

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

Regular Session

Tuesday

April 20, 2004

All Supervisors Present

Pledge of Allegiance to the Flag

The Board recognized the Measure P Committee and Library Week in Stanislaus County.

The Health Services Agency presented the Report on the Community Health Action Project (CHAP) a partnership between Teen Live Challenge, Stanislaus County Community Assistance Project and the Havens Women Center.

A resolution proclaiming April as Child Abuse Prevention Month in Stanislaus County was presented.

Pearl Mayor spoke regarding IHSS and the need for relief for workers when they are injured or ill. The current program does not work.

Gertie Tharnhill spoke regarding homecare workers' need for additional income. She spoke on her need for funds to help cover the medical cost of her daughter whom she cares for.

Henry Dill spoke regarding the \$7.11 offered made by the County. He noted that the cost of living has increased more than the raise they have been offered.

David Ball spoke regarding gunshots heard in his neighborhood. He noted that it took 18 minutes for the Sheriff officer to arrive, but the officer had to leave for another call. He voiced his concerns about the lack of law enforcement services and the lack of adequate law enforcement in the County.

Patricia Boyd read a letter from Verna Garrett regarding the history of the United Domestic Workers' Union and the need for higher wages for the workers.

Robert Frobose spoke regarding Modesto Bee articles on former CEO Reagan Wilson. He commented on the high cost of the retirement for Mr. Wilson. County Counsel noted that the County is prohibited by law from speaking on the inaccuracies of the Modesto Bee articles relating to Mr. Wilson's retirement benefits.

John Mataka spoke supporting the IHSS workers. He also spoke about former CEO Reagan Wilson's retirement cost.

Georgianna McDonald voiced her support of the IHSS workers. She spoke regarding Mr. Wilson's retirement plan. She thanked the Election Office for the tour during the evening of election on March 2, 2004. She requested an apology from the Board for comments describing a group of citizens as disruptive at the Election Office that night. She also spoke about the report from the City of Modesto regarding the appraisal of the Vogel property. She asked for the appraisal to be made public. County Counsel noted that the County has not received a copy of the information she was referring to.

Dave Thomas noted that the information Ms. McDonald referred to is a public document from the City of Modesto. He spoke regarding Mr. Wilson's retirement and that he believes the Board was aware of the amount Mr. Wilson would receive in his retirement. He asked how the public would be served by giving Mr. Wilson these funds.

John Rose spoke regarding his activity in supporting opposition in the November Supervisory Election in District 2. He expressed his displeasure with the current elected Board. He requested that a term limit measure be placed on the November 2, 2004 ballot.

Supervisor Simon noted that it is the DA's responsibility to look into any criminal action by Mr. Wilson.

Paul/Grover unan. Adopted the consent calendar after removing from the consent calendar item **\*A9** Approval to Set a Public Hearing on May 4, 2004 at 9:30 a.m. to Consider an Appeal of the Planning Commission's Approval of East Oakdale Residential Projects Including: Vesting Tentative Subdivision Map No. 2001-04, Exception No. 2003-04 – Hillsborough II; Vesting Tentative Subdivision Map No. 2002-04 – Lands of Schutz; and, Vesting Parcel Map No. 2003-25, Exception No. 2003-02 – Kushar; and, item **\*D1** Approval to Set a Public Hearing for May 11, 2004 at 9:35 a.m. to Consider Setting Aside and Voiding the Approvals of the March 30, 2004 Addendum to the Diablo Grande Specific Plan Environmental Impact Report and the Modified Condition No. 57 for Vesting Tentative Map 97-01, Diablo Grande, Unit 1, and Related Actions

- \*A1** Approved the minutes of 3/30/04
- \*A2** Set a public hearing on 5/4/04 At 9:20 a.m. to consider a resolution requesting the Board of Supervisors to increase the number of members of the Board of Trustees for the Patterson Cemetery District DC-3-24 2004-225
- \*A3** Appointed William K. Kurns to the Advisory Board on Substance Abuse Programs 2004-226
- \*A3b** Appointed Bruce Merchant, Greg Gaudio and Stacey Della and reappointed Marianne Rucker and Stephanie Chandler to the Earl Pride Scholarship Committee 2004-227
- \*A3c** Appointed Laura J. Snyder to the Commission on Aging 2004-228
- \*A4** Accepted the resignation of Chuck Obert and Jason Gordo from the Stanislaus County Parks and Recreation Commission 2004-229
- \*A5a** Proclaimed 4/18-24/04 as National Library Week 2004-230
- \*A5b** Proclaimed 4/18-24/04 as National Medical Laboratory Week 2004-231
- \*A5c** Proclaimed 5/10-14/04 as Juror Appreciation Week 2004-232
- \*A5d** Proclaimed 5/1/04 as Law Day 2004-233
- \*A6a** Commended James Beard upon his retirement 2004-234
- \*A6b** Commended Native Daughters of the Golden West for their 118<sup>th</sup> Grand Parlor Annual Meeting 2004-235
- \*A6c** Commended Assistant Sheriff Richard Breshears upon his retirement from Stanislaus County Sheriff Department 2004-236
- \*A6d** Commended Carl Hornberger, MD as the 2004 recipient of the Stanislaus Medical Society's John Darroch Memorial Award 2004-237
- \*A7** Approved request from East Bay Hi-Tailers to reduce the rate of Park entrance fees on 4/24 & 25/04 for their Annual Dinner Dance at Frank Raines Park 2004-238
- \*A8** Amended the 2004 Stanislaus County Board of Supervisors' Committee Assignments to reflect the appointment of Supervisor Paul to the Hazardous Waste Management Advisory Committee and Supervisor Grover to the Local Task Force on Solid Waste Management 2004-239

