allocation Resolution to add one Deputy Sheriff-Corner position to the Sheriff's contract
Cities Budget Unit – Sheriff C-1-A-12 2004-961

- ***B16** Accepted report from the Supplemental Law Enforcement Oversight Committee (SLEOC) related to Supplemental Law Enforcement Services Fund (SLESF) spending for FY 2003/04 – Sheriff 2004-962
- ***B17** Approved funding of Economic Development proposals for FY 2004/05 from the Economic Development “Bank” for the first cycle of FY 2004/05 in the amount not to exceed \$1,173,675 for the following: City of Ceres, City of Turlock, City of Modesto, and the County of Stanislaus; authorized the CEO, or his Designee, to execute agreements with those jurisdictions receiving available funding from the Economic Development “Bank” for the first cycle of FY 2004/05; authorized the Auditor-Controller to establish any and all necessary accounting protocols for the administration, tracking, disbursement and reimbursement of the funds 2004-963
- ***B18** Approved replacement of the air conditioning unit located at 801 11th Street for the County’s central computer room and authorized spending \$26,626 to cover the replacement cost for hardware and labor – SBT 2004-964
- ***B19** Authorized the appointment of Michael Hamasaki to the position of Manager III-Safety in the Probation Department at a salary above the midpoint of the band, which is \$70,200 annually – Probation 2004-965
- ***B20** Awarded contract to the low bidder, Barham Construction, for \$142,293 for construction of the Modesto Main Library Tenant Improvements (Public Rest Rooms, Check Out Counter, and Reading Room); 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 execute contracts for necessary professional services as long as they are within budget 2004-966
- ***C1** Finds the Traffic Congestion Relief Project “A” 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 Stanislaus County Clerk-Recorder’s Office; finds that the project is consistent with the overall goals and policies of the Stanislaus County General Plan; adopted the Mitigated Negative Declaration 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 the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County’s independent judgment and analysis; and, 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 – PW 2004-967
- ***D1** Set a public hearing on 1/11/05, at 9:30 a.m., to consider Rezone Application #2004-05 and Parcel Map Application #2004-14, Kelly Business Park – Planning ORD-54-V-1 2004-968

Paul/Grover (4-0)(Simon abstained) ***B11** Approved Amendment No. 2 to the agreement between the County of Stanislaus and Claims Management, Inc.(CMI) as Third Party Administrator for the Workers’ Compensation Claims Management Program effective January 2005 and authorized the Chairman to sign Amendment No. 2 to the agreement – Risk Management 2004-969

Corr 1 Referred to the Cal-Trans Rail Task Force and the Department of Public Works, a copy of the *Sierra Railway: Preliminary Trail Report* from the Rails to Trails Conservancy.

Corr 2 Acknowledged receipt of a claim and referred to the CEO-Risk Management Division the following claim: Graciela Albor.

Grover/Simon unan. **9:20am** Approved an inflationary increase to the Public Facility Fee Schedule as set forth effective on or after sixty dates after Board adoption and approved annual inflationary adjustments on each July 1st, stating 7/1/06, using the multiple indices methodology M-64-D-1 2004-970

Recessed to sit as the Stanislaus County Redevelopment Agency at 9:36 a.m.

Simon/Mayfield unan. Approved the Redevelopment Agency consent calendar

9:25am (*III-A) Approved the minutes of 11/2/04

9:25am (*VI-A) Received Statement of Indebtedness

9:25am (*VI-B) Accepted the Financial Report of the Stanislaus County Redevelopment Agency as prepared and authorized its submittal to the Board of Supervisors

9:25am (*VI-C) Accepted the 2003/2004 Redevelopment Agency Activities Report as submitted

Simon/Paul unan. **9:25 a.m. (V-A)** Conducted the required public hearing and adopted the Draft Implementation Plan Update 2004-971

Ron Freitas, Director of the Redevelopment Agency, presented a plaque to Chairman Caruso and Supervisor Paul in appreciation for their support of the Redevelopment Agency, and upon their retirement from the Redevelopment Agency.

Reconvened to sit as the Stanislaus County Board of Supervisors at 10:05 a.m.

Mayfield/Simon unan. **9:30am** The Board made the required findings for the Diablo Grande sewer line extension and utilization of the City of Patterson's off-site wastewater treatment facility to serve Diablo Grande based upon the entire administrative record in this matter as set forth as Attachment 1 of the report; and, approved Specific Plan Amendment Application #2004-01 allowing for the off-site treatment of wastewater treatment at the City of Patterson's treatment facility – Planning 2004-975

