

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

Regular Session

Tuesday

March 30, 2004

All Supervisors Present

Pledge of Allegiance to the Flag

A moment of silence was observed for United States Army Major Mark D. Taylor, son of County Employee Doug Taylor, who was killed while on active duty in Iraq.

Employee Service Awards for those honored for twenty-five years of service were given to the following CSA employees: Leslie B. Cervantes, Susan M. List, Josephine Navarro, Joy Randall, and, Thomas R. Snow.

Dave Thomas spoke regarding the 2/10/04 City of Modesto Report concerning the appraisal of the Vogel farm, he requested that this report be placed on the Board agenda for the next evening meeting. He also spoke regarding Supervisor Paul's comments made at the 3/20/04 Board meeting.

Patricia Boyd, an IHSS employee, spoke regarding the United Domestic Workers (UDW) labor negotiations with the County. She supports a wage increase and benefits for IHSS employees.

Frank Martinez, from the SEU Local 250, which represents home-care workers in San Joaquin County came to show support for the home-care workers of Stanislaus County. He spoke in support of a pay increase for IHSS workers, and reminded the Board of the valuable service that these workers perform for sick and elderly. He asked that the Board pursue establishing a Public Authority.

Betty Sconyers, recipient of home-care services in San Joaquin County, spoke in support of a wage increase for Stanislaus County home-care workers. She stated that better wages attract a better work force, and that home-care workers allow the elderly and sick to live with dignity at home.

Ken Patterson, Director of CSA, spoke regarding the UDW labor negotiations. He presented a comparison of Stanislaus County's IHSS labor rate vs. other counties' labor rates, and spoke regarding the establishment of a Public Authority versus an Employer of Record.

Robert Stanford, President of Local Black.com (a civil rights support group), noted Supervisor Pat Paul's support of civil rights, and asked the Board to ensure continuing support of civil rights in the future.

Grover/Paul unan. Adopted the consent calendar

\*A1 Approved the minutes of 3/23/04

\*A2a Proclaimed April 2004 as Child Abuse Prevention Month; proclaimed 4/23/04 as Children's Memorial Day; and, authorized County departments to fly the Children's Memorial Flag on 4/19-23/04 – CSA 2004-196

\*A2b Proclaimed 4/18-24/04 as Victims' Rights Week and approved the request for use of the Courthouse lawn on 4/23/04 for a ceremony dedicating the fifth and final phase of the Garden of Healing for Victims of Crime - DA 2004-197

\*A2c Proclaimed 4/18-24/04 as Safety Seat Checkup Week 2004-198

- \*A3 Approved request from the Yosemite Council of Boy Scouts for use of Mt. View Point Camp at Woodward Reservoir on 5/14-15/04 2004-199
- \*A4 Approved the Department of Aging and Veteran Services (AAA)/ Commission on Aging Senior Awareness Day 2004; authorized AAA to coordinate Senior Awareness Day at the Stanislaus County Fairgrounds on 5/15/04; authorized Stanislaus County to participate in Senior Awareness events as a sponsor; approved a resolution declaring May 2004 as Senior Awareness Month; and, authorized the Chairman to sign a letter supporting Senior Awareness Activities for volunteers to show when soliciting prizes and donations – Aging and Veterans 2004-200
- \*A5 Appointed Norm Wagner to the Local Cable Programming Committee 2004-201
- \*B1 Set a public hearing on 4/27/04 at 9:25 a.m. to consider the adoption of updated fire protection facility fees for the West Stanislaus County Fire Protection District pursuant to Title 24 of the Stanislaus County Code M-64-C-21; DF-2-B-5 2004-202
- \*B2 Authorized CSA to amend three-year agreements for the Promoting Safe and Stable Families Program with the Children’s Crisis Center, Community Housing and Shelter Services, Haven Women’s Center, Moss Beach Homes, Inc., DBA Aspira Foster and Family Services, Parent Resource Center, and Sierra Vista Child and Family Services; and, authorized the Director of CSA, or his Designee, to sign the agreements and any amendments not to exceed the contract amounts – CSA 2004-203
- \*B3 Authorized the DA to apply for a Federal Block Grant from “Project Safe Neighborhoods”, in the amount of \$164,667 for a three-year period, to promote community safety and combat gun violence – DA 2004-204
- \*B4 Authorized the Director of DER, or his Designee, to apply for Household Hazardous Waste Grant funds from the California Integrated Waste Management Board for \$176,977 to expand the Household Hazardous Waste Collection Facility and to help advertise and promote the facility operations – DER 2004-205
- \*B5a Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 30301 Yosemite Boulevard, La Grange, California (CE No. 03-3114) – DER 2004-206
- \*B5b Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 5235 Avenue B, Modesto, California (CE No. 03-978) – DER 2004-207
- \*B5c Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 444 and 452 Bernell Avenue, Turlock, California (CE No. 03-3393) – DER 2004-208
- \*B6 Approved the letter amending Affiliation Agreement No. 99-0112A between HSA and UC Davis extending the term of the current agreement for the Family Practice Residency Program from 7/1/04 through 6/30/07; and, authorized the HSA Managing Director, or her Designee, to sign the letter – HSA 2004-209
- \*B7 Authorized the appointment of Robert Westbrook to the position of Attorney III in the Public Defender’s Office at Step Five of the Salary Range – Public Defender 2004-210
- \*B8 Authorized the Department of Planning and Community Development to expend CDBG-Program Income funds in the amount of \$7,500 for a project to prepare an engineering study to determine the status of the water system infrastructure and the water quality at Monterey Park Tract; authorized the Director of Planning and Community Development to execute an agreement with the Monterey Park Tract CSD to grant the District \$7,500 for engineering studies needed for the District to apply for grants to construct infrastructure improvements to the District water system; and, authorized the Chief Executive Office, the Department of Planning and Community Development, and DER to assist and work with the Monterey Park Tract CSD and Self-Help Enterprises to prepare grant applications to construct infrastructure improvements to the District water system DCS-9-A-3 2004-211

