

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

Regular Session

Tuesday

April 18, 2006

Supervisor Mayfield absent

Pledge of Allegiance to the Flag

Jan Viss, Assistant Director of CSA and Co-Chair of the Child Abuse Prevention Council, and Kim Wood Hyatt, Clinical Program Director for Sierra Vista Child and Family Services and Co-Chair of the Child Abuse Prevention Council, announced the winners of the 2006 Child Abuse Awareness Art Contest. The Chairman presented a resolution proclaiming April 2006 as Child Abuse Prevention Month Nancy Millberry, Chief of Childrens' System of Care at BHRS.

The Chairman presented a resolution proclaiming April 23-29, 2006 as Victim's Rights Week to Belinda Rollicheck, Victim Rights Coordinator at the District Attorney's office.

Maury Sanders, Assistant Sheriff, reported that six more citizens of Stanislaus County have lost their lives in Iraq while in the service of the United States of America. He will be requesting that the Board adopt resolutions honoring these individuals before Memorial Day.

Grover/O'Brien (4-0)(Mayfield absent) Adopted the consent calendar after removing from consent items \*A2a Approval to Adopt and Waive the Second Reading of Ordinance C.S. 951 Amending Existing Fees for the Department of Agriculture and Weights and Measures Concerning Phytosanitary Certificates and Certified Producers Certificates, and \*A2b Approval to Adopt and Waive the Second Reading of Ordinance C.S. 952 Establishing New Fees and Amending Existing Fees for the Department of Environmental Resources

- \*A1 Approved the minutes of 4/11/06
- \*A3a Proclaimed May 1, 2006 as Law Day 2006-272
- \*A3b Proclaimed May 2006 as Elder and Dependent Adult Abuse Awareness Month 2006-273
- \*A4 Approved request from River Oaks 4-H Group for use of the Kiwanis Camp and the Joe Domecq Wilderness Area on May 4-7, 2006 for their First Annual Poker, Ride, Walk or Jog Event 2006-274
- \*A5 Appointed Vern Seeley to the Assessment Appeals Board 2006-275
- \*B1a Adopted the recommendations of the Nuisance Abatement Hearing Board (DER) regarding 2030 Claribel Road/5000 Oakdale Road, Modesto, CA, CE No. 05-2734 2006-276
- \*B1b Adopted the recommendations of the Nuisance Abatement Hearing Board (DER) regarding 3924 Central Avenue, Ceres, CA, CE No. 05-2816 2006-277
- \*B1c Adopted the recommendations of the Nuisance Abatement Hearing Board (DER) regarding 1425 Lombardy Drive, Modesto, CA, CE No. 05-2977 2006-278
- \*B1d Adopted the recommendations of the Nuisance Abatement Hearing Board (DER) regarding 803 N. Vincent Road, Turlock, CA, CE No. 04-2618 2006-279
- \*B1e Adopted the recommendations of the Nuisance Abatement Hearing Board (DER) regarding 2301 and 2303 Poland Road, Modesto, CA, CE No. 04-3595 2006-280
- \*B2 Approved the Area Agency on Aging FY 2006-2007 Planning and Service Area (PSA) Plan Update and authorized the Chairman and the Director of the Area Agency on Aging to sign the Transmittal Letters to the California Department of Aging 2006-281

