

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

Regular Session

Tuesday

December 20, 2005

All Supervisors Present

Pledge of Allegiance to the Flag

Rajinder Singh spoke regarding item *A4h regarding the approval of reappointments to the Turlock Rural Fire Protection District Board. He raised concerns that the current District Board members have already served more than two terms, and requested that the Board look into this issue.

Simon/Mayfield unan. Adopted the consent calendar after removing from the agenda item *A4h Approval of Reappointments of James W. Hughes and Ron Macedo to the Turlock Rural Fire Protection District Board; and, item *C2 Approval to Summarily Vacate a Portion of Ohio Avenue (West Modesto Area) and Disposition of the Portion Owned by the County 2005-1081 & 2005-1082

*A1 Approved the minutes of 12/13/05

*A2a Adopted and waived the second reading of Ordinance C.S. 944 amending Title 11 of the Stanislaus County Code, adding a No Parking Zone on Finney Road, 10th Street (Keyes), Madera Avenue, Hawthorne Avenue, and Firenza Way, and amending a No Parking Zone on Pirrone Road – PW ORD-54-Y-6 2005-1033

*A2b Adopted and waived the second reading of Ordinance C.S. 945 authorizing the establishment of a Public Facility Fee Installment Payment Program for qualifying non-residential projects M-64-D-14; ORD-54-Y-7 2005-1034

*A3a Appointed Laura List to the Mountain-Valley Emergency Medical Services Agency Regional Advisory Committee 2005-1035

*A3b Appointed Raul Garcia to the Stanislaus County Children’s Council 2005-1036

*A3c Appointed Dr. Corwin Harper to the Stanislaus Economic Development and Workforce Alliance 2005-1037

*A3d Appointed Michael Franck to the Stanislaus County Local Task Force on Solid Waste Management 2005-1038

*A3e Appointed Marlene Wilson to the Animal Advisory Board 2005-1039

*A4a Reappointed Jeffrey McCardia, Lynn Goldstein, Jeff Gullo, Vicki Bauman and Michael Shinkel to the Advisory Board on Substance Abuse Programs 2005-1040

*A4b Reappointed Charles Grom to the Mental Health Board 2005-1041

*A4c Reappointed Don Armario to the Oakdale Rural Fire Protection District Board 2005-1042

*A4d Reappointed Mike Lucas to the Mountain View Volunteer Fire Protection District Board 2005-1043

*A4e Reappointed Warner M. Soelling, MD to the Stanislaus County Animal Advisory Board 2005-1044

*A4f Reappointed Ray Souza to the Stanislaus County Planning Commission 2005-1045

*A4g Reappointed Newmon Fink to the Tuolumne River Regional Park Citizens Advisory Committee 2005-1046

*A4i Reappointed Dan Peterson to the Turlock Mosquito Abatement District Board 2005-1047

*A4j Reappointed Alan Cover and Norman Kline to the Agricultural Advisory Board 2005-1048

*A4k Reappointed Charles Obert to the Stanislaus County Parks and Recreation Commission 2005-1049

