

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

Regular Session  
All Supervisors Present  
Pledge of Allegiance to the Flag

Tuesday

December 9, 2003

The SBC Foundation presented a \$24,250 grant to the County for Connecting Stanislaus Targeted Technology Training.

A commendation for the Partnership Stanislaus County Youth for Christ Teen Parents Program and the Stanislaus County Health Services Agency was presented to Pastor Fritzemeier.

A resolution commending Beyer High School Girls Golf Team was presented to Coach Rod Taylor.

G/P unan. Adopted the consent calendar after removing from the consent calendar item \*C4 Approval to Increase Appropriations for the Shackelford Neighborhood Improvement Project for Design Services

- \*A1 Approved the minutes of 11/25/03
- \*A2a Adopted and waived the second reading of Ordinance C.S. 859 to amend Title 11 of the Stanislaus County Code, adding no parking zones, yellow zones, and no truck parking zones on various locations ORD-54-Q-1 2003-1107
- \*A2b Adopted and waived the second reading of Ordinance C.S. 864 to amend Title 11 of the Stanislaus County Code, pertaining to traffic control to establish speed zones on various County roads ORD-54-Q-2 2003-1108
- \*A3 Appointed Norman W. Crow to the West Stanislaus Resource Conservation District Board 2003-1109
- \*A4 Consolidated the Riverbank Unified School District Bond election with the General Primary Election on 3/2/04 2003-1110
- \*A5 Consolidated the Valley Home Joint School District Bond Measure "S" election with the General Primary Election on 3/2/04 2003-1111
- \*A6a Commended California State Agricultural Secretary Bill Lyons, Jr. for his Service to the Citizens of the State of California 2003-1112
- \*A6b Commended Stanislaus County Fire Fighters who served in the 2003 Southern California Fires 2003-1113
- \*A6c Commended the Turlock Amateur Radio Club Upon their 75<sup>th</sup> Anniversary 2003-1114
- \*A7 Approved request from the District Attorney's Office Victim Services Program for use of the Courthouse lawn on Thursday, 12/11/03 for the Sixth Annual Homicide Victims' Memorial Tree Lighting Ceremony and Candlelight Vigil 2003-1115
- \*B1 Approved and accepted the transfer of two weighing devices owned by the State of California to Stanislaus County in order to enhance the metrology services offered by the Stanislaus County Department of Agricultural and Weights and Measures 2003-1116
- \*B2 Approved funding, not to exceed \$31,000, to participate in the development of a Groundwater Management Plan and current phases of models for the Modesto Groundwater Basin – DER 2003-1117
- \*B3 Approved the request of minor language changes for certain food categories in the Environmental Resources Fee Schedule – DER 2003-1118