- \*B1 Approved the Stanislaus County Animal Court by-laws to establish the Hearing Board and Administrative Hearing Procedures and authorized the Clerk of the Board to conduct a recruitment to fill the five Animal Court Board member vacancies – Animal Services  
BD-78-2 2004-240
- \*B2 Authorized the Director of DER to request funds from the State of California Water Resources Control Board (SWRCB) in the amount of \$250,000 to remediate soil and groundwater contamination on property at 402 Downey Avenue, Modesto, CA; authorized the Director of DER to sign the contract amendment with the SWRCB in the amount of \$250,000 should monies be allocated; and, authorized the Director of DER to request additional funds from the SWRCB, if necessary, and to sign future amendments to the contract in amounts up to \$200,000 – DER 2004-241
- \*B3 Approved Local Oversight Program Contract #03-027-250-0 with the State Water Resources Control Board for underground storage tank; authorized the Director of DER to sign the contract; and, authorized the Director of DER to sign any future amendments to the contract not to exceed the original contract amount – DER 2004-242
- \*B4 Authorized DER to contract with Hilton, Farnkopf & Hobson for auditing services related to the annual refuse collection rate adjustments; and, authorized the Director of DER to execute a master agreement with Hilton, Farnkopf & Hobson not to exceed \$40,000 – DER 2004-243
- \*B5 Set a public hearing for 5/11/04, at 9:30 a.m. to consider FY 2004-2005 Annual Assessment Rates for Del Rio Heights Landscape Assessment District – Parks and Recreation 2004-244
- \*B6 Authorized the Sheriff to finalize and sign a contract with Cogent Systems for the purchase and installation of a Local Automated Fingerprint Identification System with wireless capabilities and directed the Auditor-Controller to increase Appropriations and Estimated Revenues in the budget, in the amount of \$942,912.13 – Sheriff 2004-245
- \*B7 Accepted the Stanislaus County Treasury Pool’s February 2004 Monthly Investment Report, as prepared by the 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 on behalf of the Board that the report has been reviewed and accepted – T/TC 2004-246
- \*B8 Approved a resolution authorizing the Director of Parks and Recreation to apply for the River Parkways Grant for the Riverdale Fishing Access; authorized the Director of Parks and Recreation to accept the River Parkways Grant under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40) and to sign all necessary documents; and, authorized the Auditor-Controller to set up a new fund to receive grant money in the amount of \$140,000 when the grant is approved – Parks and Recreation 2004-247
- \*B9 Set a public hearing for the FY 2004/05 Final Budget on 6/15/04 at 6:40 p.m. and 6/16 & 17, 2004 at 9:00 a.m. if necessary; directed the Clerk to advertise the hearing; and, authorized the Clerk to make appropriate changes to the public notices if fee increases are proposed as part of the budget process 2004-248
- \*B10 Authorized the Deputy Executive Officer in CEO-Risk Management Division, or his Successor/Designee, as the agency’s Plan Administrator for the PARS alternative Retirement System; authorized the Agency’s Plan Administrator to execute the PARS legal documents on behalf of the Agency and to take necessary actions to maintain the Agency’s participation in PARS, and to comply with relevant regulations issued or as may be issued; to administer the Agency’s PARS Alternative Retirement System – Risk Management 2004-249