- *A4l Reappointed Diana Haile and Jenice Sechler to the Housing Authority of Stanislaus County Board 2005-1050
- *A4m Reappointed Betty Scheuber, Steve Amador and Bart H. Ingles to the Storm Drain District #8 Board 2005-1051
- *A4n Reappointed Frank Durao, Ken Bays, Rob Brooks and Norman W. Crow to the West Stanislaus Resource Conservation District Board 2005-1052
- *A4o Reappointed Terrance Withrow to the Assessment Appeals Board 2005-1053
- *A4p Reappointed James Shade, Felix Reichmuth, Timothy Ragsdale, D.C. Vient and Robert James Nickerson to the Building Code Appeals Board 2005-1054
- *A4q Reappointed Neil Van Duyn and Ron Greenwood to the East Side Mosquito Abatement District Board 2005-1055
- *A4r Reappointed Gary Hinshaw to the Emergency Medical Services Committee 2005-1056
- *A4s Reappointed Michael Krausnick and Bruce Ramsey to the Law Library Board of Trustees 2005-1057
- *A4t Reappointed Chris Savage and Andrew Van Allen to the San Joaquin Valley Air Pollution Control District Citizens Advisory Council 2005-1058
- *A4u Reappointed Kay Dunkel, Ignacio Lopez, Dennis Shuler, Mark MacKenzie and Caroline Mitton to the Stanislaus County Local Task Force on Solid Waste Management 2005-1059
- *A5 Proclaimed the week of 1/8/06 as Family Services Specialist Recognition Week 2005-1060
- *A6 Appointed, in lieu of election, Kirk Jensen to the Central California Irrigation District – Division 1 2005-1061
- *B1 Approved the closure of the Animal Services Center on various days in the year 2006 2005-1062
- *B2 Approved the acceptance of contract amendment #CAPP-5082 with the California Department of Education for administration of Child Care and Development Grant; authorized the Auditor-Controller to make the necessary adjustments to the CSA Program Services and Support Budget, Fund 1631; and, authorized the Director of CSA, or his Assistant Director Designee, to sign Contract Amendment No. 1 and any amendments not to exceed the individual contracted amount – CSA 2005-1063
- *B3 Approved modifying the Single Point of Entry eligibility process for specific health coverage programs and authorized the CEO to transfer thirteen CSA positions back to HSA, effective the pay period beginning 1/8/06, and amended the Salary and Position Allocation Resolution accordingly – HSA 2005-1064
- *B4 Approved expanding dental services at the Sheriff’s Public Safety Center by accepting donation of a dental chair and equipment from Dr. Larry Kyle, DDS; authorized the use of public facility fees in an amount not to exceed \$9,000 for the purchase of additional dental equipment; and, directed the Auditor-Controller to adjust the Sheriff’s Detention budget appropriations and estimated revenue in an amount of \$18,000 for the purchase of additional dental equipment – Sheriff M-64-D-15 2005-1065
- *B5 Authorized the CEO to finalize and execute the contract extension and amendment for the period of 7/1/06 through 6/30/08 with the law firms of Grisez, Orenstein & Hertle and Perry & Associates for the continued provision of legal representation of indigents which the Public Defender is unable to represent due to a conflict of interest; approved a reduction to the existing contracts of \$10,742.84 per month effective 1/1/06 for the December payment to reflect the funding transfer of Juvenile Dependency matters from the County to the State retroactive to March 2005; the \$10,742.84 reduction amount would be reduced to \$4,700 per month effective 7/1/06, paid on 8/1/06; and, as part of the contract extension, effective 1/1/07 to be paid on 2/1/07, implement the existing contract provision that will grant a contract increase to the adjusted monthly contract amounts of \$48,957.13

for Grisez, Orenstein & Hertle, and \$49,055.47 for Perry & Associates, tied to the
Consumer Price Index 2005-1066

- *C1** Set a public hearing to conduct a ballot procedure in compliance with Proposition 218 on 2/14/06, at 9:25 a.m., regarding the formation of the Paradise South Landscape and Lighting District and the levy of an annual assessment; approved the Engineer's Report for the Paradise South Landscape and Lighting District; authorized an assessment ballot procedure in conformance with Proposition 218 for the formation of the Paradise South Landscaping and Lighting District; and, ordered that Notice of the Public Hearing be given pursuant to Government Code §53753(b), Streets and Highways Code §22552, and Streets and Highways Code §22588 – PW DLA-3-2 2005-1067
- *D1** Rescinded all or a portion of Williamson Act Contract #1983-3832 (N. Gratton Road, Denair area) and approved a new contract pursuant to minor Lot Line Adjustment 2005-37 (Nelson/Davis) 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 2005-1068
- *D2** Rescinded all or a portion of Williamson Act Contract #1978-3459 (Taylor Road, Keyes/Turlock area) and approved a new contract pursuant to minor Lot Line Adjustment 2005-30 (Otterbach) 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 2005-1069
- *D3** Approved the MOU to cooperatively prepare a Project Study Report for transportation improvements involving State Route 165 and State Route 99 in and/or proximate to the City of Turlock, the County of Stanislaus, and the County of Merced; and, authorized the Chairman to execute the MOU – Planning 2005-1070

Mayfield/DeMartini unan. **6:40pm** Accepted the update on the Stanislaus County Food Processing By-Products Program; and, **amended** the item to authorize the Director of DER to send a letter to the Central Valley Regional Water Quality Control Board requesting a continuance of the hearing on the food processing by-products matter, to allow for further discussion and review of this important issue – DER
2005-1071