- \*B3 Approved the second status report of the Emergency Replacement of the Courthouse Boiler System 2006-282
- \*B4 Continued the County-wide declaration of the Local State of Emergency due to weather and flooding conditions in Stanislaus County and directed all appropriate actions to be taken relative to the State of Emergency 2006-283
- \*B5 Declared the emergency contract to repair the sewage lift station at the Public Safety Center as substantially completed – GSA 2006-284
- \*B6 Approved the amended agreement with the State of California Department of Health Services for Medi-Cal Administrative Activities (MAA) for the period 7/1/03 through 6/30/08 – HSA 2006-285
- \*B7 Approved the purchase of one Altec AT 37-G aerial lift truck for pruning trees at Modesto and Woodward Reservoirs Regional Park; approved the purchase of three Ford E-150 vans to transport Honor Farm crews to Frank Raines, Modesto Reservoir, and Woodward Reservoir Regional Parks; approved the purchase of two PMB pull-behind sprayers for large scale weed abatement and fire control programs at Modesto and Woodward Reservoir Regional Parks; approved the purchase of one BOBCAT all-terrain forklift with additional attachments for a variety of tasks at Modesto and Woodward Reservoirs Regional Parks; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$212,105.84 as detailed in the budget journal forms – Parks and Recreation M-64-E-6 2006-286
- \*B8 Adopted the plans, specifications and working details for the Riverdale Park and Fishing Access Project; directed the Public Works staff to mail “notice inviting bids” to trade journals as required by law; directed the Clerk of the Board to publish an “Invitation to Bidders” for the project as required by law and set the deadline for submission of the bid as 5/31/06, at 2:00 p.m.; and, directed the Auditor-Controller to establish a capital fund account for this project with an appropriation of \$760,200 – Parks and Recreation 2006-287
- \*B9 Approved proceeding with the Woodward Reservoir Wastewater Facilities Upgrade Project; approved amendment No. 2 to the Woodward Reservoir License Agreement with South San Joaquin Irrigation District; directed the Auditor-Controller to increase appropriations; approved the project budget of \$311,902 for the Woodward Reservoir Wastewater Facilities Upgrade Project; awarded the contract for construction to Amerine Systems, Inc., of Oakdale, California in the amount of \$269,573; authorized the GSA Director/Purchasing Agent to establish a contract with Amerine Systems, Inc. for the contract amount; authorized the Director of Parks and Recreation to negotiate and execute change orders in accordance with Public Contract Code §20142; and, upon completion of the project, authorized the Director of Parks and Recreation to accept the completed improvements and perform all necessary closeout activities – Parks and Recreation 2006-288
- \*C1 Approved the annexation of territory (Cotter APN: 024-035-019) to the Denair Highway Lighting District without an election; finds that the territory more particularly described on Exhibits "A" and "B" is owned by petitioners, and that petitioners ownership represents 100% of the total assessed valuation of all taxable property within the territory proposed to be annexed into said district; finds that Stanislaus County Code §21.40.040 required 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 Denair Highway Lighting District of Stanislaus County; finds the fact of filing of the petition was received by the Clerk of the Board on 4/12/06; 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; directed the Clerk of the Board of Supervisors to send a certified copy of the resolution ordering the annexation to the lighting district to the Department of Public Works, the offices of the Assessor, Elections, Auditor-Controller, and the Clerk Recorder; 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-2-A-3 2006-289

- \*C2 Approved the subdivision improvement agreement for Diablo Grande, The Vineyards II 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; rejected all roads, highways, avenues, alleys, courts, ways, lanes, places, and all other street dedications; authorized the Chairman to sign the final map and the subdivision improvement agreement; and, authorized the final map to be filed and recorded as presented – PW 2006-290
- \*C3 Approved the purchase agreement to acquire road right-of-way for the Albers Road and Geer Road Intersection Improvements Project (Geer Road and Fox Road); authorized the Chairman to execute the agreement; directed the Auditor-Controller to increase appropriations and estimated revenue for the Geer Road and Fox Road Intersection Improvement project by \$26,000, per the financial transaction sheet; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$25,000, payable to Fidelity – PW M-64-E-7 2006-291
- \*C4 Awarded the contract for the Construction of the Sperry Avenue Project (Rogers Road to Baldwin Road) in Patterson to DeSilva Gates Construction LP, of Dublin, CA, in the amount of \$6,019,618; awarded contract for construction management and inspection services, during construction, for the bridge portion of the project to CH2M-HILL, of Sacramento, CA, in the amount of \$180,909; awarded contract for design engineering services, during construction, to GDR Engineering, of Ceres, CA, in the amount of \$60,600; directed the Auditor-Controller to transfer Regional Transportation Impact fee and increase appropriations and estimated revenue per the financial transaction sheet; authorized the GSA Director/Purchasing Agent to establish a contract with DeSilva Gates Construction LP, CH2M-HILL and GDR Engineering, for their correspondent contract amounts; authorized the Director of Public Works to negotiate and execute change orders in accordance with Public Contract Code §20142; and, upon project completion, authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities – PW M-64-E-8 2006-292

