

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

Regular Session

Tuesday

November 2, 2004

Supervisor Simon Absent

Pledge of Allegiance to the Flag

A moment of silence was observed in honor of the memory of Superior Court Judge Wray Ladine and Former City of Modesto Mayor Richard "Dick" Lang.

Janette Mondon, of CSA Child and Family Services, presented a resolution proclaiming November 2004 as Adoption and Permanency Month to representatives from Aspira Foster and Family Services, Bethany Christian Services, Family Connections Agency, the Foster Parent Association, and the CSA Adoptions Unit.

Judy Jantz of BHRS was recognized by the Board for receiving the Mental Health Patient Rights Advocate of the Year Award from the California Association of Mental Health Patient Rights Advocates.

Brenda Pintabona spoke regarding a pig farm located on 4342 Esmar Road. She considers it a public nuisance and raised concerns regarding environmental and health risks. She is concerned with its affect on the well water, irrigation, her animals and vegetable gardens.

Sherry Bertolotti also spoke regarding the pig farm, and the smell and flies associated with it. She asked why something hasn't been done since this was addressed at the last Board meeting. She asked for the County to follow up to resolve this situation.

Estalene Augustine, who lives across the street from the pig farm, also raised concerns regarding the number of pigs on the property. She raised concerns regarding the health risks and noted that many of her neighbors are ill.

Paul/Mayfield (4-0)(Simon absent) Adopted the consent calendar after removing from consent item **\*B5** Approval of a Time Extension to Menghetti Construction Regarding the Remodeling of the County Building Located at 1021 I Street, Modesto, CA

**\*A1** Approved the minutes of 10/12/04 and 10/19/04

**\*A2a** Adopted and waived the second reading of Ordinance C.S. 902 establishing standards and regulations regarding vacant structures that have become a public nuisance

ORD-54-T-6 2004-816

**\*A2b** Adopted and waived the second reading of Ordinance C.S. 903 establishing standards and regulations regarding vacant property that have become a public nuisance

ORD-54-T-7 2004-817

**\*A3a** Appointed Mike Lynch to the Tuolumne River Regional Park Citizens Advisory Committee

2004-818

**\*A3b** Appointed John Clawson to the Salida Municipal Advisory Council

2004-819

**\*A3c** Appointed Mickey Peabody to the Commission on Aging

2004-820

**\*A4** Approved the Amendments to the Conflict of Interest Codes for the Salida Sanitary District, Keyes Fire Protection District, Keyes Community Services District and the Stanislaus Union School District

