

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

Regular Session

Tuesday

November 30, 2004

All Supervisors Present

Pledge of Allegiance to the Flag

Simon/Grover unan. Adopted the consent calendar after removing from consent item **\*B-13h** Approval to Adopt the Recommendations of the Nuisance Abatement Hearing Board (Environmental Resources) Regarding 3730 Dakota Avenue, Modesto, California – CE No. 04-2056

- \*A1** Approved the minutes of 11/9/04
- \*A2** Adopted and waived the second reading of Ordinance C.S. 904 amending existing fees for the County Law Library ORD-54-T-8 2004-883
- \*A3a** Accepted the resignation of James Cartia from the Stanislaus Consolidated Fire Protection District Board of Directors 2004-884
- \*A3b** Accepted the resignation of Gail Clark from the Stanislaus County Children’s Council 2004-885
- \*A4a** Appointed Tim Johnson to the Eastside Water District Board of Directors 2004-886
- \*A4b** Appointed Margaret Szczepaniak to the Emergency Medical Services Committee 2004-887
- \*A5a** Approved the amendment to the Conflict of Interest Code for Empire Sanitary District DS-2-20 2004-888
- \*A5b** Approved the amendment to the Conflict of Interest Code for Empire Union School District 2004-889
- \*A6** Accepted the resignation of Phil Silva and approved the appointment of Kevin Voss to the Hughson Fire District Board of Directors 2004-890
- \*A7** Authorized the Chairman to vote in support of increased assessments on the Proposition 218 Ballots for the County owned parcels in the Stanislaus Consolidated Fire Protection District 2004-891
- \*A8** Approved commendations for Ernie Gemperle and Floyd Zaiger as the 2004 Inductees to the Stanislaus County Agricultural Hall of Fame 2004-892
- \*A9** Approved commendations for Supervisor Paul Caruso and Supervisor Pat Paul for their years of dedicated service to the citizens of Stanislaus County 2004-893
- \*A10** Accepted the Clerk-Recorder’s Declaration of the Results of the Presidential General Election held on 11/2/04 2004-894
- \*B1** Approved the allocation of highway property rental revenue of \$19,744.81; allocated \$7,107.28 for payment of possessory interest tax bill (Asmt 860-000-576) in accordance with California Streets and Highways Code §104.13(c); allocated \$2,629.32 to the City of Modesto in accordance with California Streets and Highways Code §104.10; and, allocated \$10,008.21 to the County Road Fund in accordance with California Streets and Highways Code §104.10 that its spending be limited to mass transit or streets and highway purposes – Auditor-Controller 2004-895
- \*B2** Set a public hearing on 12/14/04, at 9:20 a.m., to consider the adoption of updated Public Facility Fees for Stanislaus County M-64-D-1 2004-896
- \*B3** Accepted the update on the status of groundwater conditions, management and protection in Stanislaus County – DER 2004-897
- \*B4** Approved the submission of the Implementation Plan, Scope of Work and Budget to the California Family Health Council to request additional funding for technology upgrades

- for the family planning annual reporting requirement; accepted \$13,400 from California Family Health Council to support the expense of the technology upgrade; and, authorized the HSA Managing Director, or her Designee, to sign the contract award in the amount of \$13,400 – HSA 2004-898
- \*B5** Approved the contract with the State Department of Health Services for the Children’s Dental Disease Prevention Program and authorized the HSA Managing Director, or her Designee, to sign the contract and any amendments thereafter – HSA 2004-899
- \*B6** Approved the HSA request to apply for funding through a request for application process from the California Department of Health Services, Office of Family Planning Community Challenge Grant Program (CSG) for pregnancy prevention educational services in Stanislaus County; and, authorized the HSA Managing Director, or her Designee, to sign the application and contract, if awarded – HSA 2004-900
- \*B7** Approved the licensing agreement with Mid-Valley Water Ski Club for use of the Modesto Reservoir on 1/1/05 and 1/2/05, for the Annual Polar Bear Days, Boat Swap Meet, and a Pancake Breakfast; and, authorized the Purchasing Agent to sign the licensing agreement that includes paying a \$90 per day use fee – Parks & Recreation 2004-901
- \*B8** Approved the agreement with Mutant Motorsports Promotions LLC, for use of the La Grange Off-Highway Vehicle Park Motorcycle Track on 12/11/04, 12/12/04, 1/22/05, 1/23/05, 3/5/05 and 3/6/05; authorized the Purchasing Agent to sign the agreement; approved waiving the day use fee for participants and spectators in consideration of the promoter paying the daily exclusive use fee and ten percent of gross revenue; and, approved waiving the camping fee for participants and spectators in consideration of the promoter paying a flat rate of \$1,500. – Parks & Recreation 2004-902
- \*B9** Authorized the Chairman of the Board to sign an amendment to the agreement for Court Security Services between Stanislaus County Superior Court, the County, and the Sheriff; and, amended the Salary and Position Allocation Resolution to add two Security Officer positions to the Sheriff’s Department Court Security Budget Unit – Sheriff 2004-903
- \*B10** Authorized the Treasurer-Tax Collector to sell tax-defaulted property for the minimum bid pursuant to Revenue and Taxation Code §6394; and, authorized the Treasurer-Tax Collector to re-offer those parcels which do not obtain the minimum bid at a price which is deemed appropriate by the Treasurer-Tax Collector – T/TC 2004-904
- \*B11** Accepted the Stanislaus County Treasury Pool’s September 2004 Monthly Investment Report as prepared by the Stanislaus County 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 to sign on behalf of the Board that the report has been reviewed and accepted – T/TC 2004-905
- \*B12** Reviewed and accepted the County of Stanislaus Endowment (Tobacco Settlement Revenues) Investment Fund Compliance Audit for fiscal year ending 6/30/04 – T/TC 2004-906
- \*B13a** Adopted the decision of the Nuisance Abatement Hearing Board regarding property located at 401 Imperial Avenue, Modesto, California (CE No. 04-426) – DER 2004-907
- \*B13b** Adopted the decision of the Nuisance Abatement Hearing Board regarding property located at 908 Seybold Avenue, Modesto, California (CE No. 04-1813) – DER 2004-908
- \*B13c** Adopted the decision of the Nuisance Abatement Hearing Board regarding property located at 1534 Dallas Street, Modesto, California (CE No. 04-2065) – DER 2004-909
- \*B13d** Adopted the decision of the Nuisance Abatement Hearing Board regarding property located at 5748 Albers Road, Oakdale, California (CE No. 03-2376) – DER 2004-910
- \*B13e** Adopted the decision of the Nuisance Abatement Hearing Board regarding property located at 6300 Lon Dale Road, Oakdale, California (CE No. 04-1095) – DER 2004-911
- \*B13f** Adopted the decision of the Nuisance Abatement Hearing Board regarding property located at 2345 Ridge Road, Modesto, California (CE No. 04-2092) – DER 2004-912

