

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

Regular Session  
All Supervisors Present  
Pledge of Allegiance to the Flag

Tuesday

April 30, 2002

P/C unan. Adopted the consent calendar

- \*A1 Approved the minutes of 4/16/02
- \*A2 Approved a commendation for the 61<sup>st</sup> Annual Coca-Cola Modesto Relays event 2002-262
- \*A3 Proclaimed the week of 5/6/02 - 5/10/02 as Arson Awareness Week 2002-263
- \*A4 Declared the results of the 2002 Valley Home Fire District Special Election for the reorganization of the Valley Home and Oakdale Rural Fire Protection District  
DF-7-26; DF-8-B-13 2002-264
- \*A5a Accepted the resignation of Peter Johansen from the WIB 2002-265
- \*A5b Accepted the resignation of Janet Carlsen from the Commission on Aging 2002-266
- \*A5c Accepted the resignation of Ray Flanders from the West Stanislaus Resource Conservation District 2002-267
- \*A5d Accepted the resignation of Walter T. Hudson from the Burbank-Paradise Fire Protection District 2002-268
- \*A5e Accepted the resignation of Lynda M. Rodriguez from the Stanislaus County Children and Families Commission 2002-269
- \*A6a Appointed James Carita, as the representative from Riverbank, to the Stanislaus Consolidated Fire Protection District 2002-270
- \*A6b Appointed Martin Petersen, Stanislaus County Superintendent of Schools, to the Children and Families Commission 2002-271
- \*A7 Authorized the Chairman to vote in support of increased assessments on the Proposition 218 ballots for the six parcels in the Denair Highway Lighting District DL-2-24 2002-272
- \*A8 Approved a request from the Sheriff's Department for use of the Courthouse lawn for a candlelight vigil on Wednesday, 5/1/02, in memory of the one-year anniversary of the disappearance of Chandra Levy 2002-273
- \*B1 Approved the Senior Award Resolutions for the Department of Aging and Veterans Services/Commission on Aging Senior Awareness Day on Saturday, 5/18/02; accepted the recommendations of the Senior Awards Committee for the five senior award recipients (one from each Supervisorial District); and, requested that each Board Member be available on Senior Awareness Day to present the Senior Award Resolution to the recipient from his or her district 2002-274
- \*B2 Approved contracting with the Certified Public Accounting firm of Bartig, Basler & Ray to conduct the annual County audit for the FY ending 6/30/02, and authorized the Purchasing Agent to sign Amendment No. 1 extending the previous contract for one more year – Auditor-Controller 2002-275
- \*B3 Approved the agreement with Grover Landscaping to install landscaping at the Agricultural Center; approved the agreement with Grover Landscaping to maintain landscaping at the Agricultural Center; and, authorized the Purchasing Agent, or his Designee, to sign the agreements – CEO 2002-276
- \*B4 Accepted the Backup Radio System and Ancillary Equipment Project for the City-County Emergency Dispatch Center; approved the final contract with Petroleum Telcom, Inc., dba Telcom Communications, the contractor, for a final contract cost in the amount of

\$1,202,765.99; approved a change of the contractual completion date from 11/6/00 to 11/8/00 in the contract with Petroleum Telcom, Inc. dba Telcom Communications; authorized the Chairman to sign the completion documents; and, authorized the necessary recording of the final Notice of Completion and all other necessary close out activities  
- CEO 2002-277