- \***B4a** Adopted the decisions of the Nuisance Abatement Hearing Board regarding nuisances at 22160 Highway 33, Crows Landing, CA (CE No. 02-1735) – DER 2003-1119
- \***B4b** Adopted the decisions of the Nuisance Abatement Hearing Board regarding nuisances at 1831 Euclid Road, Hughson, CA (CE No. 03-309) – DER 2003-1120
- \***B4c** Adopted the decisions of the Nuisance Abatement Hearing Board regarding nuisances at 1501 Crawford Road, Modesto, CA (CE No. 03-1614) – DER 2003-1121
- \***B4d** Adopted the decisions of the Nuisance Abatement Hearing Board regarding nuisances at 1313 Inyo Avenue, Modesto, CA (CE No. 03-2679) – DER 2003-1122
- \***B4e** Adopted the decisions of the Nuisance Abatement Hearing Board regarding nuisances at 1417 Holm Avenue, Modesto, CA (CE No. 03-2201) – DER 2003-1123
- \***B4f** Adopted the decisions of the Nuisance Abatement Hearing Board regarding nuisances at 2705 Parkdale Drive, Modesto, CA (CE No. 03-490) – DER 2003-1124
- \***B4g** Adopted the decisions of the Nuisance Abatement Hearing Board regarding nuisances at 933 Alamo Avenue, Modesto, CA (CE No. 03-1892) – DER 2003-1125
- \***B4h** Adopted the decisions of the Nuisance Abatement Hearing Board regarding nuisances at 620 Alpine Avenue, Modesto, CA (CE No. 03-1232) – DER 2003-1126
- \***B4i** Adopted the decisions of the Nuisance Abatement Hearing Board regarding nuisances at 610 Laurel Avenue, Modesto, CA (CE No. 03-977) – DER 2003-1127
- \***B4j** Adopted the decisions of the Nuisance Abatement Hearing Board regarding nuisances at 3300 Maze Boulevard, Modesto, CA (CE No. 03-2356) – DER 2003-1128
- \***B4k** Adopted the decisions of the Nuisance Abatement Hearing Board regarding nuisances at 1417 Normandy Drive, Modesto, CA (CE No. 03-2598) – DER 2003-1129
- \***B4l** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 929 Alamo Avenue, Modesto, CA (CE No. 03-1891) – DER 2003-1130
- \***B4m** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 1502 Marin Avenue, Modesto, CA (CE No. 03-1673) – DER 2003-1131
- \***B4n** Adopted the decisions of the Nuisance Abatement Hearing Board regarding nuisances at 937 Alamo Avenue, Modesto, CA (CE No. 03-1893) – DER 2003-1132
- \***B4o** Adopted the decisions of the Nuisance Abatement Hearing Board regarding nuisances at 5525 10th Street, Keyes, CA (CE No. 03-1677) – DER 2003-1133
- \***B4p** Adopted the decisions of the Nuisance Abatement Hearing Board regarding nuisances at 0 Apricot Avenue, Patterson, CA (CE No. 03-1394) 2003-1134
- \***B5** Approved the standard agreement for the State’s Emergency Medical Services Appropriation for FY 2002/03 for Emergency Services for HSA and authorized the HSA Managing Director, or her Designee, to sign the standard agreement – HSA 2003-1135
- \***B6** Approved HSA's acceptance of the continuation of funding from the Department of Health Services – Community Challenge Grant Program for FY 2003/04 for the Teen Pregnancy Prevention Project, and authorized the HSA Managing Director, or her Designee, to accept the grant funds and sign the grant agreement amendment – HSA 2003-1136
- \***B7** Approved receipt of the 2003 State Homeland Security Grant Program Part II, Supplemental Appropriation Grant from the State Office of Homeland Security to enhance local homeland security efforts in the amount of \$1,129,609; and, directed the Auditor-Controller to establish a new Special Revenue Budget Unit and establish Appropriations according to the Budget Journal and to roll over funds at year-end 2003-1137
- \***B8** Accepted the completed Bid Package 1, Abatement and Demolition at the Future Site of Gallo Arts Center; approved the final completed contract with the contractor, Delta Oilfield Services, Inc. of Woodland, CA as follows: original contract in the amount of \$534,000., total cost in the amount of \$43,073 for a final contract total of \$577,073; authorized the Chairman, on behalf of the Board as the awarding authority, to sign the completion

