

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 21, 2004

Chairman Paul Caruso and Vice-Chair Pat Paul were recognized upon their retirement from the Stanislaus County Board of Supervisors.

Lester Williams raised concerns regarding the environmental impact fee on houses that are moved from one location to another.

Noel Barfield also spoke regarding the environmental impact fee that is charged for houses that are moved. County Counsel responded that he would meet with both Mr. Barfield and Mr. Williams to address this issue.

Mary Whetstone, President of the Animal Services Auxiliary, spoke regarding the existing Spay and Neuter Program in the County. She suggested that the Neuter Scooter be used in target neighborhoods on the weekends in an effort to address pet overpopulation.

Warren Brumley thanked Supervisor Pat Paul for her many years of service and support of the Empire community. He thanked the Board for the new Empire Community Park. He also noted that he does not support the increased assessments for the Stanislaus Consolidated Fire Protection District.

Frank Johnson, President of the MJC Student Association, thanked the Board for its support of Measure E.

Linda Cabralee, representing the MJC Spirit Team, thanked the Board for their support of Measure E. She encouraged the community to attend the MJC Mens and Womens basketball games.

Paul/Grover 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 close all Stanislaus County libraries on Saturday, 1/1/05, as meeting the criteria for an item too late for the agenda 2004-1010

Paul/Grover unan. **Item Too Late for the Agenda** - Approved the closure of all Stanislaus County libraries on Saturday, 1/1/05 2004-1011

Grover/Paul 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 Clerk-Recorder's office remaining open on Friday 12/31/04, from 8am – 12 noon, as meeting the criteria for an item too late for the agenda 2004-1012

Paul/Mayfield (3-2)(Grover and Simon opposed) **Item Too Late for the Agenda** - Directed the Clerk-Recorder's office to remain open on Friday, 12/31/04, from 8am – 12 noon 2004-1013

Simon/Paul unan. Adopted the consent calendar after removing from consent item \*B6 Approval of a One-Time Paid Administrative Leave and One-Time Cash Out of Professional Leave Balance for Attorneys Assigned to the Peterson Case – District Attorney

- \*A1 Approved the minutes of 12/14/04
- \*A2 Approved a public reception for the Board of Supervisors' Swearing-In Ceremony on 1/4/05 from 8:30 a.m. to 9:00 a.m. located in the basement lobby at 1010 10<sup>th</sup> Street, Modesto; and, authorized staff to prepare for this public event 2004-983
- \*A3 Accepted the resignation of Kirk Bridegroom from the Sand Creek Flood Control District Board of Directors 2004-984
- \*A4 Appointed David White and Dwight Trammell to the Stanislaus Consolidated Fire Protection District Board of Directors 2004-985
- \*B1 Approved an agreement between Stanislaus County and the West Stanislaus Resource Conservation District for agricultural outlease land and soil, water, wildlife and agricultural resource conservation services; authorized the CEO to sign an agreement with West Stanislaus Resource Conservation District for continued services formerly provided to the US Navy on the property at the Crows Landing Air Facility that has been recently transferred to the County; and, authorized the West Stanislaus Resource Conservation District office to occupy a County building located in the City of Patterson until such time as the County requires the building space for other County programs 2004-986
- \*B2 Approved the labor agreement between Stanislaus County and the Stanislaus County Sheriff's Management Association representing the Lieutenants 2004-987
- \*B3 Approved three contract amendments with the California Department of Education for the administration of the CalWORKS Child Care and Development Block Grant funds and authorized the CSA Director, or his Assistant Director Designee, to sign these contract amendments not to exceed the total contract amounts of \$2,219,487 – CSA 2004-988
- \*B4 Approved FY 2004/05 Multipurpose Senior Services Program (MSSP) Contract Amendment No. MS-0405-14-1 with the California Department of Aging to provide supportive services for frail elderly residents of our County; and, authorized the CSA Director, or his Assistant Director Designee, to sign Contract No. MS-0405-14-1 and any amendments not to exceed the revised contract amount of \$738,208 – CSA 2004-989
- \*B5 Approved an agreement and MOU with the Prevent Child Abuse California (PCA CA) for Federal FYs 2004/05 through 2006/07 for Americorps Services and authorized the CSA Director, or his Assistant Director Designee, to sign the agreement, MOU, and any amendments not to exceed the contract amount of \$377,016 – CSA 2004-990
- \*B7 Authorized the HSA Public Health Department to submit an application for funding to the California Endowment's Healthy Eating, Active Communities Grant and to accept funding if awarded; authorized the HSA Managing Director, or her Designee, to sign and execute the application, not to exceed a total of \$500,000 for four years; and, authorized the HSA Managing Director, or her Designee, to negotiate and accept the grant if awarded – HSA 2004-991
- \*B8 Authorized E Clampus Vitus to relocate the existing historical monument located on Santa Fe Avenue, south of Yosemite Blvd. in Empire, to the new Empire Community Park; authorized E Clampus Vitus to change verbiage on the monument face plate; and, authorized E Clampus Vitus to construct a new base pedestal to accommodate the new face plate – Parks & Recreation 2004-992
- \*B9 Authorized the Treasurer-Tax Collector's Office to continue the usage of electronic signatures on certificates of County tax liens beginning 1/1/05 – T/TC 2004-993
- \*B10 Appointed for the 2005 term of the Stanislaus County Discipline/Equal Employment Opportunity (EEO) Grievance Appeals Board the following: Jerry Powers as the Department Head Member, Bernie Farfield, County Attorneys' Association (CAA) as the Employee Member, and local Attorney Darrell Champion to serve as the Chairperson; appointed local Attorney Dave Walker to serve as the Alternate Chairperson; appointed Margaret Szczepaniak as the Department Head Alternate; appointed Steve Macedo, of the

