

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

March 25, 2008

A Moment of Silence was held for Mark Darrough from the Community Services Agency and his daughter Jessica Darrough who was a volunteer at the Modesto-Stanislaus County Library

Resolutions were presented commending County Counsel Michael Krausnick, Planning and Community Development Director Ronald Freitas, Agricultural Commissioner and Sealer of Weights and Measures Dennis Gudgel and Deputy Executive Officer Claudia Krausnick upon their retirement from County service.

Jerry Powers Chief Probation Officer acknowledged Eileen Melson, Deputy Executive Officer, for her many years of County service and presented Ms. Melson with a plaque appointing her as an honorary member of the Stanislaus County Probation Department.

Ronald Swift, resident of Patterson and President of WSpace.org spoke regarding a petition that his organization is currently circulating, that voices residents' opinions opposing the PCCP West Park LLC plan for the Crows Landing Air Facility, particularly the railroad usage and container facility.

Richard Keas voiced his concerns regarding the ability to park commercial equipment on farm ground. He requested support from the Board to develop a permit process to be able to park commercial trucks and equipment on agricultural land.

Mary Whetstone, President of Animal Services Auxiliary (ASA), spoke regarding a recent article published in the Modesto Bee regarding the Animal Services shelter. She urged the Board to read the article and build a new Animal Services Shelter.

Grover/DeMartini unan. Adopted the consent calendar after removing from consent item *B10c Approval to Introduce and Waive the First Reading of an Ordinance to Establish New Fees and Amend Existing Fees for the Department of Environmental Resources; * B13 Approval to Award the Contract for a Waste Characterization Study at the Fink Road Landfill to Stearns, Conrad and Schmidt, Engineers, Inc. – Environmental Resources; and, *C-1 Approval of the Revised Transit Transportation Development Act Claim for FY 2007-2008

*A1 Approved the minutes of 3/18/08

*A2a Appointed Sharon Salaiz to the Child Abuse Prevention Council of Stanislaus County
2008-191

*A2b Appointed Angelo Clay to the Stanislaus Economic Development and Workforce Alliance
Youth Advisory Council
2008-192

*A3a Accepted the resignation of Michael H. Krausnick from the Law Library Board of Trustees
2008-193

*A3b Accepted the resignation of Dan Rosas from the Child Abuse Prevention Council of Stanislaus
County
2008-194

- *A4 Approved a commendation for Dr. Robert Schorr upon receiving the John Darroch Memorial Award for 2008 from the Stanislaus Medical Society 2008-195
- *B1 Adopted the decision of the Nuisance Abatement Hearing Board regarding the approval of the administrative civil citation to abate the nuisance at 205 S. Santa Ana Avenue, Modesto, CA (CE No. 07-159) – DER 2008-196
- *B2a Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 2230 Golf Road, Turlock, CA (CE No. 07-0295) – DER 2008-197
- *B2b Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 4100 Highway 108, Riverbank, CA (CE No. 07-0183) – DER 2008-198
- *B2c Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 1827 John Street, Modesto, CA (CE No. 07-0313) – DER 2008-199
- *B2d Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 9425 Yosemite Boulevard, Modesto, CA (CE No. 07-0238) – DER 2008-200
- *B3 Authorized BHRS to support an application for an H-1 B Visa (U.S. Work Permit) for Doina Vacalie, M.D.; and, authorized BHRS to pay the required \$2,375 for the immigration and naturalization (INS) filing fees – BHRS 2008-201
- *B4 Approved the amendment to the #C2AP-7072-02 contract with the California Department of Education (CDE) for the administration of the Child Care and Development Block Grant; authorized the Interim Director of CSA, or her Assistant Director Designee, to sign this contract amendment and any other amendments not to exceed the total amended contract amount; and, directed the Auditor Controller to make the necessary adjustments to the CSA Budget, Program Services and Support, as detailed in the Budget Journal – CSA 2008-202
- *B5 Accepted funding from the State of California to provide reentry and rehabilitative services to minors returning from Department of Juvenile Justice (DJJ) detention facilities and to those minors who might otherwise have been sent to DJJ facilities; authorized the Chief Probation Officer to sign and administer the Youthful Offender Block Grant (YOBG) funds from the State of California; authorized the Chief Probation Officer to enter into contracts with community-based organizations and professional service providers for the implementation of the plan; directed the Auditor-Controller to establish a new fund for the Probation Department as a separate legal budget unit and establish appropriations and estimated revenue of \$278,735 consistent with the budget journal; amended the Salary and Position Allocation Resolution to add one Deputy Probation Officer II to the Youthful Offender Block Grant Budget Unit; and, approved a resolution to accept and identify the signing authority for the funding – Probation 2008-203
- *B6 Approved the salary for newly appointed County Counsel John Doering at \$182,089 annually, reflecting a salary below the mid-point of the salary band, effective 4/1/08 – CEO 2008-204
- *B7 Approved the language revision to Bylaw 1.7 regarding the structure of Board of Retirement committees as approved by the Board of Retirement on 2/13/08 – StanCERA BD-36-A-17 2008-205
- *B8 Accepted the Stanislaus County Treasury Pool's Compliance Audit for year ending 6/30/07 prepared by the Stanislaus County Auditor-Controller's Office and reviewed for conformity with State Law by the Stanislaus County Treasury Oversight Committee; accepted the Annual Certificates of Compliance from the Treasury Oversight Committee members for year ending 12/31/07; and, approved Amendment to the Stanislaus County Treasury Pool Investment Policy, to be effective 3/31/08 – T/TC 2008-206
- *B9 Accepted the Stanislaus County Treasury Pool's February 2008 Monthly Investment Report as prepared by the Stanislaus County Treasurer-Tax Collector's Office and reviewed for conformity with the Stanislaus County Treasury Pool Investment Policy by the Treasurer-