- documents; and, authorized the necessary recording of the Final Notice of Completion and all other necessary close out activities 2003-1138
- \*B9** Approved removing Garco Building Systems, Inc., of Airway Heights, Washington, and approved adding Metallic Building Company, Atwater, CA as the listed supplier for the pre-engineered building system for the Grayson Community Center and Park Project 2003-1139
- \*B10** Approved the scope of work for the remodel of the Animal Control Quarantine Project at 2846 Finch Road, Modesto; approved a budget; authorized the Auditor-Controller to establish a new Capital Projects Fund and make the authorized transfers; and, authorized the CEO to negotiate and sign agreements or amendments for professional services for this project as long as the price is within budget 2003-1140
- \*B11** Adopted a resolution as required by the State Board of Corrections authorizing the Chief Probation Officer to submit and/or sign Stanislaus County's application for approval of the County's Comprehensive Multiagency Juvenile Justice Plan Modification and related contracts, amendments or extensions; directed the Auditor-Controller to establish a separate interest bearing fund to receive the 2004/05 funds; directed the Auditor-Controller to establish a separate Interest Bearing fund for FY 2003/04 funds; and, directed the Auditor-Controller to process the Budget Journal to correct FY 2003/04 budget amounts – Probation 2003-1141
- \*B12** Accepted the Stanislaus County Treasury Pool's September 2003 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 Treasury Pool Oversight Committee; and, authorized the Chairman to sign that the report has been reviewed and accepted – T/TC 2003-1142
- \*B13** Authorized the Chief Probation Officer to enter into a contract with ARC Catering and Specialties for food at Juvenile Hall; approved the recommendation of the Chief Probation Officer that food services to be provided by the proposed contractor will adhere to nutritional requirements for minors as contained in the Code of Federal Regulations 210,220, the California Code of Regulations Title 15 §1460, 1461 and 1462, and the School Nutrition Program – Probation 2003-1143
- \*B14** Authorized the Director of the Department of Parks and Recreation to accept funds in the amount of \$25,000 from the State of California Resources Agency, Off-Highway Motor Vehicle Recreation Grant for the completion of a water system at La Grange Off-Highway Vehicle Park; authorized the Director of the Department of Parks and Recreation to sign all necessary documents; and, authorized the Auditor-Controller to make the necessary financial adjustments consistent with the Budget Journal – Parks and Recreation 2003-1144
- \*B15** Approved the agreement between Stanislaus County and the nine incorporated cities for participation in the Stanislaus Operational Area Organization for enhancing large scale emergency management, and authorized the Chairman to sign the agreement 2003-1145
- \*B16** Approved the appointment of Gary Hinshaw as the Fire Warden/Assistant Director of Emergency Services at the biweekly salary amount of \$4,039 effective no later than 2/29/04; and, approved a contract extension with the City of Modesto through February 2004, if necessary, to maintain Chief Hinshaw's existing employment with the City of Modesto 2003-1146
- \*C1** Approved an amendment to the agreement between the City of Modesto and the County of Stanislaus to lease facilities in the Modesto Transportation Center; and, authorized the Public Works Transit Division and the County Transit Manager to sign and execute all necessary documents – PW 2003-1147

- \*C2 Approved the agreement for sharing cost of electrical facilities with Caltrans and authorized the Chairman to execute the agreement – PW 2003-1148
- \*C3 Directed the Auditor-Controller to increase Appropriations by \$18,455 and Estimated Revenue by \$17,373 to cover extra work associated with the Compressed Natural Gas (CNG) Vehicle Fueling Facility Project – PW 2003-1149
- \*C5 Approved Plans and Specifications for the Wincanton Basin Storm Drain Discharge System Project; directed the Clerk of the Board to publish notice inviting bids for the project as required by law; set the deadline for submission of bids as 1/7/04, prior to 2:30 p.m.; directed the Public Works staff to mail notice inviting bids to trade journals as required by law; and, authorized the Auditor-Controller to make payments from the Salida Storm Drain Account, not to exceed \$9,000, for advertising, publishing, testing, and quality assurance – PW 2003-1150
- \*C6 Approved the City of Ceres fueling of their CNG vehicles at Stanislaus County Public Works CNG fueling station; approved the agreement with the City of Ceres; and, authorized the Chairman to execute the agreement – PW 2003-1151
- \*C7 Approved the installation of stop sign traffic control, under the authorization granted to local authorities in Vehicle Code §21355, at the following locations: Michigan Avenue at Minnesota Avenue, and Texas Avenue at Minnesota Avenue; required motorists on all approaches to stop prior to entering the intersections; and, the stop signs shall be located at or near all entrances to said intersections – PW 2003-1152
- \*D1 Set a public hearing on 1/6/04 at 9:25 a.m. to open a 30-day public comment period regarding the reallocation of a portion of FY 2002/03 CDBG funds to other activities – Planning 2003-1153
- \*D2 Set a public hearing on 2/10/04 at 9:25 a.m. to consider the adoption of the reallocated portion of FY 2002/03 CDBG funds to other activities – Planning 2003-1154

M/P (4-0)(Caruso abstained) \*C4 Directed the Auditor-Controller to increase Appropriations by \$50,100 for additional design services for the Shackelford Neighborhood Improvement Project; authorized the Purchasing Agent to execute the amendment to the project agreement; and, directed the Purchasing Agent to increase the design contract of Thompson-Hysell Engineers in the amount of \$50,100 - PW 2003-1155