Simon/Paul unan. **9:35am** Finds the project for Rezone Application #2003-06 and Vesting Tentative Subdivision Map Application #2003-02, Del Rio Lago Subdivision, to rezone 43.8 acres from RA (Rural Residential) zoning district to Planned Development to allow construction of a Gated Community of 47 homes to be served by on-site sewer system located on the east side of Carver Road, in Del Rio to be De Minimis for the purposes of collection of Fish and Game Fees pursuant to California Code of Regulations Section 753.5 by adopting the findings of fact contained in the attached Certificate of Fee Exemption, those findings being based on the analyses presented in the Initial Study, and ordered the filing of the certificate of Fee Exemption with the Clerk-Recorder's Office; adopted the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 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 judgment and analysis; adopted the Mitigation Monitoring Plan pursuant to CEQA Guidelines Section 15074(d); ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorders Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; finds that none of the findings requiring denial of a tentative map can be made: (A) that the proposed map is not consistent with applicable general and specific plans; (B) that the design or improvements of the proposed subdivision is not consistent with applicable general and specific plans; (C) that the site is not physically suitable for the type of development; (D) that the site is not physically suitable for the proposed density of development; (E) that the design of the subdivision or the proposed

improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; (F) that the design of the subdivision or type of improvements is likely to cause serious public health problems; (G) that the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision - in this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public; this subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; finds that the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; determined the appropriate number of residential lots to be permitted is 47; finds the proposed Planned Development is consistent with the County General Plan, including the Del Rio Community Plan, based on all of the above and attached information; approved Rezone #2003-06 and Vesting Tentative Subdivision Map Application #2003-02 -Del Rio Lago; subject to the attached amended Development Standards and Schedule, Conditions of Approval, and Mitigation Monitoring Plan said approval requires the project's sewer treatment facility to be located within the property boundaries of the Del Rio project itself; **amended** Condition No. 6 to strike the word "sidewalks"; and introduced, waived the reading and adopted Ordinance C.S. 907 for the approved Rezone Application #2003-06
- Planning ORD-54-U-3; 2004-976 & 2004-977

Recessed at 10:40 a.m.

Reconvened at 10:47 a.m.

Simon/Paul (4-0)(Grover opposed) **9:40am A.** Introduced and waived the first reading of Ordinance C.S. 908 relating to the breeding, transferring, licensing, and spaying and neutering of dogs and cats and establish fees for the Department of Animal Services; amended the Salary and Position Allocation Resolution to reflect the changes detailed in the staffing impact of the staff report; and, authorized the transfer of \$128,782 from the Appropriations for contingencies to Animal Services for the implementation of the Ordinance ORD-54-U-4 2004-978

Simon/Paul unan. **9:40am B.** Introduced and waived the first reading of Ordinance C.S. 909 amending Chapters 7.16, 7.24, 7.32, 7.48 and amending existing fees and adding new fees to Chapter 7.50, Title 7 – Animals, of the Stanislaus County Code; and, **amended** the ordinance adding to Section 6, on page 4, the following: “ Breeding: Breeding license permit fee \$100.00” ORD-54-U-4 2004-979

Recessed at 12:55 a.m.

Reconvened at 1:01 a.m.

Supervisor Paul noted that she attended a candle light vigil on Friday night sponsored by the Center for Human Services to discourage drinking and driving. She also attended the International Festival event held at the McHenry Mansion where she accepted an award on behalf of the Board. She read a letter that she plans to submit to the Editor of the Modesto Bee regarding her recent trip to the CSAC Fall Conference.

The CEO noted that his comments regarding Supervisor Paul's attendance at the CSAC Conference were correctly reported by the Modesto Bee, and that it was his opinion that the travel by Supervisor Paul was appropriate and reimbursement for the travel was consistent with County practice.

Chairman Caruso noted that he does not support the concept that the County should pay for Supervisor-Elects to attend the CSAC New Supervisors Institute before they are in office.

Legislative A. Verbal Update on the Stanislaus Consolidated Fire Protection District

The CEO announced that the Food Processing By-Product Summit “Best Practices for Recycling Fruit, Nut and Vegetables By-Products” will be held on Wednesday, 12/15/04 from 1:30 – 4:00 p.m. at 1010 Tenth Street, Basement Chambers in Modesto, CA.

The CEO announced that the Grayson United Community Center and Park Tree Planting Ceremony will be held on Saturday, 12/18/04 at 10:00 a.m. at 8900 Laird Street in Grayson, CA.

Adjourned as the Board of Supervisors at 1:30 p.m.

Convened to sit as the Stanislaus County In-Home Supportive Services Public Authority at 1:31 p.m.

Simon/Mayfield unan. **9:45 a.m. (VI-A)** Elected the Chairman and Vice-Chair of the Board of Supervisors as the Chairman and Vice-Chair of the In-Home Supportive Services Public Authority
BD-75-4 2004-980

Mayfield/Paul unan. **9:45 a.m. (VI-B)** Approved the MOU between the County of Stanislaus and the IHSS Public Authority of Stanislaus County for administrative operations of the Public Authority; authorized the Chairman to sign the MOU, and, authorized the CSA Director, or his Designee, to send the signed MOU to the State
BD-75-4 2004-981

Adjourned to closed session at 1:33 p.m. for conference with Public Employee Appointment - Interim Executive Director Stanislaus County In-Home Supportive Services Public Authority. Government Code 54954.5(e)

Paul/Simon unan. **Closed Session Announcement:** Appointed Jeff Lambaren as the Interim Executive Director of the Stanislaus County In-Home Supportive Services Public Authority, his assuming office date will be announced within the month
BD-75-4 2004-982

Adjourned as the Stanislaus County In-Home Supportive Services Public Authority at 2:35 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.)