- \*C1** Awarded the contract for the Turlock Lake Fishing Access Improvement Project to Garcia Paving Company, Inc., of Fresno, California, in the amount of \$420,199.51; directed the Auditor-Controller to increase Appropriations by \$425,000 and Estimated Revenue by \$420,200; and, authorized the Purchasing Agent to establish a contract with Garcia Paving Company, Inc., for the contract amount – PW 2004-212
- \*D1** Rescinded a portion of Williamson Act Contract #0609 and 1657 (Riverview Road, Hickman, District 2) and approved new contract pursuant to Minor Lot Line Adjustment Application #2003-47; authorized the Planning Director to execute a new contract; 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 2004-213
- \*D2** Rescinded a portion of Williamson Act Contract #1015-1972 and 1250-1973 (Vineyard Ave. Patterson, District 5), and approved new contract pursuant to Minor Lot Line Adjustment Application #2003-38; authorized the Planning Director to execute a new contract; 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 2004-214
- \*D3** Set a public hearing on 5/11/04 at 9:25 a.m. to consider approval of the Annual Work Plan that includes the \$2.288 million CDBG, the \$85,010 Emergency Shelter Grant, and the \$540,943 Home Investment Partnership (HOME) Grant for a total of \$2,913,953 for FY 2004-05 – Planning 2004-215
- \*D4** Set a public hearing on 4/20/04 at 6:40 p.m. to consider GPA #2003-01, Rezone Application #2003-03, and Vesting Tentative Map Application #2002-02 - Riopel and Associates ORD-54-Q-6 2004-216

Grover/Paul unan. **9:25 a.m.** Approved the staff and Planning Commission recommendations Nos. 1 through 8, with the modified Standards, as set forth on pages 1 and 2 in the staff report; amended the Development Schedule from 8/31/05 to 8/31/06; finds the project for Rezone Application #2003-07 - Ray Gritton a request to rezone 1.01 acres from A-2-10 (General Agriculture) to PD (Planned Development) to allow the development of an office/warehouse business center located east of Highway 99 on Kiernan Court, Salida, 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 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 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 §15075(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; finds that the proposed PD zoning is consistent with the Planned Development General Plan description; 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; and approved Rezone Application # 2003-07 - Ray Gritton, subject to the attached Development Standards; and, introduced, waived the reading and adopted Ordinance C.S. 874 for the approved Rezone Application #2003-07 - Planning ORD-54-R-7 2004-222 & 2004-223

