

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

November 25, 2003

The Stanislaus County Office of Education 2003 Red Ribbon Week Awards were presented to: Peterson Alternative School for Education, Central Catholic High School and Thomas Downey High School; Waterford High School, Knights Ferry School, and Oakdale Junior High School; and, Hunt Elementary School, Agnes Baptist Elementary School and Grace Lutheran Elementary School.

Egon Stammler, of CSA Child Welfare Services, presented a resolution proclaiming November 2003 as Adoption and Permanency Month.

Presentation of the Outstanding Administrative Award from the California State Foster Parents Association to Lyndalee Whipple was continued to a future Board meeting.

Janice Keating spoke regarding the need for emergency shelter for the homeless.

Leonard Mendoca spoke regarding the need to provide funding for the Sheriff's office.

P/C unan. Adopted the consent calendar

- *A1 Approved the minutes of 11/4/03
- *A2a Accepted the resignation of John Honnette from the San Joaquin Valley Unified Air Pollution Control District's Citizen Advisory Committee 2003-1046
- *A2b Accepted the resignation of Robert Crabtree from the Stanislaus County Mental Health Board 2003-1047
- *A2c Accepted the resignation of Hugh S. Corbalis from the Salida Municipal Advisory Council 2003-1048
- *A2d Accepted the resignation of Steve Trinta from the Patterson Irrigation District Board 2003-1049
- *A3a Appointed Aaron Trott to the Reclamation District No. 2091 Board 2003-1050
- *A3b Appointed John Beltran, William Fleisig, and Fred Vogel to the Oak Flat Water District Board 2003-1051
- *A3c Appointed Elmer E. Salazar to the Empire Municipal Advisory Council 2003-1052
- *A3d Appointed William Cerutti and Douglas Lucas to the Newman Drainage District Board 2003-1053
- *A3e Appointed Greg Petz and Lee DelDon to the West Stanislaus Irrigation District Board 2003-1054
- *A3f Appointed Charles A. Morris, Jr., Edward Bettencourt, Shane P. Donlon, and Thomas C. Morris to the El Solyo Water District Board 2003-1055
- *A3g Appointed Norval Pimental to the Westport Fire Protection District Board 2003-1056
- *A3h Appointed David Sousa to the Juvenile Hall Service League 2003-1057
- *A3i Appointed Benny Cassinetto to the Knights Ferry Community Services District Board 2003-1058
- *A3j Appointed Nancy Barajas to the Grayson Community Services District Board 2003-1059