DS-03-A-8; DF-15-29; DCS-01-A-11 2004-821

- \*A5 Approved the Conflict of Interest Code for the Stanislaus County Employees' Retirement Association BD-36-A-9 2004-822
- \*A6 Approved the Amendments to the Stanislaus County Conflict of Interest Code 2004-823
- \*A7 Approved commendation for retiring City of Patterson Mayor Richard Dodds 2004-824
- \*B1 Approved the Auditor-Controller's Internal Audit Schedule for the period of July 2004 - June 2005 2004-825
- \*B2 Approved and adopted the proposed amendments to the Bylaws of the Advisory Board on Substance Abuse Programs – BHRS BD-66-25 2004-826
- \*B3 Approved the BHRS 2004 Organizational Compliance Plan for Preventing Fraud and Abuse and authorized the BHRS Director to amend the Plan as necessary – BHRS 2004-827
- \*B4 Approved a non-compensatory 70 day time extension to McFadden Construction for the Grayson Community Center and Park Project due to delays in the installation of PG&E service lines 2004-828
- \*B6 Authorized the CEO to negotiate and execute a five year lease of a portion of the Stanislaus County Agricultural Center, Tuolumne Building (Building E) for continued use by the U.S. Department of Agriculture 2004-829
- \*B7 Approved an increase of Appropriations in the Oracle Upgrade Budget by \$40,200 to pay the sales tax associated with the Oracle Financial System consistent with previous Board approval 2004-830
- \*B8 Authorized the Interim Director of DER, or her Designee, to sign contact Agreement #6-045-550-7 with the State Water Resources Control Board for \$100,000 to remove soil contamination on property at 214 South Center Street, Turlock, CA; authorized the Interim Director of DER, or her Designee, to sign future agreements with the State to accept Emergency, Abandoned, and Recalcitrant (EAR) Account funds, in the form of a Letter of Award – amounts may exceed \$100,000; and, authorized the Interim Director of DER, or her Designee, to enter into and sign agreements and contracts to expend funds designated by the State Water Resources Control Board's EAR Site Account – amounts not to exceed \$100,000 – DER 2004-831
- \*B9 Introduced and waived the first reading of Ordinance C.S. 906 adding Subsection "C" to §2.44.065 of the County Code pertaining to compensation for members of the Nuisance Abatement Hearing Board – DER ORD-54-U-2; BD-79-2 2004-832
- \*B10 Approved an agreement between the County of Stanislaus and Scenic Faculty Medical Group, Inc. (SFMG) to provide administrative and teaching related services to the Family Practice Residency Program at HSA, authorized the HSA Managing Director, or her Designee, to sign the agreement with SFMG for the period of 7/1/04 through 6/30/06; and, authorized the HSA Managing Director, or her Designee, to negotiate and sign amendments to the agreements, not to exceed \$50,000 annually – HSA 2004-833
- \*B11 Authorized HSA to enter into an agreement with the Department of Homeland Security, Federal Emergency Management Agency (FEMA), to accept funds in the amount of \$250,000 for the Metropolitan Medical Response System (MMRS) FY 2004/05 Program Continuation Grant; authorized the HSA Managing Director, or her Designee, to sign the agreement and accept these funds; and, approved the changes to the HSA Legal Budget Unit Public Health (1402) for FY 2004/05 – HSA 2004-834
- \*B12 Set a public hearing for 12/7/04, at 9:30 a.m., for authorization of the DA and Sheriff Department Expenditure Plans for the State Supplemental Law Enforcement Services Fund (SLESF) – Sheriff 2004-835
- \*B13 Accepted the Stanislaus County Treasury Pool's August 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 of the Board to sign on behalf of the Board that the report has been reviewed and accepted – T/TC 2004-836
- \*B14 Approved a resolution authorizing the Interim Director of Parks and Recreation to submit a grant application to the State of California Urban Parks and Healthy Communities Program for the Empire Community Swimming Pool Project – Parks & Recreation 2004-837
  - \*B15 Approved the Public Facilities Fees Annual Financial Report for fiscal year ending 6/30/04 – Auditor-Controller M-64-C-24 2004-838
  - \*C1 Approved the subdivision improvement agreement for Bonita Ranch Unit 2 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 with 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, etc.; authorized the Chairman of the Board to sign the final map and the subdivision improvement agreement; and, authorized the final map to be filed and recorded as presented – PW 2004-839
  - \*C2 Awarded the Geer Road Landfill Final Cover Settlement Repairs Project to Foster & Sons General Engineering Contractors, Inc., of Sanger, CA, in the amount of \$1,782,550; authorized the Purchasing Agent to establish a contract with Foster & Sons General Engineering Contractors, Inc., in the amount of \$1,782,550; and, directed the Auditor -Controller to make the necessary transactions – PW 2004-840
  - \*C3 Approved the installation of stop sign traffic control, under the authorization granted to local authorities in Vehicle Code §21355, at the intersection of Fulkerth Road and Crows Landing Road; required motorists on all approaches to stop prior to entering the intersection; and, the stop signs shall be located at or near all entrances to said intersection – PW 2004-841
  - \*D1 Rescinded all or a portion of Williamson Act Contract #1972-921, 1973-1660 and 1974-1789 (Clinton Road, Hughson Area), and approved new contract pursuant to Minor Lot Line Adjustment Application 2004-02 (W. David Hendley Farms); 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 2004-842
  - \*D2 Rescinded all or a portion of Williamson Act Contract #1970-0441 (Crabtree Road, Waterford Area), and approved a new contract pursuant to Minor Lot Line Adjustment Application 2004-38 (Jim Magante & Mary Cleary); 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