- Deputy Sheriffs' Association, as the First Alternate Employee Member; and, appointed  
Debbie Hiebert, of the Stanislaus County Employees Association, as the Second Alternate  
Employee Member 2004-994
- \*B11 Authorized the Sheriff to double fill up to twelve Deputy Sheriff Coroner Positions with newly  
appointed Deputy Sheriff candidates – Sheriff 2004-995
  - \*C1 Approved the purchase of real property located at 1019 South Santa Cruz Avenue, Modesto,  
California, APN: 035-024-010; finds that the Notice of the Intent to purchase real property  
was published by the Clerk of the Board pursuant to Government Code §25350; and,  
authorized the Director of Public Works to sign the purchase agreement and escrow  
documents necessary for the purchase – PW 2004-996
  - \*C2 Approved the Subdivision Improvement Agreement for the Old School North 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 within 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  
to sign the final map and the Subdivision Improvement Agreement; and, authorized the  
final map to be filed and recorded as presented – PW 2004-997
  - \*C3 Approved amending Board of Supervisors Resolution #2004-869 for the purchase of one  
Compressed Natural Gas (CNG) Street Sweeper and one CNG heavy duty truck with roll-  
off body – PW 2004-998
  - \*D1 Rescinded all or a portion of Williamson Act Contract #1972-632 and #1978-3080 (Taylor and  
Carpenter Roads, Crows Landing area), and approved new contract pursuant to Minor Lot  
Line Adjustment Application 2004-49 (Joseph & Rose Clarot) and 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 2004-999
  - \*D2 Approved the 2005 Williamson Act Contracts; authorized the Chairman to sign the contracts;  
and directed the Clerk of the Board to forward the contracts to the Clerk-Recorder's Office  
prior to 1/1/05 for recording – Planning 2004-1000
  - \*D3 Rescinded all or a portion of Williamson Act Contract #1974-1704 (Baldwin Road, Hughson  
area), and approved new contract pursuant to Minor Lot Line Adjustment Application  
2004-63 (William and Mary Monroe) and 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 2004-1001

Mayfield/Paul unan. \***B6** Approved the **amended** staff recommendations as follows: withdrew Staff Recommendation No. 1 and referred it back to the CEO for further evaluation and determination, to be addressed at an administrative level rather than at a policy level; approved a one-time cash out of professional leave of up to 60 hours for the attorneys assigned to the People vs. Scott Peterson case, if the attorneys are required to work through the end of the year; if the attorneys are not required to be in the office, they shall take these days off as professional leave and the County agrees to cash out the remaining unused hours; and, authorized the Auditor-Controller to allow a one-time waiver of the maximum accrual allowance of vacation for the three attorneys assigned to the Peterson case through 12/31/05, if the following conditions are met: (a) the Attorney's union must agree to a one-time variance in the MOU for these three attorneys only; (b) as of 12/31/05 the vacation accrual allowance will return to the 12/31/04 accrual level; and, (c) the attorneys shall use vacation during 2005 such that their balance as of 12/31/05 will be below the 12/31/04 "cap" 2004-1002

Mayfield/Simon unan. **6:40pm** Based on the project being inconsistent with the goals and policies of the County General Plan, the Board approved the Planning Commission's recommendations and denied GPA #2004-01, Rezone Application #2004-03, and Parcel Map Application #2004-11, Carl and Terri Hagens, a request to amend the General Plan from Urban Transition to Low Density Residential, Denair Community Plan from Estates Residential to LDR (Low Density Residential), rezone from A-2-10 (General Agriculture) to RA (Rural Residential) and create four parcels ranging from 1.3, 1.5, 1.7, 2.6 and a 1.05 acre remainder on an 8.8 acre parcel located at 4649 N. Gratton Road, in the Denair area – Planning ORD-54-U-5 2004-1006