- ***A3k** Appointed Mervyn Crow, Jr., Earl Perez and Clyde Peters to the Orestimba Creek Flood Control District 2003-1060
- ***A4** Approved the Consolidation of the Oakdale Rural Fire Protection District Election with the General Primary Election on Tuesday, 3/2/04 2003-1061
- ***A5** Approved request from the Calvary Seniors for use of the Frank Raines Park Recreation Hall on 1/4-7/04, 3/7-10/04, 5/2-5/04, and 10/3-6/04 2003-1062
- ***A6a** Proclaimed December 2003 as Drunk and Drugged Driving Prevention Month 2003-1063
- ***A6b** Proclaimed 11/18/03 as Prematurity Awareness Day for the March of Dimes 2003-1064
- ***A7** Approved commendations for Mary Hauselmann and Lori Van Ruiten upon their retirement from the Stanislaus County Probation Department 2003-1065
- ***A8a** Commended Eric Ingwerson upon his retirement as the Mayor of the City of Ceres 2003-1066
- ***A8b** Approved a commendation for the Stanislaus County Youth for Christ's Teen Parents Program 2003-1067
- ***A8c** Approved a commendation for the Beyer High School Girls Golf Team 2003-1068
- ***B1** Approved and authorized the Chairman to sign the Pesticide Use Enforcement Contract with the California Department of Pesticide Regulation for FY 2003/04 – Agricultural Commissioner 2003-1069
- ***B2** Approved the Public Safety Augmentation Fund Annual Financial Review for the period ending 6/30/03 – Auditor-Controller 2003-1070
- ***B3** Authorized a MOU with Stanislaus County Office of Education to transfer local allocations pursuant to AB 1765 (Chapter 157, Statutes of 2003) for the provision of State Mandated Mental Health Services for Eligible Students; authorized the Director of BHRS or his Designee to sign the MOU and any amendments that may be required throughout FY 2003/04; and, authorized BHRS to accept funds through Stanislaus County Office of Education for FY 2003/04 that will offset costs for a portion of mental health services for eligible students – BHRS 2003-1071
- ***B4** Approved implementation schedule amendments to California Department of Housing and Community Development Department Jobs/Housing Balance Improvement Program Grant contracts and authorized the Interim CEO, or her Designee, to execute the amendments to the contracts 2003-1072
- ***B5** Approved CSA to renew the FY 2003/04 agreement with UC Davis for staff training and authorized the Director of CSA, or his Designee, to sign the agreement and any amendments not to exceed the total agreement amount of \$174,000 for FY 2003/04 2003-1073
- ***B6** Set a public hearing on 12/9/03 at 9:20 a.m. to consider the adoption of updated fire protection facility fees for the Oakdale Rural Fire Protection District 2003-1074
- ***B7** Approved applying for, and accept funds if awarded, the Stanislaus County Children and Families Commission (Proposition 10) 2004 Mini-Grants to purchase medical equipment and to fund child safety seats for the HSA; and, authorized HSA Managing Director, or her Designee, to sign the application and, if awarded, sign the contracts and accept funding – HSA 2003-1075
- ***B8** Approved the closure of the Stanislaus Urgent Care Center on Wednesday, 12/24/03 and Wednesday, 12/31/03 – HSA 2003-1076
- ***B9** Approved the closure of all Stanislaus County Libraries at 5:00 p.m. on Wednesday, 12/31/03 2003-1077
- ***B10** Adopted a resolution for Sheriff's Record Retention Schedule – Sheriff 2003-1078
- ***B11** Approved the Sheriff and Public Works Director to enter into an agreement wherein the Stanislaus County Department of Public Works will provide funding for a Deputy Sheriff-Coroner to assist their Department with traffic obligations; directed the Auditor-Controller

to increase Appropriations and Estimated Revenues in the amount of \$97,472; approved the purchase and addition to the fleet of a patrol vehicle along with the necessary equipment; and, amended the Salary Position Allocation Resolution to add one Deputy Sheriff-Coroner to the Sheriff's Operation Division 2003-1079

***B12** Approved subordination request between the Ceres Redevelopment Agency and the County of Stanislaus which would allow the Agency to pledge all or any portion of the tax increments otherwise payable to the County to secure the payment of bonded indebtedness – Auditor-Controller 2003-1080

***B13** Approved the implementation of the single point of entry at various HSA clinics regarding a health coverage application and eligibility determination process for specific health programs in coordination with CSA; authorized the CEO Personnel to transfer thirteen HSA positions and existing staff to CSA, Budget Unit 1631 effective with the pay period beginning 12/28/03; approved the position reclassifications of Patient Finance Technician II to Family Specialist II; approved the position reclassification of HSA's Supervising Patient Finance Technician to Family Services Supervisor; and, deleted the job classification of Supervising Patient Finance Technician – CSA 2003-1081

***C1** Find that the subdivision improvements except for the storm drain basin required for Vizcaya Unit No. 1 by the subdivision improvement agreement, executed by SCM Vizcaya, a Nevada LLC, and executed by Stanislaus County Board of Supervisors on 12/9/00, have been constructed to the satisfaction of Stanislaus County; accepted all streets, avenues, roads, streetscape, and the drainage system except for the storm drain basin within Vizcaya Unit No. 1 for maintenance by Stanislaus County; approved Performance Bond #566107S, issued by the Insko Dico Group in the amount of \$188,721.78 for faithful performance of the on-site storm drain basin since it is not being accepted for maintenance at this time; approved Labor and Materials Bond #566107S, issued by the Insko Dico Group in the amount of \$188,721.78 for payment of labor and materials for the on-site storm drain basin; pursuant to the §66499.7 (A) of the Subdivision Map Act; authorized the Clerk of the Board to release Performance Bond #876638S in the amount of \$987,000 issued by the Insko Dico Group for faithful performance of the subdivision improvements except for the installation of the on-site storm drain basin since bonds for this improvement have been provided; pursuant to §66499.7 (B) of the Subdivision Map Act; upon receipt of a Mechanic's Lien Guarantee, authorized the release of Labor and Materials Bond #876638S in the amount of \$674,000 issued by the Insko Dico Group for payment of all labor and materials for subdivision improvements except for the on-site storm drain basin; and, the Mechanic's Lien Guarantee must be dated a minimum of 61 days after the filing of the appropriate Notice of Completion, be in the amount of \$674,000 be prepared by a title company, be to the benefit of Stanislaus County, and show that no liens are of record – PW 2003-1082