M/C unan. B17 Accepted the informational presentation by the Stanislaus County Agricultural Advisory Board on the Agricultural Waiver of Waste Discharge Requirements for Discharges From Irrigated Lands, and adopted a resolution reflecting the recommendation for adoption of support of the East San Joaquin County Water Quality Coalition – Agricultural Commissioner 2003-1156

P/C unan. 9:20am Approved the updated Fire Protection Facilities Fees for the Oakdale Rural Fire Protection District based upon a fee study prepared for the Oakdale Rural Fire Protection District and the testimony and information received at the public hearing; and, authorized imposing the Fire Protection Facilities Fees on all building permits that are issued in the Oakdale Rural Fire Protection District after 2/8/04 2003-1159

G/P unan. 9:25 am Approved the updated Fire Protection Facilities Fees for the Salida Fire Protection District based upon a fee study prepared for the Salida Fire Protection District and the testimony and information received at the public hearing; authorized imposing the Fire Protection Facilities Fees on all building permits that are issued in the Salida Fire Protection District after 2/8/04; and, adopted the findings required by §66001 of the California Government Code as set forth in the staff report and Munifinancial Report presented at the hearing and made a part of this item 2003-1160

**Supervisor Simon absent at 9:54 a.m.**

**Recessed to sit as the Stanislaus County Redevelopment Agency at 9:54 a.m.**

P/G (4-0)(Simon absent) Approved the consent calendar

Approved the minutes of 8/12/03

**9:30am (\*VI-A)** Received Statement of Indebtedness 2003-1161

**9:30am (\*VI-B)** Accepted the Financial Report of the Stanislaus County Redevelopment Agency, as prepared, and authorized its submittal to the Board of Supervisors as required by Health and Safety Code §33080.1 2003-1162

**Supervisor Simon present at 9:56 a.m.**

G/M unan. **9:30am (VI-C)** Accepted the 2002/2003 Redevelopment Agency Activities Report as submitted 2003-1163

M/P (4-0)(Caruso abstained) **9:30am (VI-D)** Adopted a finding that the Shackelford Neighborhood Sewer Collection and Transfer System meets the requirements of Health and Safety Code §33334.2(e)(2) 2003-1164

**9:30am (VII) Public Forum** Miguel Donoso raised questions regarding the amount of Redevelopment Agency funds being used for low income housing in the Crows Landing area, Bret Harte area, and the Shackelford Neighborhood.

**Reconvened to sit as the Stanislaus County Board of Supervisors at 10:02 a.m.**

M/G unan. **9:35am** Continued to 1/6/04 at 9:30 a.m., 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 2003-1165

**Recessed at 11:16 a.m.**

**Reconvened at 11:28 a.m.**

C/G unan. **B19** Authorized the Interim Executive Officer, or her Designee, to negotiate the final terms of the real property transfer agreement between NASA and the County in accordance with Public Law 106-82, which directs NASA to convey to Stanislaus County all rights, title, and interest of the United States in and to the Crows Landing Air Facility; authorized the Director of Public Works to proceed with the completion and recordation of a record of survey, which identifies the approximately 1,355 acres of “clean” property and the approximately 173 acres of property in need of remediation at the Air Facility; accepted the following reports prepared by NASA: revised Draft Environmental Baseline Survey (9/8/03), revised Draft Finding of Suitability for Transfer (9/8/03), and Draft Environmental Assessment for Transfer of Crows Landing Flight Facility (October 2003); authorized discussion with the City of Patterson and the City of Newman relating to a buffer zone between each City’s boundary and the Air Facility to preserve the long term viability of the facility and to protect the residents of each City from noise and safety concerns; authorized staff to issue a RFP for a General Aviation Market Demand Assessment as required by the FAA to determine the feasibility of the Air Facility serving as a General Aviation Airport; authorized staff to prepare an Airport Layout Plan that minimizes the amount of Air Facility property designated for general aviation uses; authorized County staff to negotiate with NASA access, including a possible lease, to non-transferred Air Facility property; authorized the transfer to the