Grover/DeMartini (3-1)(O'Brien opposed)(Mayfield absent) \*A2a Adopted and waived the second reading of Ordinance C.S. 951 amending existing fees for the Department of Agriculture and Weights and Measures concerning Phytosanitary Certificates and Certified Producers Certificates

ORD-54-Y-13 2006-293

Grover/DeMartini (3-0)(O'Brien abstained)(Mayfield absent) \*A2b Adopted and waived the second reading of Ordinance C.S. 952 establishing new fees and amending existing fees for the Department of Environmental Resources

ORD-54-Y-14 2006-294

O'Brien/DeMartini (4-0)(Mayfield absent) **6:40 pm** Based upon Board statements and comments made on this matter, the Board **denied** GPA #2005-12 and Rezone Application #2005-16 – Carl and Terri Hagens, a request to amend the General Plan from Urban Transition to Estate Residential, rezone from A-2-10 (General Agriculture) to R-A (Rural Residential), create parcels of 3.3 and 4.3 acres and a 1.2 acre remainder with an exception for parcels exceeding the normal width to depth ratio, located at 4649 N. Gratton Road, Denair; and, finds that the Planning Commission continued indefinitely Parcel Map Application #2005-37, and Exception Application #2005-06 – Planning ORD-54-Z-2 2006-299

County Counsel Michael Krausnick reported to the Board that Supervisors Jim DeMartini and Jeff Grover had potential conflicts with the **6:45pm** Public Hearing item regarding the Certification of the Final EIR and Adoption of GPA #2004-03, a Focused General Plan Update of the County's Circulation Element and Related Elements. In order for there to be a quorum to consider this matter, Supervisor Grover and Supervisor DeMartini participated in a random drawing conducted by County Counsel according to the "rule of necessity." Supervisor Grover drew the short straw, and therefore Supervisor Grover joined Supervisors Ray Simon and Bill O'Brien in considering the matter.

Grover/O'Brien (3-0)(DeMartini abstained)(Mayfield absent) **6:45 pm** Based upon the staff report, the presentation and comments by staff, and the testimony received, the Board adopted the certification of the Final EIR and adopted GPA #2004-03, a Focused General Plan Update of the County's Circulation Element and Related Elements; the Board adopted staff recommendations Nos. 1 through 11 as follows: (1) modified the proposed text of GPA #2004-03, a Focused General Plan Update of the County's Circulation Element and Related Elements, Implementation Measure 2, Policy Two, Goal One to read as follows: "2. The County will annually review and update its transportation funding mechanisms and, as necessary, adjust its traffic impact fee in compliance with §66000 of the Government Code to ensure that adequate funds are collected from local, State, and federal sources to implement improvements required to maintain the County's level of service standard on all County roads. Within six (6) months of adopting the Focused General Plan Update, the County shall prepare cost estimates for the State Highway projects identified in this Circulation Element"; and added Implementation Measure 7, Policy Nine, Goal Three to read as follows: "7. The County will coordinate and participate with the San Joaquin Valley Partnership, the Stanislaus Council of Governments, and Caltrans to evaluate the possibility of designating the San Joaquin Valley portion of State Route 99 as part of the Federal Interstate System."; (2) finds that the proposed text modifications identified above to GPA #2004-03 do not substantially modify the project description and do not alter the environmental analysis presented in the Draft or Final EIR prepared for the project, as these modifications either clarify agency responsibilities for implementation measures or add implementation measures to conduct planning and feasibility studies which are statutorily exempt under CEQA; (3) certified that the Notice of Preparation, Draft Program EIR (Sch#2004082139), Notice of Availability, and Final Program EIR for this project have been prepared and circulated for public review and comment as required by CEQA, Public Resources Code §21000 et seq.; and the CEQA Guidelines, California Code of Regulations, Title 14, §15000 et seq.; (4) finds the Final Program EIR responded to the public comments submitted during the review period pursuant to CEQA, the CEQA Guidelines, and the County's Rules and Procedures for the implementation of CEQA; (5) finds the Stanislaus County Board of Supervisors has reviewed and considered the information contained in the Draft and Final Program EIR for the Focused General Plan Update of the County's Circulation Element and Related Elements of the General Plan, and that the Program EIR reflects the independent judgment of the County; (6) adopted the attached Findings of project impacts (as set forth in Attachment 2 of the staff report to the Board) and the Statement of Overriding Considerations (as set forth in Attachment 3 of the staff report to the Board) concerning unmitigated significant impacts; (7) adopted the Mitigation Monitoring Program (Chapter 16 of the Final Program EIR) with which all future improvements identified in the Focused General Plan Update of the County's Circulation Element and Related Elements of the General Plan shall comply; (8) certified the Final Program EIR for the Focused General Plan