- \*B5** Authorized the Director of DER, or his Designee, to sign an agreement with the State Water Resources Control Board to provide \$100,000 for site mitigation oversight at the Anderson property, 711/713 Lander Avenue, Turlock; authorized the Director of DER, or his Designee, to sign future amendments to the agreement not to exceed \$100,000; and, authorized the Auditor-Controller to make the appropriate financial transactions 2002-278
- \*B6** Authorized the Director of DER, or his Designee, to sign an agreement with the State Water Resources Control Board to provide \$100,000 for site mitigation oversight at Goodrich Oil Company, 722 South First Street, Turlock; authorized the Director of DER, or his Designee, to sign future amendments to the agreement not to exceed \$100,000; and, authorized the Auditor-Controller to make the appropriate financial transactions 2002-279
- \*B7** Approved an Independent Contractor Agreement between Guardsmark, Inc. and the HSA for security services at 800-830 Scenic drive, Modesto, for the period of 1/1/02 through 12/31/02 and authorized the HSA Interim Managing Director, or her Designee, to sign the agreement 2002-280
- \*B8** Approved the contract for the Technical Support Services to be provided by Trident Services, Inc. for the County's IBM Mainframe computer and authorized the Interim Director of MIS to sign the contract 2002-281
- \*B9** Approved a contract with the Victim Compensation and Government Claims Board for the collection of restitution fines in FY 2002-03 and authorized the Chief Probation Officer to enter into a contract with the Victim Compensation and Government Claims Board to accept up to \$83,732 in State monies to perform restitution collection duties 2002-282
- \*B10** Approved the amendments, as recommended by the Board of Retirement, to the Retirement Board Bylaws Article 1 – Administration, Article 2 – Meetings, and Article 9 – Claims for Disability Retirement BD-36-A-4 2002-283
- \*B11** Authorized the Sheriff to purchase computer equipment and automation software for the Sheriff's Department Civil Division and directed the Auditor-Controller to increase appropriations in the Civil Automation Fund 1768, Org 28842, and to carry over any unused funds at the end of the FY 2002-284
- \*B12** Authorized the Treasurer-Tax Collector to re-enter into an agreement with the EDD to produce and provide data to the County (data includes wage, claim, employer and client address), which will enhance revenue recovery for the period of 7/1/02 through 6/30/05 2002-285
- \*B13** Accepted the Stanislaus County Treasury Pool's February 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 2002-286
- \*B14** Approved the distribution of \$33,431.94 in excess proceeds from the 3/8/01 sale of tax defaulted property last assessed to Emma Hamrick and authorized the Auditor-Controller to issue a check based on the attached claims for excess proceeds submitted in compliance with the requirements of R&T Code Section 4675 to the heirs of Emma Hamrick in the amount of \$33,431.94 – T/TC 2002-287
- \*B15** Approved the distribution of \$5,662.47 in excess proceeds from the 3/8/01 sale of tax defaulted property last assessed to Art N. and Charlene G. Bornstein and authorized the Auditor-Controller to issue a check in the amount of \$5,662.47, based on the attached claims for

- excess proceeds submitted in compliance with the requirements of R&T Code Section 4675 to title holders of record at the time of the sale – T/TC 2002-288
- \*B16** Approved the distribution of \$14,632.47 in excess proceeds from the 3/8/01 sale of tax defaulted property belonging to Otto M. Briery and authorized the Auditor-Controller to issue a check based on the attached claims for excess proceeds submitted in compliance with the requirements of R&T Code Section 4675 to the last assessee in the amount of \$14,632.47 – T/TC 2002-289
- \*B17** Approved a partnership with the City of Oakdale and the Oakdale Unified School District for the Joint Gymnasium Project; approved the transfer of \$50,000 from unallocated Tobacco Settlement Funds to the City of Oakdale and Oakdale Unified School District; authorized the CEO and Auditor-Controller to make the necessary transfer and adjustments; and, authorized the CEO to enter into the appropriate agreements with the City and the School District C-7-A-21 2002-290
- \*B18** Approved a partnership with Valley Home School and Valley Home 4H Club for construction of a Joint Community/Lunch Room/Auditorium Building; approved the transfer of \$30,000 from unallocated Tobacco Settlement Funds to the Valley Home School District; authorized the CEO and Auditor-Controller to make the necessary transfer and adjustments; and, authorized the CEO to enter into the appropriate agreements with Valley Home School District and the Valley Home 4H Club 2002-291
- \*C1** Adopted a resolution to summarily vacate a portion of Garst Road in East Modesto – PW 2002-292
- \*C2** Approved the Pelican Road Erosion Control Project as a Public Works’ Project and directed the Auditor-Controller to increase appropriations for the preliminary engineering, construction, and construction engineering in the amount of \$10,000 to cover miscellaneous costs associated with the project 2002-293
- \*C3** Approved the Purchase Agreement to acquire a utility pole anchor easement on the south side of Claribel Road west of Albers Road; authorized the Chairman to execute the agreement and directed the Auditor-Controller to issue a warrant for the purchase amount of \$500 payable to Elfreda Michel – PW 2002-294
- \*C4** Approved the Purchase Agreement to acquire a utility pole anchor easement on the north side of Claribel Road west of Albers Road; authorized the Chairman to execute the agreement; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$500 payable to Lindy Farms I 2002-295
- \*C5** Approved the sale of surplus County property and declared items listed as surplus to County’s needs and authorized the Purchasing Agent to dispose of the surplus County property at a public auction to be held by Ernst and Associates – PW 2002-296
- \*C6** Awarded the contract for construction of the LF-3, Cell 3 Base Liner System at Fink Road Landfill to On Grade Contracting; directed the Auditor-Controller to increase appropriations by \$1,725,556.50; and, authorized the Purchasing Agent to issue a contract with On Grade Contracting in the amount of \$1,725,556.50 – PW 2002-297
- \*C7** Approved the subdivision improvements of B & D Industrial Park (Parcel Map #2001-13); find that all subdivision improvements required for B & D Industrial Park by Tentative Parcel Map #2001-13 conditions of approval have been constructed to the satisfaction of the County; accepted all streets, avenues, ways, roads, and street drainage system within B & D Industrial Park for maintenance by the County; and, authorized the County Surveyor to file the final Parcel Map #2001-13 – PW 2002-298
- \*C8** Set a public hearing on 6/4/02, at 9:25 a.m. (A-D), regarding the FY 2002/03 assessment for Howard-McCracken, Shackelford, Riverdale, and Riverview Landscape and Lighting Districts DL-35-3; DL-36-3; DL-37-4; DL-38-6 2002-299