County the agricultural lease agreement between NASA and Michelena Farms and a one-year continuation of the agreement; and, authorized the Auditor-Controller to establish a Crows Landing Air Facility Operation and Planning Budget with an Appropriation of \$350,000, to include an Appropriation transfer of \$250,000 from the County Plant Acquisition Budget and a \$100,000 Appropriation with off-setting revenue from the lease of Air Facility Property for agricultural use during calendar year 2004

2003-1158

P/G unan. **B18** Introduced and waived the first reading of Ordinance C.S. 869 amending Chapter 7, §7.12.030 of the Stanislaus County Code for the holding of Administrative Hearings – Animal Services

ORD-54-R-1 2003-1157

**Corr 1** Referred to the CEO, a letter from the State of California regarding AB 846 that prohibits smoking within 20 feet of main entrances, exits, and operable windows of any building owned, leased, and occupied by the County beginning 1/1/04.

**Corr 2** Acknowledged receipt of the 2003 California State Association of Counties Annual Report.

**Corr 3** Referred to the CEO- Risk Management Division, the 2003 California State Association of Counties Excess Insurance Authority Annual Report.

**Corr 4** Referred to the Department of Planning and Community Development, Department of Public Works and CEO/Emergency Services, a letter from FEMA regarding the proposed Base Flood Elevations (BFEs) determinations in the unincorporated areas of Stanislaus County.

**Corr 5** Acknowledged receipt of claims and referred to the CEO- Risk Management Division the following claims: Danny Paul Jenkins, Sr.; and, Tamara Shannon.

Supervisor Paul asked for a status update regarding the Keeney property on Yosemite Avenue. She asked if there is a limit to how many times the County cleans up a piece of property. She noted that the County has cleaned property on McCoy in Empire twice, costing \$10,000, and the property owner has recently brought in another truckload of items. County Counsel will look into this matter and follow-up with Supervisor Paul.

The Interim CEO noted that the State extended the deadline for the bond measure to 12/10/03. She gave an update regarding the DMV not distributing any Vehicle License Fees (VLF) to either counties or cities, or to the realign VLF that support our health care programs, until all the refunds are made to the citizens who paid the higher VLF. The County's General Fund is allocated \$2.7 million every month. If the refund process takes 2 months, the County will lose an additional \$5.4 million in the General Fund in the current year. The Health Fund Trust that funds HSA, BHRS, and others could lose an additional \$5 million. She will continue to keep the Board updated on the Budget proposal.

**Leg A** Verbal report was given by the Planning and Community Development Department regarding AB 1492 – Williamson Act changes.

Supervisor Mayfield met with the Executive Director of the San Joaquin Valley Air Pollution Control District regarding his position as the Vice-Chairman of the District in 2004.

The Chairman announced that the Special Board of Supervisors Closed Session noticed on the agenda for 12/16/03 at 3:00 p.m. will be rescheduled (Public Employee Appointment: Title: Chief Executive Officer. Government Code §54954.5(e)).

The Chairman announced that on 1/27/04 at 1:00 – 3:00 p.m., Basement Chambers, 1010 10<sup>th</sup> Street, Modesto, the Board of Supervisors will sponsor the Central California Chamber Alliance, which is a manufacture’s summit that is being brought to each County. Boards of Supervisors throughout the State will be sponsoring this summit on the same day to develop a policy to take to the Governor regarding legislation that is driving business out of the State.

The Chairman announced that there will be a reception in honor of the Stanislaus County Fire Fighters who served in the 2003 Southern California Fires on 12/16/03 at 5:30 p.m. (prior to the Board of Supervisors Meeting) in the Basement Foyer, 1010 Tenth Street, Modesto, CA.

Adjourned to closed session at 2:33 p.m. for conference with Legal Counsel: Anticipated Litigations – Significant Exposure to Litigation (1) Potential Case. Government Code §54954.5(c). Labor Negotiations: Agency Negotiator Patricia Hill Thomas. Labor Organization: United Domestic Workers. Pursuant to Government Code §54954.9(e).

Adjourned at 3:35 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.)