***C2** Finds that the subdivision improvements except for the storm drain basin and Arborwood Drive Part Width Road Improvements required for Vizcaya Unit No. 2 by the subdivision improvement agreement, executed by SCM Vizcaya, a Nevada LLC, and executed by Stanislaus County Board of Supervisors 10/30/01 have been constructed to the satisfaction of Stanislaus County; accepted all streets, avenues, roads, streetscape, and the drainage system within Vizcaya Unit No. 2 except for the storm drain basin and Arborwood Drive Part Width Road Improvements for maintenance by Stanislaus County; approved Performance Bond #566147S, issued by the Insko Dico Group in the amount of \$35,094.51 for faithful performance of the Arborwood Drive Part Width Road Improvements since these improvements are not being accepted for maintenance at this time; approved Labor and Materials Bond #566147S, issued by Insko Dico Group in the amount of \$35,094.51 for payment of labor and materials for the Arborwood Drive Part Width Road

Improvements; pursuant to §66499.7 (A) of the Subdivision Map Act, authorized the Clerk of the Board to release Performance Bond #425414S in the amount of \$63,541 issued by the Insko Dico Group for faithful performance of the subdivision improvements except for the installation of the on-site storm drain basin and Arborwood Drive Part Width Road improvements since bonds for these improvements have been provided; pursuant to §66499.7 (B) of the Subdivision Map Act, upon receipt of a Mechanic's Lien Guarantee, authorized the release of Labor and Materials Bond #425414S in the amount of \$31,771 issued by the Insko Dico Group for payment of all labor and materials for subdivision improvements except for the on-site storm drain basin and Arborwood Drive Part Width Road Improvements; and, the Mechanic's Lien Guarantee must be dated a minimum of 61 days after the filing of the appropriate Notice of Completion, be in the amount of \$31,771 be prepared by a title company, be to the benefit of Stanislaus County, and show that no liens are of record – PW 2003-1083

***C3** Approved the Subdivision Improvement Agreement for the Summit Corporate Center Phase 2; and, authorized the Chairman to sign the Subdivision Improvement Agreement on behalf of the Board of Supervisors – PW 2003-1084

***C4** Approved the Purchase Agreement to acquire road right-of-way at the northeast corner of the intersection of Carpenter Road and Robertson Road; authorized the Chairman to execute the agreement; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$1,745 payable to Phal Pan and Chham Pouv – PW 2003-1085

***C5** Finds that the subject ordinance is not subject to CEQA (Public Resources Code, §2100 et seq.) and introduced and waived the first reading of Ordinance C.S. 859 amending Title 11 of the Stanislaus County Code, §11.08.020 (Red Curb Marking – Streets Designated), §11.12.020 (Yellow Zones Established), and §11.08.120 (No Truck Parking) – PW ORD-54-Q-1 2003-1086

***C6** Finds that the subject ordinance is not subject to CEQA (Public Resources Code, §2100 et seq.) and introduced and waived the first reading of Ordinance C.S. 864 amending Title 11 of the Stanislaus County Code, §11.04.040, 11.040.050, 11.04.060, and 11.04.070 to establish speed zones on Richland Avenue, Toomes Road, Kentucky Avenue, and Service Road – PW ORD-54-Q-2 2003-1087

***D1** Rescinded a portion of Williamson Act Contract #2724-1977 (Valley Home Road, District 1), and approved new contract pursuant to Minor Lot Line Adjustment Application 2003-36 and authorized the Planning Director to execute new contracts; finds the new contract or contracts would enforceable 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 2003-1088