- \*B11 Approved the State Department of Health Services contract for the continuation of the Immunization Assistance Program for the period of 1/1/04 through 12/31/04 and authorized the HSA's Managing Director, or her Designee, to sign and execute the contract – HSA 2004-250
- \*B12 Accepted the completed HSA Pharmacy-Administration Remodel Project at 900 and 830 Scenic Drive, Modesto; approved the final contract with Barham, Inc., as follows: original contract of \$151,697 minus the total Change Orders of \$1,084 to equal the final contract cost of \$150,613; authorized the Chairman of the Board of Supervisors, as the awarding authority, to sign the completion documents; and, authorized the required recording of the Notice of Completion and all other necessary close out activities 2004-251
- \*B13 Authorized the Project Manager to execute a Change Order to Gayle Manufacturing Company, Inc., in the amount of \$131,000 for unexpected price increases in the cost of raw steel for the 12<sup>th</sup> Street Project 2004-252
- \*C1 Approved summarily vacating a portion of Frazier Street and a portion of the adjoining alley in West Modesto – PW 2004-253
- \*C2 Approved the addition of Ladd Road from McHenry Avenue to Stoddard Road to the list of Roadways defined in the Public Facility Fee Program as Inter-City Roadways; added the following improvements and anticipated project costs to the list of Public Facility Fee Inter-City Transportation Element Projects: Ladd Road Plan Line from McHenry Avenue to Highway 99 for \$125,000.00, Ladd Road Lane Widening from McHenry Avenue to Stoddard Road for \$5,400,000.00, Ladd Road at American Avenue for Turn Lane Project for \$375,000.00; Ladd Road at Dale Road for Traffic Signals for \$960,000.00; Ladd Road at Carver Road for Traffic Signals for \$1,285,000.00; Ladd Road at Tully Road for Traffic Signals for \$1,000,000.00; and, Ladd Road at Saint John Avenue for Turn Lane Project for \$580,000.00; and, approved the increase to the Transportation Element of the Inter-City Component of the Public Facility Fee Program by the following amounts: Single Family Unit by \$58 for a new fee of \$1,964.00, Multi Family Unit by \$39 for a new fee of \$1,316.00, Office (1,000 SF) by \$64 for a new fee of \$2,156.00, Retail (1,000 SF) by \$52 for a new fee of \$1,732.00, Industrial (Small)(1,000SF) by \$32 for a new fee of \$1,078.00, and, Industrial (Large)(1,000SF) by \$6 for a new fee of \$216.00 – PW M-64-C-22 2004-254
- \*C3 Approved the FY 2003/04 Transportation Development Act Claim; authorized the Director of Public Works to execute and submit the claim to StanCOG; and, directed the Auditor-Controller to increase Appropriations by \$270,000 and Estimated Revenue by \$463,637 for the Grayson Bike Lane Project – PW 2004-255
- \*C4 Approved a request from the Knights Ferry History and Museum Association to hold a Peddlers' Faire on Covered Bridge Road in Knights Ferry on Sunday, 4/25/04; and, authorized the Director of Public Works to issue a permit for the event – PW 2004-256
- \*C5 Approved the request from the Stanislaus Hispanic Chamber of Commerce to hold a Cinco de Mayo Parade on several County roads on 5/1/04 and authorized the Director of Public Works to issue a permit for said event – PW 2004-257
- \*C6 Amended the compensation amount for a professional service contract with Pacific Plan Review from \$100,000 to \$150,000 for the remainder of County FY 2004 and for subsequent County fiscal years for a period of three years; and, authorized the Chairman to sign Amendment No. 1 to the agreement for professional services – PW 2004-258

Paul/Simon unan. \*A9 Set a public hearing on 5/4/04 at 9:30 a.m. to Consider an Appeal of the Planning Commission's approval of East Oakdale Residential Projects including: Vesting Tentative Subdivision Map #2001-04, Exception #2003-04 – Hillsborough II; Vesting Tentative Subdivision Map #2002-04 – Lands of Schutz; and, Vesting Parcel Map #2003-25, Exception #2003-02 – Kushar 2004-259

Grover/Paul unan. \***D1** Set a public hearing for 5/11/04 at 9:35 a.m. to Consider Setting Aside and Voiding the Approvals of the 3/30/04 Addendum to the Diablo Grande Specific Plan EIR and the Modified Condition No. 57 for Vesting Tentative Map 97-01, Diablo Grande, Unit 1, and Related Actions – Planning 2004-260

**Recessed at 8:32 p.m.**

**Reconvened at 8:42 p.m.**

Grover/Mayfield unan. **B14** Set a public hearing on 6/15/04, at 6:35 p.m., regarding the FY 2004/05 Annual Assessments for CSA #10 - Salida; approved Engineer's Report Option "B", prepared by the County Engineer, for CSA #10 - Salida; authorized an assessment ballot procedure in conformance with Proposition 218 for the FY 2004/05 annual assessments for CSA #10 - Salida; and, ordered the notice of the public hearing be given by mail, pursuant to Government Code §53753(b), and published, pursuant to Government Code §6066 CSA-10-A-7 2004-261