Update of the County's Circulation Element and Related Elements (SCH#2004082139); (9) ordered the filing of a Notice of Determination and Environmental Filing Fee for the Department of Fish and Game with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code §21152 and CEQA Guidelines §15075; (10) finds that the project is consistent with the overall goals and policies of the Stanislaus County General Plan; and (11) approved GPA #2004-03, Focused General Plan Update of the County's Circulation Element and Related Elements; the Board received and considered comments and concerns regarding the designation of Cleveland Avenue and a request to add a road on the Circulation Element diagram from Turlock west to Interstate 5; the Board determined the designation for Cleveland Avenue was appropriate and consistent with the City of Oakdale General Plan and was analyzed in the EIR; with respect to adding the road to the Circulation Element diagram from Turlock to Interstate 5, the Board found that this suggested road is not included in either the City of Turlock or City of Patterson General Plans and is not included in the StanCOG Regional Transportation Plan; and, on that basis, concluded that inclusion of this suggested roadway is not feasible at this time, nor is it consistent with the stated project objectives – Planning 2006-300

DeMartini/Grover (4-0)(Mayfield absent) **6:50 pm A** Introduced and waived the first reading of Ordinance C.S. 953 to increase existing fees and establish new fees for the Clerk Recorder Department ORD-54-Y-15 2006-301

O'Brien/Grover (4-0)(Mayfield absent) **6:50 pm B** Introduced and waived the first reading of Ordinance C.S. 954 to adopt the Department of Planning and Community Development 2006 Fee Schedule ORD-54-Y-16 2006-302

DeMartini/Grover (4-0)(Mayfield absent) **B10** Approved the implementation of the Bridge Partnership for Youth Program in Stanislaus County; and, authorized the Alliance Worknet to enter into a contract with Modesto Junior College in the amount of \$72,770 to provide instructional and counseling services to program participants – Alliance Worknet 2006-295

Grover/DeMartini (3-0)(O'Brien abstained)(Mayfield absent) **B11** Adopted a resolution initiating the expansion of the Stanislaus County Enterprise Zone 40 by approximately 5,472 acres; and, authorized staff to prepare and submit a Zone Expansion application request to the State of California - Housing and Community Development Agency 2006-296

**Recessed at 8:51 p.m.**

**Reconvened at 8:58 p.m.**

Grover/O'Brien (4-0)(Mayfield absent) **B12** Accepted the update on the financial status of Behavioral Health and Recovery Services and related recommendations; set a public hearing on 5/16/06, at 6:40 p.m., pursuant to §1442.5 of the Health and Safety Code in preparation for the closure of the Ceres Regional Services, Eastside Regional Services in Oakdale, and Patterson Regional Services; approved the posting of the notice of the public hearing at all County mental health and health facilities no later than 4/24/06; established 7/1/06 as the proposed effective date of the closure of the Ceres Regional Services, Eastside Regional Services in Oakdale, and Patterson Regional Services; and, amended the Salary and Position Allocation Resolution to delete one Deputy Public Guardian – BHRS 2006-297

DeMartini/Grover (4-0)(Mayfield absent) **B13** Accepted the Clerk Recorder Election's Division report regarding features of the new AutoMARK Voter Assist Terminal in the upcoming election process 2006-298

**Corr 1** Referred to the DER, Fish and Wildlife Commission, and the Agricultural Commissioner and Sealer of Weights and Measures, a letter from the Regional Council of Rural Counties requesting a resolution of support for reform of the Federal Endangered Species Act.

**Corr 2** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: John Groll and Wilma Romjue.

Supervisor DeMartini voiced his support of the CEO and the Board stopping the belly-dancing program at the County Library.

Adjourned at 9:35 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.)