**\*D1** Approved Salida storm drain and road account expenditures to Hawkins & Associates Engineering; approved Salida storm drain expenditure to Fagundes & Son, Inc.; approved Salida Road account expenditure to O'Dell Engineering; approved contract between SCM Vizcays, LLC and Ross F. Carroll, Inc. for Pirrone Road realignment construction; approved Salida Road account expenditures to Ross F. Carroll, Inc.; authorized the Auditor-Controller to issue a warrant in the amount of \$9,075.04 to Hawkins & Associates Engineering; authorized the Auditor-Controller to issue a warrant in the amount of \$153,613.50 to Fagundes & Son, Inc.; authorized the Auditor-Controller to issue a warrant in the amount of \$2,890.00 to O'Dell Engineering; and, authorized the Auditor-Controller to issue a warrant to Ross F. Carroll, Inc. in an amount not to exceed \$635,000 - Planning and Community Development 2002-300

C/S unan. **B19** Accepted the update on the Westley Tire Fire Site – DER 2002-301

B/S unan. **9:25am (A)** Set the 2002/03 annual assessments for CSA 4 - Bristol Glen; made the Engineer's Report a part of the record; and, authorized the Auditor-Controller to add the annual assessments to the 2002/03 tax roll CSA-4-10 2002-304

B/C unan. **9:25am (B)** Set the 2002/03 annual assessments for CSA 5 - Starlite Place; made the Engineer's Report a part of the record; and, authorized the Auditor-Controller to add the annual assessments to the 2002/03 tax roll CSA-5-10 2002-305

S/B unan. **9:25am (C)** Set the 2002/03 annual assessments for CSA 6 - Raymond Tract; made the Engineer's Report a part of the record; and, authorized the Auditor-Controller to add the annual assessments to the 2002/03 tax roll CSA-6-10 2002-306

B/C unan. **9:25am (D)** Set the 2002/03 annual assessments for CSA 7 - Modesto Auto Center; made the Engineer's Report a part of the record; and, authorized the Auditor-Controller to add the annual assessments to the 2002/03 tax roll CSA-7-9 2002-307

C/P unan. **9:25am (E)** Set the 2002/03 annual assessments for CSA 8 - Honey Bee Estates; made the Engineer's Report a part of the record; and, authorized the Auditor-Controller to add the annual assessments to the 2002/03 tax roll CSA-8-9 2002-308

B/S unan. **9:25am (F)** Set the 2002/03 annual assessments for CSA 9 - River/Souza; made the Engineer's Report a part of the record; and, authorized the Auditor-Controller to add the annual assessments to the 2002/03 tax roll CSA-9-9 2002-309

P/C unan. **9:25am (G)** Set the 2002/03 annual assessments for CSA 11 - Gilbert Rd; made the Engineer's Report a part of the record; and, authorized the Auditor-Controller to add the annual assessments to the 2002/03 tax roll CSA-11-9 2002-310

S/P unan. **9:25am (H)** Set the 2002/03 annual assessments for CSA 12 - Peach Blossom Estates; made the Engineer's Report a part of the record; and, authorized the Auditor-Controller to add the annual assessments to the 2002/03 tax roll CSA-12-8 2002-311

B/P unan. **9:25am (I)** Set the 2002/03 annual assessments for CSA 13 - La Jolla; made the Engineer's Report a part of the record; and, authorized the Auditor-Controller to add the annual assessments to the 2002/03 tax roll CSA-13-8 2002-312

C/P unan. **9:25am (J)** Set the 2002/03 annual assessments for CSA 14 - United Pallet; made the Engineer's Report a part of the record; and, authorized the Auditor-Controller to add the annual assessments to the 2002/03 tax roll  
CSA-14-11 2002-313

C/S unan. **9:25am (K)** Set the 2002/03 annual assessments for CSA 15 - Patterson Gateway; made the Engineer's Report a part of the record; and, authorized the Auditor-Controller to add the annual assessments to the 2002/03 tax roll  
CSA-15-5 2002-314

