

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 9, 2004

The American Legion Post 491 and the Veterans of Foreign Wars Post 10293 presented the United States of America and the Prisoner of War/Missing in Action flags.

A moment of silence was observed in honor of the memory of Stanislaus County Public Works employee Don Miralle.

**Recessed at 9:12 a.m.**

**Reconvened at 9:15 a.m.**

Paul/Mayfield unan. **A4** Approved formally recognizing all Stanislaus County employees currently on active military status, those in the Reserves, and Veterans as we celebrate Veterans' Day, 11/11/04

2004-875

The Stanislaus County Office of Education 2004 Red Ribbon Week Awards were presented to: Downey High School, Davis High School, Turlock High School, Oakdale Junior High School, Glick Middle School, Teel Middle School, Hunt Elementary School, Fox Road Elementary School and University Charter School.

Paul/Mayfield unan. Adopted the consent calendar

\***A1** Approved the minutes of 11/2/04

\***A2a** Adopted and waived the second reading of Ordinance C.S. 905 Creating the In-Home Supportive Services Public Authority of Stanislaus County

ORD-54-U-1; BD-75-2 2004-849

\***A2b** Adopted and waived the second 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

ORD-54-U-2; BD-79-2 2004-850

\***A3** Proclaimed December 2004 as Drunk and Drugged Driving (3D) Prevention Month 2004-851

\***B1** Authorized the BHRS Director to accept funding from the Children and Families Commission to expand specialized behavioral health services for high risk children (birth to 5 years of age) and their families; authorized the BHRS Director to enter into an agreement with the Children and Families Commission; authorized the BHRS Director, or his Designee, to sign an amendment to the agreement with Sierra Vista Child and Family Services; directed the Auditor-Controller to add the Appropriations and Estimated Revenues to the BHRS Budget; and, authorized and directed the CEO to amend the Salary and Position Allocation Resolution for BHRS as detailed in the staffing impact section of the item – BHRS

2004-852

\***B2** Authorized the BHRS Director to accept grant funding from the Governor's Office of Emergency Services (OES) in the amount of \$150,000 for the provision of treatment services to victims of child abuse; authorized the BHRS Director to enter into an agreement with the OES; directed the Auditor-Controller to add the Appropriations and

- Estimated Revenues to the BHRS Budget; and, amended the Salary and Position Allocation Resolution to add two Mental Health Clinicians I/II – BHRS 2004-853
- \*B3** Approved naming the new neighborhood park located in Empire the “Empire Community Park” and authorized the use of County funds for the grand opening celebration, not to exceed \$1,500 C-10-12 2004-854
- \*B4** Approved naming the new community center and neighborhood park located in Grayson the “United Community Center and Park” and authorized the use of County funds for the grand opening celebration, not to exceed \$600 2004-855
- \*B5** Approved combining the Modesto Library Restroom Remodel Project and the Reading Room Lighting Project; accepted the plans and specifications for the combined project; authorized the Auditor-Controller to establish a new project budget for the combined lighting and restroom remodel project by combining existing budgeted funds; authorized staff to issue a Solicitation for Bids for the combined project; set the bid opening date as 12/8/04, no later than 2:00 p.m.; authorized staff to pre-purchase the lighting system; authorized the Library staff to close the Modesto Main Library for a period not to exceed four weeks during the first quarter of 2005 for construction of the combined project; authorized the CEO to modify professional or independent contractor agreements, work orders, or necessary amendments for work or services as may be necessary for construction management, testing, hazardous materials abatement, copying/blueprinting, inspection, and other professional services provided such agreements are within the combined project budget; and approved a revised project schedule 2004-856
- \*B6** Approved the return of fees collected from title companies and information services companies for microfilm copies of recorded documents in an amount not to exceed \$162,000 – Clerk Recorder 2004-857
- \*B7** Approved a resolution authorizing the Registrar of Voters to apply for and accept Punch Card Replacement Funds from the Help America Vote Act – Elections 2004-858
- \*B8** Approved amending the Salary and Position Allocation Resolution to add one Application Specialist I position to Emergency Dispatch to provide enhanced technical support for phone and street address identification – Emergency Dispatch 2004-859
- \*B9** Approved declaring a list of 33 County owned vehicles and miscellaneous salvaged items as surplus; authorized these items to be auctioned; and, directed the Auditor-Controller to deposit all receipts from the sale of these vehicles and miscellaneous items into the Fleet Services Division’s Account 46000, Sale of Fixed Assets – Fleet Services 2004-860
- \*B10** Approved the contract with the State Department of Health Services for the Chlamydia Screening Project (CLASP) and authorized the HSA Managing Director, or her Designee, to sign and execute this contract – HSA 2004-861
- \*B11** Authorized the Purchasing Agent to enter into an agreement with Shadetree to install a new irrigation system at Paradise Elementary School, per the existing joint use agreement with the Paradise Elementary School District; and, approved \$30,000 of Proposition 12 Per Capita Funds to fund the installation of a new irrigation system – Parks and Recreation 2004-862
- \*B12** Authorized the Treasurer to accept Court Ordered Probate Deposits on behalf of minors and authorized the Treasurer to grandfather existing deposits to comply with Probate Code 3413(a) – T/TC 2004-863
- \*B13** Authorized the Agricultural Commissioner to sign and submit a grant application to the State Water Resources Control Board to evaluate methods to reduce the discharge of pollutants from irrigated agricultural lands; and, authorized the Agricultural Commissioner to serve as the Project Manager in the administration and coordination of the grant project 2004-864