***D2** Set a Public Hearing on 12/16/03 at 6:35 p.m. for GPA # 2003-04 and Rezone Application #2003-09, Star Quest – Planning ORD-54-Q-3 2003-1089

- *D3 Set a Public Hearing on 12/16/03 at 6:55 p.m. for GPA #2003-05 - Stanislaus County Housing Element – Planning 2003-1090
- *D4 Set a Public Hearing on 12/16/03 for GPA #2003-07 and Rezone Application #2003-04, Christina and Daniel Donovan – Planning ORD-54-Q-4 2003-1091
- *D5 Set a Public Hearing on 12/16/03 at 6:45 p.m. for GPA #2001-09 and Rezone Application #2003-07, Crows Landing Flea Market – Planning ORD-54-Q-5 2003-1092
- *D6 Set a Public Hearing on 12/16/03 at 6:50 p.m. for GPA #2003-01 and Rezone Application #2003-03, Riopel & Associates – Planning ORD-54-Q-6 2003-1093

M/C unan. **9:25am** The Board finds that Ordinance C.S. 861 is exempt from the provisions of the CEQA; and, introduced, waived the reading and adopted Ordinance C.S. 861, Planning and Community Development Department OA #2003-01, amending Zoning Ordinance Chapter 21.12 and 21.20 to require Use Permits for new or expanded confined animal facilities – Planning
ORD-54-P-5 2003-1100; 2003-1101

M/C unan. **9:30 am** Continued to 12/9/03 at 9:35am, the Public Hearing to Consider Rezone Application #2003-06 and Vesting Tentative Subdivision Map Application #2003-02 - Del Rio Lago Subdivision, a request to create 47 parcels with an average parcel size of over 20,000+ square feet from a 43.5 acre site in a new P-D (Planned Development) Zoning District located on the east side of Carver Road, south of Thunderbird Drive, in the Del Rio area - Planning
ORD-54-P-6 2003-1102

G/C unan. **9:35 am** Finds the project for Rezone Application #2003-05, Parcel Map Application #2003-23 and Abandonment of Pirrone Court for Innovative Technologies Business Park #2, a request to rezone 7.2 acres from A-2-40 (General Agriculture) and Planned Industrial #4 to Planned Development of a light industrial business park and to legally abandon Pirrone Court, 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 order the filing of the Certificate of Fee Exemption with the Stanislaus County Clerk-Recorder’s Office; adopts the Mitigated Negative Declaration pursuant to California Code of Regulations §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; adopts the Mitigation Monitoring Plan pursuant to California Code of Regulations §15074(d); orders 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; determined that none of the findings precluding parcel map approval can be made; 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; approved Rezone Application #2003-05, subject to the attached Development Standards; approved Parcel Map Application #2003-23, subject to the Development Standards; introduced, waived the reading and adopted Ordinance C.S. for the approved Rezone Application #2003-05; and, **amended** staff recommendation No. 11 to approve the requested abandonment of Pirrone Court - Planning
ORD-54-P-7 2003-1103; 2003-1104

Recessed at 10:30 a.m.

Reconvened at 10:42 a.m.

C/P unan. **A9** Accepted the Clerk-Recorder's declaration of the results of the Consolidated District Election conducted on 11/4/03 – Clerk-Recorder 2003-1094

M/P unan. **B15** Approved the Interim Chief Executive Officer's recommended budget strategy to balance the FY 2003/04 budget as a result of State budget and other identified impacts; accepted the Interim CEO's First Quarter Fiscal Review and Recommendations for FY 2003/04; authorized the use of \$927,074 in Appropriations for Contingencies as recommended in the report; amended the Salary and Position Allocation Resolution as outlined in the staffing impacts effective the start of the pay period after Board approval or on the date recommended in this report; authorized the Auditor-Controller to make the necessary budget changes and technical adjustments as described in the report; amended the item to reflect the Revised Staffing Impacts and the Revised Attachment "A" Staffing Changes affecting CSA; amended the Revised Staffing Impacts and the Revised Attachment "A" regarding the "deleted" listed DA's positions to allow the three positions to remain on the Salary and Position Allocation Resolution; and, authorized the formation of a Criminal Justice Focus Group 2003-1098