P/S unan. **9:25am (L)** Set the 2002/03 annual assessments for CSA 16 - Olive Ranch; made the Engineer's Report a part of the record; and, authorized the Auditor-Controller to add the annual assessments to the 2002/03 tax roll  
CSA-16-4 2002-315

P/C unan. **9:30am** Finds the project for GPA #2001-12 & Rezone Application #2001-22 - by Larry Krueker, to change the general plan and zoning designations from Commercial/C-1 (Neighborhood Commercial) to Low Density Residential/R-1 (Single-Family Residential) to allow a dwelling on a 0.15 acre parcel located at 13107 Valley Home Road, in Valley Home, to be "De Minimis" for the purposes of collection of Fish and Game Fees pursuant to California Code of Regulations §753.5; adopted the Findings of Fact contained in the attached Certificate of Fee Exemption, which are 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; 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 proposed GPA is consistent with the overall goals and policies of the Land Use Element of the County General Plan and the overall General Plan; approved GPA #2001-12; finds that the proposed R-1 (Single Family Residential) zoning is consistent with the Low Density Residential General Plan designation; approved Rezone Application #2001-22 - Larry Krueker; and, introduced, adopted, and waived the reading of Ordinance C.S. 791 for this rezone and its associated sectional district map  
ORD-54-J-9 2002-316 & 2002-317

C/B unan. **9:35am** Finds the project for GPA #2001-14 & Rezone Application #2001-24 by Jim Wyatt, to change the general plan and zoning designations from Commercial to Industrial/M (Industrial) to allow a billboard to be placed on 0.4 acres located at 3930 El Camino Avenue, in Ceres, to be "De Minimis" for the purposes of collection of Fish and Game Fees pursuant to California Code of Regulations §753.5; adopted the Findings of Fact contained in the attached Certificate of Fee Exemption, which are 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; 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 proposed GPA is consistent with the overall goals and policies of the Land Use Element of the County General Plan and the overall General Plan; approved GPA #2001-14; finds that the proposed M (Industrial) zoning is consistent with the Industrial General Plan designation; approved Rezone Application #2001-24 - Jim Wyatt; and, introduced, adopted, and waived the reading of Ordinance C.S. 792 for this rezone and its associated sectional district map  
ORD-54-J-10 2002-318 & 2002-319



**Corr 1** Referred to the CEO, a letter from the State of California Department of Justice announcing the court-approved settlement of an action filed against Toshiba under the California False Claim Act and based upon the distribution formula provided a check to Stanislaus County in the amount of \$38,000.

**Corr 2** Referred to the DER, Parks, Public Works, and CEO, a letter from the SJVAPCD regarding a voluntary incentivized funding program for lower-emitting technologies.

**Corr 3** Referred to the Agricultural Commissioner and the Director of the OES, a letter from the Governor's Office of Emergency Services regarding Calaveras and Stanislaus Counties being granted a Secretarial disaster designation due to agriculture losses.

**Corr 4** Referred to the DER and the Agricultural Commissioner, a letter from the Family Water Alliance requesting support in asking the Governor to declare a moratorium on participation by the State of California in plans to restore wildlife habitat with floodways of the Sacramento and San Joaquin Rivers until adequate studies of impacts can be completed.

**Corr 5** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Donelle Page; Harold Marvin Geren, Jr.; Enterprise Rent-A-Car; Donelle Page (Amended Claim); and, Beltran Farms.

Supervisor Caruso reported on the recent San Joaquin Valley Association of Supervisors of California Counties' conference. He noted that a meeting was held in Grayson regarding the community center and new park being built there. He spoke regarding his potential nomination as the next CSAC President and stated he will not be pursuing the nomination.

Supervisor Blom noted that at the last SJVUAPCD's meeting, there was a considerable increase in support of going to the classification of "extreme" for air level quality. Businesses that are not in compliance by the deadline may be subject to substantial fines. The EPA was in attendance and, in order to prevent fines from being imposed, plans to provide future guidelines on the issue of grandfathering in the businesses that comply and make the required modifications by the deadline.

The CEO noted that a request was made at the recent BOS Strategic Planning/Balanced Scorecard Workshop, held on 4/16/02, that a second BOS Workshop be held to focus on other areas. He asked the Board for a morning workshop on Thursday, 5/30/02. He informed the Board that an update of the CEO's Project List is being finalized and will be distributed as soon as possible.

Adjourned to closed session at 11:58 a.m. for conference with legal counsel on existing litigation regarding Stephen Millman, M.D., vs County of Stanislaus d.b.a. Stanislaus Behavioral Health Center; Tenet Healthcare Corporation d.b.a. Doctors Medical Center; Marshall Lewis, M.D.; and, does 1 through 50, inclusive – Superior Court Case #251694, filed 1/21/00, pursuant to GC §54956.9.

Adjourned at 12:45 p.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.)