2004-843

**\*D3** Rescinded all or a portion of Williamson Act Contract #1974-1760 (Ladd Road, Salida Area), and approved a new contract pursuant to Minor Lot Line Adjustment Application 2004-61 (Donald Root-Donald Beachler); 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

2004-844

Paul/Mayfield (3-0)(Simon absent)(Grover abstained) **\*B5** Approved a non-compensatory 61 day time extension to Menghetti Construction for the Remodeling of the County Building located at 1021 I Street, Modesto, CA and authorized modification to the Inspector of Record Contract for additional time on the job

2004-845

### **Recessed to sit as the Stanislaus County Redevelopment Agency at 9:33 a.m.**

Paul/Grover (4-0)(Simon absent) Approved the consent calendar

**9:25am (\*III-A)** Approved the minutes of 8/24/04

Grover/Paul (4-0)(Simon absent) **9:25 a.m. (VI-A)** Set a public hearing on 12/14/04 at 9:25 a.m. to consider the adoption of the 2005-2009 Draft Implementation Plan and authorized the Clerk of the Board to publish notice of the hearing once weekly for three (3) weeks prior to the hearing

2004-848

### **Reconvened to sit as the Stanislaus County Board of Supervisors at 9:35 a.m.**

Grover/Mayfield (4-0)(Simon absent) **B16** Approved the MOU for FY 2004/05 with the Stanislaus Economic Development and Workforce Alliance regarding the implementation of Countywide economic development activities including business attraction; and, authorized the CEO, or his Designee, to sign the MOU with the Stanislaus Economic Development and Workforce Alliance in the amount of \$124,630 for FY 2004/05  
2004-846

Paul/Mayfield (4-0)(Simon absent) **B17** Introduced and waived the first reading of Ordinance C.S. 905 creating the In-Home Supportive Services (IHSS) Public Authority of Stanislaus County - CSA  
ORD-54-U-1; BD-75-2 2004-847

**Corr 1** Referred to the Fish and Game Committee and the Department of Parks and Recreation, two letters from the California Wildlife Conservation Board regarding properties in Stanislaus County that will be considered for wetland restoration and for grasslands ecological reserve.

**Corr 2** Referred to the Agricultural Commissioner and the Chief Executive Office /Office of Emergency Services, a letter from the Governor's Office of Emergency Services regarding the U.S. Small Business Administration declaration of the County of Merced and the contiguous counties of Fresno, Madera, Mariposa, San Benito, Santa Clara, Stanislaus and Tuolumne as disaster areas due to the agricultural losses caused by the drought that occurred March 1 through April 30, 2004.

**Corr 3** Referred to the Department of Public Works, a letter from the California Integrated Waste Management Board regarding the availability of grant funds for cities and counties that use rubberized asphalt concrete in public re-paving projects.

**Corr 4** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: James Adams; Glen C. Holtham; Priscilla Adriano; Martin May DeLacy; Beverly L. Stroup (amended); Antonio Gonzalez; and, Evan Auldridge, by and through his Guardian Ad Litem, Steven Auldridge.

Supervisor Paul reminded everyone to vote.

Supervisor Grover spoke regarding a methane digester he viewed at the Joseph Gallo Cheese Plant. It is saving the plant \$1,000 a day in fuel by generating electricity. The plant also has a heat exchanger that they are turning into steam, which is saving 150,000 gallons of propane a year. The total project cost was \$2 million and it will be paid off in less than three years using their energy cost savings.

Chairman Caruso asked everyone to please vote. He announced the celebration of the title transfer of Crows Landing Air Facility to be held on site, November 9, 2004 at 2:30pm. He asked County Counsel for information concerning the Modesto Bee article about the proposed high school in Salida being contested. County Counsel responded that this does not affect the County, and that he will provide information to the Board regarding this issue.

The CEO announced that the Third Annual Community Retreat "Working Together II" will be held on 11/6/04 from 8:00 a.m. to 1:00 p.m., at the Stanislaus County Agricultural Center, located at 3800 Cornucopia Way, Modesto, CA.

**Legislative A.** A video was presented regarding the Third Annual Community Retreat "Working Together II"

Adjourned at 10:44 a.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.)