G/M unan. **A10** Approved the final recommendations of the Board of Supervisors' Committee Report regarding the Special Projects and Community Support Budgets 2003-1095

M/C unan. **A11** Authorized the final report from the Auditor-Controller regarding the Purchasing Card Audit of the former CEO and authorized the Auditor-Controller to reimburse Reagan M. Wilson for amounts supported by receipts in compliance with the County's Purchasing Card Policy and County Code §2.08.030 totaling \$9,218.08 – Auditor-Controller 2003-1096

Continued to 12/9/03 Item **B14** Approval to Adopt a Resolution in Support of the East San Joaquin County Water Quality Coalition for the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands – Agricultural Commissioner 2003-1097

M/G unan. **C7** Approved the Master Facilities Agreement and Implementation Plan for TM 99-01: Naranjo Estates, TM 99-07: Tuolumne Meadows, TM 99-09: Sterling Ranch Unit No. 1, and TM 99-08: Runyan Country Estates; approved the Subdivision Improvement Agreement for Sterling Ranch Unit No. 1 Subdivision; find that the map is in substantial compliance with the previously approved Tentative Map; find that Stanislaus County has adopted a Specific Plan covering the area proposed to be included within the Specific Plan for the area; rejected all road, highways, avenues, alleys, courts, ways, lanes, places, etc.; authorized the Chairman to sign the Final Map, the Master Facilities Agreement and Implementation Plan for TM 99-01, TM 99-07, TM 99-09 and TM 99-08, and the Subdivision Improvement Agreement; and, authorized the filing and recording of the Final Map for Sterling Ranch Unit No. 1 Subdivision – PW 2003-1099

Corr 1 Referred to the Agricultural Commissioner, two letters from the Governor's Office of Emergency Services regarding the U.S. Department of Agriculture's granting a Secretarial disaster designation for the counties of Stanislaus and San Joaquin and the contiguous counties of Amador, Tuolumne, Sacramento, Alameda, and Calaveras due to agriculture losses caused by spring rains and Wheat Stripe Rust that occurred 4/1/03 through 5/15/03.

Corr 2 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Bruce A. Campbell; Melinda Cropper; Ronald Davis; Rodney Lee Gratton; Camera Bonsack; Kevin Rice; Liz Pace; Richard Rupp; Marc Kneeland; David R. Ramos; Gilberto Nevarez; and, John J. Gullatt, III.

Supervisor Paul thanked HSA staff and the Director, Margaret Szczepaniak, for saving the M.O.M. Mobile from being cut during the budget process. She also thanked Michael Rodriguez, Director of Animal Services, and the CEO staff who held a citizen's meeting regarding various animal right issues. She also attended the American Legion Post 74's Veteran's Event which honored Gene Smith as the 2003 Man of the Year.

Chairman Simon directed the Planning Department and the Public Works Department to look into "big box" stores and possible County zoning issues. These very large stores have the potential of impacting the County's infrastructure.

Supervisor Caruso and Supervisor Grover met with Congressman Cardoza and his agricultural people regarding water issues and other ranching issues. He went to Yolo Middle School in Newman which received a \$10,000 grant from SBC to put the school online to learn about agricultural issues.

P/M unan. **Authorization for an Item Too Late for the Agenda** - Approved the need for Board action on a matter too late for the agenda regarding the approval to commend the Perez Brothers and Larry Carter upon being named as the 2003 Hall of Fame Legends of Agriculture by the Stanislaus County Ag Foundation as meeting the criteria for an item too late for the agenda 2003-1105

C/G unan. **Item Too Late for the Agenda** - Approved commendation for the Perez Brothers and Larry Carter upon being named as the 2003 Hall of Fame Legends of Agriculture by the Stanislaus County Ag Foundation 2003-1106

Adjourned to closed session at 1:08 p.m. for Public Employee Appointment: Title: County Chief Executive Officer. Government Code §54954.5(e).

Adjourned at 5:00 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.)