Simon/Mayfield unan. **6:40pm** Finds that the notice of the public hearing was mailed to the property owner; conducted the public hearing to receive comments regarding the formation of CSA #21- Riopel and the proposed method for calculation and levy of annual assessment to pay for services provided by CSA #21; 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 landowners with a vote of 2-0 in support of the formation of CSA #21 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 #21; 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 #21 – PW
CSA-21-2 2005-1073

Simon/DeMartini unan. **6:45pm** Finds GPA Application #2005-11 and Rezone Application #2005-12 - Zansco Properties, a request to rezone and amend the General Plan of a 0.27 acre portion of a 1.50 acre parcel from Agriculture/A-2-40 to Planned Industrial/PI-20, consistent with the zoning on the remaining 1.23 acres of the property located at 5054 Pentecost Drive, north of Kiernan Avenue, 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, and order 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 judgement 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: (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 #2005-11 and Rezone Application #2005-12 - Zansco Properties, subject to the attached conditions; and, introduced, waived the reading, and adopted Ordinance C.S. 941 for the approved Rezone Application #2005-12 – Planning
ORD-54-Y-3; 2005-1074 & 2005-1075

Simon/Mayfield unan. **6:50pm** Finds GPA Application #2005-07 and Rezone Application #2005-08 - CG Properties, a request to rezone and amend the General Plan of a 1.16 acre parcel from Agriculture/A-2-40 to Planned Development to allow for professional office uses with accessory warehouse/storage space on property located at the northeast corner of Kiernan Avenue and Pentecost Drive, 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, and 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 judgement 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: (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 General Plan Amendment # 2005-07 and Rezone Application #2005-08 - CG Properties, subject to the attached conditions; and, introduced, waived the reading, and adopted Ordinance C.S. 942 for the approved Rezone Application #2005-08 – Planning

ORD-54-Y-4; 2005-1076 & 2005-1077

Mayfield/Simon unan. **6:55pm** Finds that GPA Application #2005-08, Community Plan Amendment Application #2005-03 and Vesting Tentative Subdivision Map #2005-04, Hackler/Clabaugh (Hideaway Terrace), a request to amend the General Plan and Community Plan designations of a 4.61 acre parcel to Medium High Density Residential and to create 15 residential lots sized between 6,656 to 11,397 sq. ft. in a R-3 (Multiple Family Residential) zone on property located at the northeast corner of E. Monte Vista Avenue and N. Waring Road, west of Denair, has been processed in compliance with CEQA and based on the Initial Study and Mitigation Monitoring Plan, ordered the filing of a Mitigated Negative Declaration; finds that the proposed general plan amendment is consistent with the overall goals and policies of the Stanislaus County General Plan and with the overall plan as well, and with the Denair Community Plan; finds the project to be De Minimis for purposes of Fish and Game Codes; approved GPA #2005-08; finds that the proposed community plan amendment is consistent with the overall goals and policies of the Stanislaus County General Plan and with the overall plan as well, and with the Denair Community Plan; approved Community Plan Amendment # 2005-03; finds that the project will intensify use of the site, thereby necessitating dedications and improvements; finds that none of the Tentative Map Findings that would preclude approval of these maps can be made; and, approved Vesting Tentative Map #2005-04 - Hackler/Clabaugh (Hideaway Terrace), subject to the attached Mitigation Monitoring Plan, Development Standards and Modified Conditions of Approval – Planning

2005-1078

Mayfield/Simon (4-1)(O'Brien opposed) **7:00pm** Finds that GPA Application #2005-10, Rezone Application #2005-11 and Vesting Tentative Map Application #2005-06 - Wenstrand Ranch, a request to change the General Plan designation of a 6.7 acre portion of the subject 12.25 acre parcel from Commercial to Low Density Residential and the zoning of that same portion from H-1 (Highway Frontage Commercial) to R-A (Rural Residential), and to create 45 residential lots ranging from 8,000 to 12,000 square feet in size, located at 4148 Main Street at the corner of Main Street, E. Monte Vista Avenue and Lester Road, in the Denair area, has been processed in compliance with CEQA, and based on the Initial Study and Mitigation Monitoring Plan, ordered the filing of a Mitigated Negative Declaration; finds that the proposed general plan amendment is consistent with the overall goals and policies of the Stanislaus County General Plan and with the overall plan as well, and with the Denair Community Plan; finds the project to be De Minimis for purposes of Fish and Game Codes; approved GPA #2005-10; finds that the zoning amendment is consistent with the overall goals and policies of the Stanislaus County General Plan, with the LDR designation, and with the overall plan as well, and with the Denair Community Plan; approved Rezone Application #2005-11; finds that the project will intensify use of the site, thereby necessitating dedications and improvements; finds that none of the Tentative Map Findings that would preclude approval of these maps can be made; approved Vesting Tentative Map #2005-06 - Wenstrand Ranch subject to the attached Mitigation Monitoring Plan, Development Standards, and