- \*B14 Set a public hearing on 11/30/04, at 9:35 a.m., to introduce and waive the first reading of an ordinance regarding the breeding, transfer, and spaying and neutering of dogs and cats, establishing new fees and amending existing fees for the Department of Animal Services  
ORD-54-U-4 2004-865
- \*B15 Approved not protesting the proposed water rate increase for the County-owned parcels within the City of Modesto Water Utility Service Area – DER 2004-866
- \*C1 Directed the Auditor-Controller to increase Appropriations for the Hickman Road Bridge Project at Tuolumne River by \$65,000 – PW 2004-867
- \*C2 Approved the installation of stop sign traffic controls, under the authorization granted to local authorities in Vehicle Code §21355, at the following locations: Monte Vista Avenue at Quincy Road, Bradbury Road at Washington Road, and Grayson Road at Sperry Road; required motorists on all approaches to stop prior to entering these intersections and the stop signs shall be located at or near all entrances to said intersections; and, approved the installation of a stop sign traffic control at Rodney Avenue at Orchard Avenue; required motorists on Orchard Avenue to stop prior to entering that intersection and the stop sign shall be located at or near the south entrance of said intersection – PW 2004-868
- \*C3 Approved the funding agreement for the purchase of CNG Vehicles; authorized the Chairman of the Board to execute the funding agreement; authorized the Purchasing Agent to purchase CNG vehicles totaling \$583,173 in value; and, authorized the Auditor-Controller to make the necessary Appropriation adjustments – PW 2004-869
- \*D1 Rescinded all or a portion of Williamson Act Contract #1984-3935 (Crows Landing Road, Ceres area), and approved new contract pursuant to Minor Lot Line Adjustment Application 2004-40 (Steve Hofman); authorized the Planning Director to execute new contracts; 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 2004-870
- \*D2 Approved the Draft Response Letter to the Notice of Acquisition of Property for a high school site by Patterson Joint Unified School District and authorized the Chairman to sign the finalized response letter – Planning 2004-871
- \*D3 Set a public hearing on 11/30/04 at 9:30 a.m. to consider Rezone Application #2003-06 and Tentative Map Application #2003-02 - Del Rio Lago – Planning ORD-54-U-3 2004-872
- \*D4 Finds that the conditions and contingencies required when Williamson Act Contract #1977-2684 - Crown View Corporation was tentatively cancelled have been satisfied; and directed the Clerk of the Board to execute and record the Certificate of Cancellation by 12/2/04 – Planning 2004-873
- \*D5 Set aside and voided certification of the Salida Community Plan EIR and all approvals of the Salida Community Plan adopted by the Board on 8/29/00 – Planning 2004-874