- \***B13g** Adopted the decision of the Nuisance Abatement Hearing Board regarding property located at 1827 John Street, Modesto, California (CE No. 04-2405) – DER 2004-913
- \***B13i** Adopted the decision of the Nuisance Abatement Hearing Board regarding property located at 201 Cowan Street, Modesto, California (CE No. 04-323) – DER 2004-914
- \***B13j** Adopted the decision of the Nuisance Abatement Hearing Board regarding property located at 219 Lathrop Street, Modesto, California (CE No. 04-776) – DER 2004-915
- \***C1** Approved the summary vacation of Pirrone Court; authorized the Chairman to sign the grant deeds submitted, conveying the fee title portion to the adjoining land owners for the appraised fair market value of \$53,700; and, directed the Clerk to provide a certified copy of the resolution and exhibits, along with the original signed deeds, to the Department of Public Works for recording – PW 2004-916
- \***C2** Finds that the Geer Road and Keyes Road Intersection Improvement Project is consistent with the Stanislaus General Plan; finds that the Geer Road and Keyes Road Intersection Improvement Project is consistent with §21.20.045 of the Stanislaus County Code governing uses on lands subject to Williamson Act Contracts; finds that on 3/25/04, notice was properly given to the Director of Conservation pursuant to Government Code §51291(b) of the intent to consider the property for location of the Geer Road and Keyes Road Intersection Improvement Project; finds that the Geer Road and Keyes Road Intersection Improvement Project is consistent with Government Code §51238.1, as follows: A) the use will not significantly compromise the long-term productive agricultural capability of the subject Williamson Act contracted parcel or any other lands in the Agricultural Preserve, B) the use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or other contracted land in the Agricultural Preserve, and C) the use will not result in the significant removal of adjacent contracted land from agricultural or open-space use; finds that pursuant to Government Code §51292: A) the location of the project is not based primarily on a consideration of the lower cost of acquiring land in the Agricultural Preserve, and B) there is no other land within or outside the Preserve on which it is reasonably feasible to locate the public improvement project; approved the purchase agreement for the subject acquisition; authorized the Chairman to execute the agreement; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$20,000 payable to Fidelity National Title Company – PW 2004-917
- \***D1** Set a public hearing on 12/14/04, at 9:30 a.m., to consider Specific Plan Amendment #2004-01, Diablo Grande, Sewer Line Extension and Utilization of the City of Patterson’s Off-Site Wastewater Treatment Facility to Serve Diablo Grande – Planning 2004-918
- \***D2** Set a public hearing on 12/21/04, at 6:40 p.m., to consider GPA #2004-01, Rezone Application #2004-03, and Parcel Map Application #2004-11 - Carl & Terri Hagens  
ORD-54-U-5 2004-919
- \***D3** Set a public hearing on 12/21/04, at 6:45 p.m., to consider GPA #2004-02 and Rezone Application #2004-07 - Jacob Auto Sales  
ORD-54-U-6 2004-920

Simon/Paul (4-0)(Grover abstained) \***B13h** Adopted the decision of the Nuisance Abatement Hearing Board regarding property located at 3730 Dakota Avenue, Modesto, California (CE No. 04-2056) – DER 2004-921