S/P (4-0) (Mayfield abstained) **6:40 p.m.** Based upon the staff report, the testimony received at this public hearing, and the comments of the individuals that made presentations and testified, the Board considered and approved the Planning Commission Recommendations Nos. 1 through 8 as set forth on pages 1, 2, and 3 in the staff report to the Board; (1) finds the project for General Plan Amendment Application #2003-01, Rezone Application #2003-03, and Vesting Tentative Map Application #2002-02 - Riopel and Associates, a two part request: (Part One) a request to amend the General Plan and Rezone a 19.16 acre parcel from Urban Transition/General Agriculture to Planned Development to allow for the development of a 4.43± acre dual-use landscaped drainage basin with a 0.24 acre park, and (Part Two) a request to create 53 residential lots of 8,000+ square feet from a 13.77 acre site consisting of two parcels; access to the proposed subdivision will occur via three connections (Zeering Road, Corona Way, and Chalmer Way) or one connection (Zeering Road) to the existing Denair street system; a project located in the Denair area, 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 Stanislaus County Clerk-Recorder's Office; (2) 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 judgement and analysis; (3) adopts the Mitigation Monitoring Plan pursuant to CEQA Guidelines §15074(d); (4) 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; (5) finds that: (a) the general plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses, (b) the County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service, (c) the amendment is consistent with the General Plan goals and policies, (d) the proposed Planned Development zoning is consistent with the Planned Development General Plan designation; (6) finds that none of the following 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; (7) 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; (8) approved General Plan Amendment Application #2003-01, Rezone Application #2003-03, and Vesting Tentative Subdivision Map Application #2002-02 - Riopel and Associates, the applicant's resubmittal of the three access point option, subject to the attached amended Conditions of Approval and Mitigation Monitoring Plan; and introduced, waived the reading, and adopted Ordinance C.S. 868 for the approved Rezone Application #2003-03 - Planning ORD-54-Q-6 2004-262 & 2004-263

**Corr 1** Acknowledged receipt of the Stanislaus County Employees' Retirement Association's Comprehensive Annual Financial Report for the fiscal year ending on 6/30/03.

**Corr 2** Referred to the Agricultural Commissioner and Emergency Services/CEO, a letter from the Governor's Office of Emergency Services regarding the U.S. Small Business Administration declaring the primary 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, a disaster area due to damages caused by adverse weather that occurred 4/1/03 through 8/31/03.

**Corr 3** Referred to CSA, a letter from the Governor's Office of Emergency Services announcing a Request for Proposal for the Child Abuse Treatment Program Non-American Indian Agencies and for American Indian Agencies.

**Corr 4** Referred to DER, a copy of the San Joaquin Valley Air Pollution Control District's 2003 Annual Report on Toxic Emissions from Valley Facilities.

**Corr 5** Referred to the Department of Public Works, a letter from the Federal Emergency Management Agency regarding the final Base Flood Elevations for the unincorporated areas of Stanislaus County.

**Corr 6** Referred to the CEO, an updated California County Platform from the California State Association of Counties (CSAC).

**Corr 7** Referred to the Sheriff's Department, Probation Department, and the District Attorney's Department, the report *Handgun Commerce in California, 2000*, as prepared by the Violence Prevention Research Program at the University of California, Davis.

**Corr 8** Referred to the CEO, a letter from Congressman Thompson requesting support of H.R. 1039, the Wholesale Motor Fuel Fairness and Competition Restoration Act, regarding the increase in the cost of retail gasoline.

**Corr 9** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: John Anaya; Diana Cabral-Higginbotham; Brendt H. Noon; Diana E. Carroll; Nelio Silva; and, Christine Trujillo, individually, and on behalf of her minor son, Michael Tristan Trujillo.

Chairman Caruso noted that he would be at the San Joaquin Valley Supervisors Conference.

Mayfield/Simon unan. **IX. Leg. A.** Authorized a letter of support for Congressman Cardoza's Legislative Bill HR 2933 entitled "The Critical Reform Act" 2004-264

Interim CEO gave an update on the State Budget including information on Workers Compensation and VLF bills.

The Gallo Center for the Arts Groundbreaking Ceremony was announced as taking place on Tuesday, April 27, 2004 at 6:00 p.m. at 10th and I Streets in downtown Modesto.

Canceled the Closed Session for: Labor Negotiations: Agency Negotiator Patricia Hill Thomas. Labor Organizations SCEA/AFSCME, SEIU, OE3, DSA, SCSSA, CAIR/CIR, CNA and UDW. Pursuant Government Code Section 54954.9(e).

Adjourned at 10:52 p.m.

ATTESTED: CHRISTINE FERRARO TALLMAN, Clerk  
of the Board of Supervisors  
of the County of Stanislaus  
State of California

BY: CHRISTINE FERRARO TALLMAN, 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.)