**Recessed at 8:29 p.m.**

**Reconvened at 8:37 p.m.**

Mayfield/Grover unan. **6:45pm** Finds GPA #2004-02 and Rezone Application #2004-07, Jacob Auto Sales, a request to change the General Plan and zoning designations from Agriculture and A-2-40 (General Agriculture) to PD (Planned Development) to allow construction and operation of a used car sales facility on 3.6 acres, located at the southeast corner of Golden State Blvd. and Barnhart Road, south of Keyes, 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 CEQA Guidelines §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; adopted the Mitigation

Monitoring Plan pursuant to CEQA Guidelines §15074(d); ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code §21152 and CEQA Guidelines §15075; finds that: (a) the General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses, (b) the County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service, (c) the amendment is consistent with the General Plan goals and policies, (d) the proposed Planned Development zoning is consistent with the Planned Development General Plan designation and, (e) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; approved GPA #2004-02, and Rezone Application #2004-07 - Jacob Auto Sales, subject to the attached amended Development Standards and Mitigation Monitoring Plan; and, introduced, waived the reading, and adopted Ordinance C.S. 911 for the approved Rezone Application #2004-07 – Planning  
ORD-54-U-6; 2004-1007 & 2004-1008

Paul/Simon (3-2)(Mayfield and Grover opposed) **6:50pm** Granted the appeal of Planning Commission's decision of denial for Parcel Map Application #2004-15, Variance #2004-01, and Exception #2004-03 - Gary & Deann Autrey, a request to create parcels of 1.08, 1.51, 1.11, and 1.10 acres in the A-2-40 (General Agriculture) zoning district on property located at 4336 Adams Gravel Plant Road, northeast of the City of Riverbank, with a variance included for parcels smaller than the 40-acre minimum and an exception for 2 parcels that would not have direct frontage on a County Road; finds the project 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 ordered the filing of the Certificate of Fee Exemption with the Stanislaus County Clerk-Recorder's Office; adopted the Negative Declaration pursuant to CEQA Guidelines §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-Recorder's Office pursuant to Public Resources Code §21152 and CEQA Guidelines §15075; finds that, based on the record, all three of the variance findings can be made, and that the following parcel map findings can be made: (a) the proposed map is consistent with applicable general and specific plans as specified in §65451; (b) the design or improvement of the proposed subdivision is consistent with applicable general and specific plans; (c) the site is physically suitable for the type of development; (d) the site is physically suitable for the proposed density of development; (e) the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; (f) the design of the subdivision or type of improvements is not likely to cause serious public health problems; and, (g) the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; in this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public; and, approved Tentative Parcel Map #2004-15, Variance #2004-01, and specifically approved Exception #2004-03 to allow private access to parcels "C" and "D" and made the findings as set forth on page 4 of the Planning Commission staff report citing unique circumstances and not granting special privilege – Planning

2004-1009

Simon/Mayfield unan. **Continued** to 1/4/05, item **B12** Acceptance of the Recommendation of the Ad Hoc Board of Supervisors Committee for the Appointment to the Unexpired Term of the Treasurer-Tax Collector  
2004-1003

Simon/Grover unan. **B13** Approved the establishment of a Fire Service Advisory Committee; directed staff to take actions necessary in response to potential service impacts related to the financial crisis of the Stanislaus Consolidated Fire Protection District; and, amended the Salary and Position Allocation Resolution to add one Manager III Position to the CEO – Office of Emergency Services/Fire Warden Budget 2004-1004

Mayfield/Paul unan. **B14** Approved the Employee Mentor Program Progress Report and authorized a resolution acknowledging the month of January 2005 as Mentoring Month consistent with the National Mentoring Month distinction 2004-1005

**Corr 1** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Dale E. Robinson and Kevin Taylor.

Supervisor Grover thanked both Chairman Caruso and Vice-Chair Paul.

Supervisor Mayfield noted that there was an Air Board meeting last week, and he spoke regarding inappropriate enforcement of no fireplace burning.

Supervisor Paul thanked the people of District 1, and wished Supervisor-elect Bill O'Brien the best of luck.

Chairman Caruso thanked the constituents of District 5, and stated that he will write a letter to the Board regarding projects he hopes the Board continues to address including infrastructure needs of certain communities, and the annexation of County islands. He attended the new Grayson Park ribbon cutting ceremony, and thanked the Board for their continued support of the Grayson community. He also thanked Tom Watson, Treasurer-Tax Collector, for his years of service and congratulated him on his new position as the Stanislaus County Retirement Administrator.

The CEO acknowledged Tom Watson for his many years of service to the citizens of Stanislaus County serving as the Treasurer-Tax Collector. He also acknowledged Patty Hill Thomas, Annette Harmon, Sonya Harrigfeld, and the Economic Development staff for planning the Grayson Park Ribbon Cutting Ceremony.

Sheriff Weidman thanked Chairman Caruso and Supervisor Paul for their many years of leadership, support, dedication and friendship. He provided a summary of the final investigation regarding the injuries that occurred at the "fun run" on 9/27/04.

Adjourned at 10:22 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.)