amended Conditions of Approval; and, introduced, waived the reading, and adopted Ordinance C.S. 946 for the approved Rezone Application #2005-11 – Planning ORD-54-Y-8; 2005-1079 & 2005-1080

Mayfield/Simon unan. **B7** Approved the reorganization of the building permit process; amended the Salary and Position Allocation Resolution to reflect the position additions included in the Staffing Impact section of the staff report to the Board, effective 12/20/05; directed the Auditor-Controller to increase appropriations and estimated revenue to fund the requested positions; and, **amended** the item to direct staff to report back to the Board within 60 days with software costs and fire support status plans – PW 2005-1072

Corr 1 Referred to the Department of Parks and Recreation and the Fish and Wildlife Committee, a letter from the California Department of Fish and Game regarding the intent to recommend a 2006-07 J-18 Pacific-Grizzly Flat Junior Either-Sex Deer Hunt in Stanislaus County.

Corr 2 Referred to the Agricultural Commissioner and Sealer of Weights and Measures and the Department of Environmental Resources, a letter from the California Regional Water Quality Control Board Central Valley Region regarding an upcoming California Environmental Quality Act scoping meeting and public workshop for the development of amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to control the discharge of pesticides.

Corr 3 Acknowledged receipt of the Stanislaus County Employees' Retirement Association Comprehensive Annual Financial Report.

Corr 4 Referred to the Community Services Agency and the Health Services Agency, a copy of the *Access to Health Foods: The Challenges and Implications for Food Stamp Eligible Residents in Low-Income Neighborhoods*, Issue Paper from the Healthy Eating Active Living Collaborative.

Corr 5 Acknowledged receipt of the California State Association of Counties' 2005 Challenge Awards Directory.

Corr 6 Referred to the Office of Emergency Services, the Agricultural Commissioner and Sealer of Weights and Measures, and the Stanislaus Economic Development and Workforce Alliance, a letter from the Governor's Office of Emergency Services regarding the U.S. Department of Agriculture (USDA) granting a Secretarial disaster designation for the County of San Joaquin and the contiguous counties of Alameda, Amador, Calaveras, Contra Costa, Sacramento and Stanislaus, due to agriculture losses caused by the excessive rain that occurred March 1 through May 31, 2005.

Corr 7 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Elsa McClure; Jacob Her; Jacob Her (Amended Claim); Mai Her; Kua Vang; Joe Vy Xiong; Elvis Xiong; Jerry Harmon; TID; and, John Garcia

Supervisor Simon requested an update from the Sheriff's department on the use of the narcotics sniffer machine. The CEO noted that he would have the Sheriff's department provide a status update to the Board regarding this matter.

Supervisor Mayfield spoke regarding the reappointment process for the Turlock Rural Fire Protection District and other Boards and Commissions. He asked that all the Board of Supervisor members be consistent in applying any applicable term limitations. County Counsel noted that he would look into this issue and report back to the Board. Supervisor Mayfield also noted that he participated in a Water Board conference call yesterday, and they discussed a proposed 60 billion-dollar bond for water related projects.

The CEO noted that he would incorporate findings for flood control projects into the 2006 State Legislative Platform. He expressed his appreciation to the Clerk of the Board and to Bob Carpenter, Facilities Manager, for the improvements to the Board Chambers sound system. He gave an update on AB 959 Frommer, which would qualify Stanislaus County to receive reimbursement under the Certified Public Expenditures Program and noted that it will be heard in January before two committees. The CEO reported that staff has been working with the Courts regarding the distribution of civil assessments and that they have reached an accord and settled all the issues. The net benefit to the County will be a reduction of approximately \$600,000 per year in supporting the trial courts. He thanked Judge Silvera, Auditor-Controller Larry Haugh, CEO staff, Mike Tozzi and Don Lundy for their work on this project.

Adjourned at 8:12 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.)