Mayfield/Simon **9:30 a.m.** Based upon the staff reports, attachments, documents that are referenced in the staff report, the entire record of this matter, including the documents received last night from Rose Zoia, letter from Western Hills Water District dated 3/29/04, letter dated 3/30/04 from Steve Burke including attachments, letter dated 3/23/00 from Mr. Burke to the Board of Directors of the Kern County Water Agency, and, including staff testimony and the testimony at the public hearing today, the Board considered and made the following motion in accordance with the opinion from the 5<sup>th</sup> District Court of Appeals dated 12/8/03: the Board considered and adopted the Planning Commission and Staff Recommendations Nos. 1 through 4 as set forth in the staff report to the Board; (1) adopted a resolution to set aside and void the approvals of the 2001 Addendum to the Diablo Grande Specific Plan EIR and the Modified Condition No. 57 for Vesting Tentative Map 97-01, Diablo Grande, Unit 1; (2) the Board finds that: (a) that the project modification consists of amendment to Condition 57 of Tentative Map 97-01, Diablo Grande Unit 1, to read as follows: "Diablo Grande and/or Western Hills Water District shall obtain all required governmental approvals necessary for supplying all anticipated water needs of Phase I from the Berrenda Mesa/Kern County Water Agency (KCWA) supply option"; (b) that this modification to Condition 57 is intended to accommodate the assignment by Western Hills Water District of its entitlement to 8,000 acre feet per year of water from the Berrenda Mesa Water District to the Kern County Water Agency, in exchange for a like amount of water from a local groundwater bank (the pioneer groundwater recharge and recovery project) being operated by KCWA; (c) that Phase I of the Diablo Grande Project will thus still depend upon the Berrenda Mesa supply as the ultimate source of its water supply, and KCWA will not experience any net loss of water, due to the fact that all water it is supplying to Phase I is being replaced by an equal amount of water from the Berrenda Mesa Supply Option; (d) that this modification to Condition 57 will not result in any new significant environmental effect, and will not result in a substantial increase in the severity of a previously identified significant effect, beyond what was already disclosed in the Diablo Grande Specific Plan EIR, as supplemented by the Diablo Grande Water Resources Plan SEIR, which SEIR already adequately analyzed the environmental effects of utilizing the Berrenda Mesa water supply; (e) that this modification to Condition 57 will not have any impact on the feasibility of mitigation measures or alternatives for Phase I, and, specifically, will not

render feasible mitigation measures or alternatives previously found infeasible, and will not result in new mitigation measures or alternatives considerably different from those analyzed in the prior EIR and SEIR which would substantially reduce one or more significant effects on the environment; (f) the Board finds that none of the circumstances exist which require preparation of a subsequent or supplemental EIR as required under Public Resources Code §21166 and CEQA Guidelines §15162, and, therefore, pursuant to CEQA Guidelines §15164, an addendum to the Diablo Grande EIR is authorized and is the appropriate mechanism to comply with the procedures required by law to allow County approval of the proposed change of specific water source for the Diablo Grande Phase I Project from the Berrenda Mesa source to the KCWA source; and, (g) that the Board of Supervisors has reviewed and considered the 3/30/04 Addendum to the Diablo Grande Water Resources Plan SEIR, and finds that it reflects the independent judgment, analysis, and conclusions of the County; (3) re-approved the Modified Addendum to the Diablo Grande Water Resources Plan SEIR and attached that addendum to the Diablo Grande Water Resources Plan SEIR; and, (4) incorporated the Kern County Water Agency (KCWA) water supply into Condition of Approval No. 57 for Vesting Tentative Map 97-01, Diablo Grande, Unit 1, by modifying Condition No. 57 for Vesting Tentative Map 97-01 as follows: "prior to recording any final map for Phase I development that has anticipated water needs beyond that supplied by on-site wells, Diablo Grande and/or Western Hills Water District shall obtain all required governmental approvals necessary for supplying all anticipated water needs of Phase I from the Berrenda Mesa /Kern County Water Agency (KCWA) supply option." – Planning 2004-224

**Recessed at 10:30 a.m.**

**Reconvened at 10:45 a.m.**

Simon/Grover unan. **B9** Approved the Master Plan Design for the joint use park with Salida Union School District; authorized the Director of Parks and Recreation to proceed with design plans and specifications; approved the general location of the proposed lot line adjustment; and, authorized the Interim CEO and the Director of Parks and Recreation to negotiate a new architect agreement with Salida Union School District and Timothy P. Huff and Associates, Inc. – Parks and Recreation

Mayfield/Grover unan. **B10** Accepted the informational presentation by the Stanislaus County Agricultural Advisory Board on the Agriculture Program at MJC and the assigned low priority ranking for the Ag Program for future instructor hiring decisions; approved a resolution in support of the Agriculture Program at MJC as a valuable and important local program and to encourage MJC and the YCCD to consider agriculture as a priority in future instructor hiring decisions – Agricultural Commissioner