Grover/Paul unan. **C3** Accepted the status report regarding the Altamont Commuter Express (ACE) Service to Stanislaus County – PW 2004-927

Simon/Mayfield unan. **9:25 am** Finds that the notice of the public hearing was mailed to the property owner; conducted a public hearing to receive comments regarding the formation of CSA #22 – Old School North and the proposed method for calculation and levy of annual assessment to pay for services

provided by CSA #22; conducted a ballot procedure by authorizing the Clerk of the Board to open the sealed ballot, tabulate, and immediately submit the results to the Board of Supervisors; the Clerk announced that the ballot passed by the landowner with a vote of 1-0 in support of the formation of CSA #22 and the assessment formula for calculating the annual assessments, and that a majority protest had not been filed regarding the proposed assessment formula; approved the formation of CSA #22; made the approved Engineer's Report a part of the record of this proceeding; and, pursuant to Government Code §56663(c), consented to the waiver of conducting authority proceedings for the formation of CSA #22  
- PW CSA-22-1 2004-928

Simon/Paul unan. **9:30am Continued** to 12/14/04, at 9:35 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 rezone 43.8 acres from RA (Rural Residential) zoning district to Planned Development to allow construction of a Gated Community of 47 homes to be served by an on-site sewer system located on the east side of Carver Road, in Del Rio - Planning ORD-54-U-3 2004-929

Grover/Mayfield unan. **B16** Accepted the Stanislaus County Employee Ethics Survey Report of Findings and directed the County Department Heads to develop strategies for addressing opportunities for improvement identified in the survey results 2004-924

**Recessed at 11:20 a.m.**

**Reconvened at 11:33 a.m.**

Grover/Paul unan. **9:35 am A. Continued** to 12/14/04, at 9:40 a.m., the Public Hearing to Consider the Introduction and Waiving of the First Reading of an Ordinance Relating to the Breeding, Transferring, Licensing, and Spaying and Neutering of Dogs and Cats and Establish Fees for the Department of Animal Services ORD-54-U-4 2004-930

Grover/Paul unan. **9:35 am B. Continued** to 12/14/04, at 9:40 a.m., the Public Hearing to Consider the Introduction and Waiving of the First Reading of an Ordinance Amending Chapters 7.16, 7.24, 7.32, 7.48 and Amending Existing Fees and Adding New Fees to Chapter 7.50, Title 47 – Animals, of the Stanislaus County Code ORD-54-U-4 2004-931

**Continued** to a future unspecified date, Item **B17** Approval to Accept the Update on Groundwater Management Activities in the Modesto Groundwater Sub-Basin from the Stanislaus and Tuolumne Rivers Groundwater Basin Association – Environmental Resources 2004-925

Grover/Mayfield unan. **B14** Approved the process to fill the position of County Treasurer-Tax Collector; authorized the CEO to conduct a recruitment to fill the vacant Treasurer Tax-Collector position; and, appointed an Ad Hoc Advisory Committee of the Board of Supervisors to oversee and participate in the recruitment 2004-922

Simon/Mayfield unan. **B15** Accepted the Stanislaus Consolidated Fire Protection District Report from the Ad Hoc Management Oversight Team concerning the District's fiscal crisis; received the budget update from the Stanislaus Consolidated Fire Protection District; and, accepted the executed agreement between Stanislaus County and the Stanislaus Consolidated Fire Protection District for the conditioned advance of future district revenue 2004-923

Grover/Mayfield unan. **B18** Approved the CEO's First Quarter Financial Report for FY 2004/05; amended the Salary and Position Allocation Resolution as outlined in the staffing impacts using the corresponding effective dates; authorized the Auditor-Controller to make the necessary budget changes and technical adjustments as described in the Report; authorized the CEO to seek proposals for the assessment and valuation for HSA facilities at County Center III (800-1018 Scenic Drive, Modesto) and the Medical Arts Building (700 17<sup>th</sup> Street, Modesto) and to return to the Board of Supervisors for consideration; and, authorized the use of \$168,656 in Appropriations from Contingencies 2004-926

**Corr 1** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Manuel Cordevo, a Minor; Carolyn Dinwiddie; and, Barry Baumgartner.

Supervisor Paul thanked staff for the Empire Neighborhood Park Celebration. She noted that an employee designed a unique water fountain with a spigot for dogs. She attended the CSAC Fall Conference and is distributing material to the appropriate Department heads.

Supervisor Grover announced that the County is hosting a Food Residue Symposium on 12/15/04 in the Board Chambers. There will be representatives from the Regional Water Control Board as well as several representatives from industry in the County.

Adjourned to closed session at 1:31 p.m. for Public Employment: Performance Evaluation – Interim Director of the Departments of Environmental Services and Parks and Recreation. Government Code Section 54954.5(e). Conference with Legal Counsel - Existing Litigation: Zoey Dawn Parkin, a minor, by and through her Guardian Ad Litem, Linda Herring and Linda Herring, individually vs. County of Stanislaus, et al., Stanislaus County Superior Court Case No. CV809856. Government Code Section 54956.9

Adjourned at 2:10 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.)