Grover/Mayfield unan. **B16** Approved the annual revision to the Stanislaus County Purchasing Card Policy; and, **amended** the item to direct the CEO to submit his reimbursements to the Chairman, as well as the Auditor-Controller, for review on a monthly basis – Auditor-Controller 2004-876

Simon/Mayfield unan. **B17** Accepted the Auditor-Controller's Internal Audit Reports as prepared by the Internal Audit Division– Auditor-Controller 2004-877

Simon/Paul unan. **9:25am** Introduced and waived the first reading of Ordinance C.S 904 amending the existing fees of the County Law Library ORD-54-T-8 2004-878

Simon/Mayfield unan. **9:30am** Finds Rezone Application #2004-04 – Ray's Carpets, a request to rezone a 1.02 acre parcel from Planned Development 254 to a new Planned Development to allow a 12,950 square foot building for retail (no food businesses) and office uses, located on the south side of Kiernan Avenue (State Route 219), west of McHenry Avenue (State Route 108) and east of Stratos Way, in the Modesto 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; ordered the filing of the Certificate of Fee Exemption with the Stanislaus County Clerk-Recorder's Office; adopted 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 judgment and analysis; adopt the Mitigation Monitoring Plan pursuant to California Code of Regulations §15074(d); ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorders 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; 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 #2004-04 – Ray's Carpets, subject to the attached Development Standards and Development Schedule; and, introduced, waived the reading and adopted Ordinance C.S. 900 for the approved Rezone Application #2004-04 – Planning  
ORD-54-T-4; 2004-879 & 2004-880

Grover/Paul unan. **9:35am** Finds Rezone Application #2004-08 - Kiernan Station, a request to rezone a 27,270 square foot property from A-2-10 (General Agriculture) to a New Planned Development to allow construction of a new one story, 10,260 square foot building to be made up of small condominium units to be sold to individuals for largely non-commercial office/warehouse units, located west of Highway 99 at the northwest corner of Kiernan Avenue and Elm Street, north of Highway 99/Kiernan Avenue interchange, in the Salida 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; ordered the filing of the Certificate of Fee Exemption with the Stanislaus County Clerk-Recorder's Office; adopted the 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 Negative Declaration reflects Stanislaus County's independent judgment and analysis; ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorders 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; 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; and approved Rezone Application No. 2004-08, subject to the attached Development Standards; and, introduced, waived the reading and adopted Ordinance C.S. 901 for the approved Rezone Application #2004-08 - Planning ORD-54-T-5; 2004-881 & 2004-882

**Corr 1** Referred to the Fish and Game Committee, the Department of Parks and Recreation, and the Department of Planning and Community Development, a letter from the United States Department of the Interior regarding the advance information meetings for the Vernal Pool Recovery Plan.

**Corr 2** Referred to the Department of Planning and Community Development, a letter from the County of Merced regarding Public Hearings for the University Community Plan/General Plan Amendment and Final Environmental Impact Report.

**Corr 3** Accepted a letter from Tom Watson announcing his resignation as the County Treasurer/Tax Collector effective December 31, 2004, to take a position as the Stanislaus County Employees' Retirement Association Administrator.

**Corr 4** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Joy Randall; Gloria Rosas; Howard Hoffman; Joseph Rothenberger and Jennifer Rothenberger (amended); Marsai Morgan; and, Gabriel J. Bocanegra.

Supervisor Mayfield noted that he was unable to attend the Air Board meeting last Thursday, due to a funeral. There was a split vote at the Air Board meeting regarding whether or not they have the right to impose a \$2 per vehicle fee. Therefore, this item was tabled until the next Air Board meeting. Supervisor Mayfield stated the he will wait and see what happens before he makes his decision.

Chairman Caruso noted that he gave the opening remarks at the Third Annual Community Retreat "Working Together II" last Saturday, and the retreat was well attended. He also noted that longtime County resident, Richard Hardiman "Hardy" Fowler had passed away at age 92.

The Chairman announced that today from 2:30 p.m. to 4:00 p.m., there will be a celebration of the title transfer of the Crows Landing Air Facility to Stanislaus County, to be held at the Air Facility site located at the corner of Fink and Bell Roads in Crows Landing, CA.

Adjourned at 11:07 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.)