Mayfield/Paul unan. **B11** Authorized and approved a resolution in support of the 2004 Local Taxpayers and Public Safety Protection Act

Simon/Mayfield unan. **B12** Accepted the Interim CEO's Mid-Year Report for FY 2003/04; authorized the Interim CEO to make the necessary budget adjustments to achieve a minimum \$5,900,000 fund balance at the end of FY 2003/04; directed the Interim CEO, in collaboration with the County Department Heads, to ensure that operations remain within budget policies and budgeted appropriations; authorized the use of \$690,305 in Appropriations for Contingencies as recommended in the Mid-Year Report; authorized the Interim CEO to adjust the Strategic Business Technology (SBT) charges within General Fund Budget Units; amended the Salary and Position Allocation Resolution as outlined in the staffing impacts section effective the start of the 4/3/04 pay period; authorized the reduction-in-force of regular County positions assigned to SBT to be effective 5/28/04; authorized the Interim CEO and the Auditor-Controller to make the technical adjustments outlined on Attachment A; authorized the Interim CEO to take measures to develop a recommended State Mandate (SB 90) Reduction Plan and report to the Board at third quarter

the potential staffing impacts and any recommended reduction-in-force action; directed Department Heads to continue process improvement measures, including technology solutions to create budget savings and enhance department efficiency; reaffirmed the Board of Supervisors' Budget Priorities For FY 2004/05; and, approved the overall FY 2004/05 Budget Strategies and Approach

Paul/Grover unan. **D5** Approved the Draft Annual Work Plan that includes the \$2.288 million CDBG, the \$85,010 Emergency Shelter Grant, and the \$540,943 Home Investment Partnership (HOME) Grant for a total of \$2,913,953 for FY 2004/05; released the Draft Annual Work Plan for the required 30-day public comment period; and, approved the Draft CDBG and HOME Allocation Agreements between Stanislaus County and the Cities of Oakdale and Patterson - Planning

**Corr 1** Referred to the Fish and Game Committee, Department of Parks and Recreation, and the Agricultural Commissioner, a letter from the State of California Fish and Game Commission regarding the changes to the proposed regulatory action relative to mammal hunting and trapping regulations in Title 14, California Code of Regulations, and the extension of the comment period to 4/22/04.

**Corr 2** Acknowledged receipt of the Oak Valley Hospital's 2003 Community Report

**Corr 3** Referred to the Agricultural Commissioner and Emergency Services/CEO a letter from the Governor's Office of Emergency Services regarding the U.S. Department of Agriculture granting a Secretarial disaster designation for the counties of Kern, Merced and Tulare and the contiguous counties of Los Angeles, Mariposa, Santa Barbara, San Bernardino, Santa Clara, San Luis Obispo, Stanislaus, Tuolumne and Ventura due to agriculture losses caused by adverse weather that occurred 4/1/03 through 8/31/03

**Corr 4** Referred to the Department of Planning and Community Development a copy of the United States Department of Housing and Urban Development's Review of Stanislaus County's Consolidated Annual Community Assessment Report for Program Year 2002

**Corr 5** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Timothy Lopez; Roosevelt Harper; and, Lester De Lemos

Supervisor Paul threw the first pitch of Oakdale softball season and thanked the Board for the new softball field. She noted that there are illegally parked cars for sale along Highway 108 near Stearns Road in the Oakdale area. She will contact the CHP for assistance with this problem.

Supervisor Grover announced information from lobbyist Mike Lynch regarding the transportation bill approved by the House Committee that allocated \$2 million for Route 219 and \$18.5 million for the intersection of Route 132 and Highway 99. He noted that Representative Radanovich and Representative Cardoza should be thanked for their efforts in this area.

Chairman Caruso clarified that he and Supervisor Paul are the Supervisors for their respective districts until the end of their terms in January 2005.

Interim CEO announced an Open House today for the new McHenry Medical Office on 1209 Woodward Avenue, Suite B-10 in Modesto. She informed the Board that the bonds were sold for the Gallo Arts Center, Salida Library and the 12<sup>th</sup> Street Project. The Series A & B bonds received a fixed rate of 3.9% for the \$42.9 million in government bonds.

The CSA Director gave an update to the Board regarding the C-IV computer system.

Adjourned to Closed Session at 1:40 p.m. for Closed Session: Conference with Legal Counsel - Existing Litigation: Millman vs. County of Stanislaus, et al., Stanislaus County Superior Court Case No. 332658. Government Code Section 54954.5 (c).

Adjourned at 2:46 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.)