Tax Collector and has been distributed to the Stanislaus County Treasury Pool Oversight Committee; and, authorized the Chairman of the Board of Supervisors to sign on behalf of the Board that the report has been reviewed and accepted – T/TC 2008-207

- *B10a** Set a public hearing on 4/22/08, at 9:15 a.m., to introduce and waive the first reading of Ordinance C.S. 1034 to amend the Indigent Cremation/Burial Fees to cover basic costs of cremation and/or burial in the Sheriffs Department Coroner's Division
ORD-55-G-7 2008-208
- *B10b** Set a public hearing on 4/22/08, at 9:15 a.m., to Introduce and Waive the First Reading of Ordinance C.S. 1035 to Establish New Fees for the Clerk Recorder Department
ORD-55-G-8 2008-209
- *B11** Set a public hearing on 5/6/08, at 9:15 a.m., to consider the update of Fire Protection Facility Fees for the Salida Fire Protection District – CEO
M-64-H-7 2008-210
- *B12** Approved a new on-call compensation rate of \$301 per week or \$43 per day for non-represented, unclassified hourly employees – CEO
2008-211
- *B14** Authorized the Auditor-Controller to transfer FY 2007-2008 Appropriations of \$40,000 in the Sheriffs Information Technology budget from a non-asset account to a fixed asset account as detailed in the Budget Journal – Sheriff
2008-212
- *C2** Approved the Subdivision Improvement Agreement for Diablo Grande, The Legends 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, and all other street dedications; 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
2008-213
- *C3** Approved the FY 2007-2008 Road and Bridge Maintenance Transportation Development Act Claim for Local Transportation Funds; and, authorized the Director of Public Works to execute and submit the claim to StanCOG – PW
2008-214
- *D1** Adopted a resolution approving the easement proposal to the California Department of Conservation California Farmland Conservancy Program for the Menghetti Ranch Conservation Easement; and, certified that the easement proposal meets the eligibility criteria set forth in California Public Resources Code §10251 - Planning
2008-215

Monteith/DeMartini (4-0) (O'Brien abstained) ***B10c** Set a public hearing on 4/22/08, at 9:15 a.m., to introduce and waive the first reading of Ordinance C.S. 1036 to establish new fees and amend existing fees of the Department of Environmental Resources
ORD-55-G-9 2008-216

Grover/O'Brien unan. ***B13** Awarded the contract for a waste characterization study at the Fink Road Landfill to Stearns, Conrad and Schmidt, Engineers, Inc., in the amount of \$60,322; authorized the Director of DER, or her Designee, to sign the contract with Stearns, Conrad and Schmidt, Engineers, Inc., in the amount of \$60,322; and, authorized the Director of DER, or her Designee, to sign amendments to the contract for an overall not to exceed amount of \$69,370 – DER
2008-217

Grover/O'Brien unan. ***C1** Approved the Revised FY 2007-2008 Transit Transportation Development Act Claim; authorized the Director of Public Works to execute and submit the claim to StanCOG; and, **amended** the item to create an ad hoc committee to address transportation issues related to seniors and appointed Supervisor Grover and Supervisor Monteith to the committee – PW
2008-218

O'Brien/Monteith unan. **B15** Introduced and waived the first reading of Ordinance C.S. 1037 amending Chapter 2.52 of the Stanislaus County Code to restructure the existing Disaster Council for the purpose of redefining the role of the council as well as the membership and their responsibilities – OES

ORD-55-G-10 2008-219

Mayfield/Grover unan. **9:15 am** Considered Planning Commission's recommendation for approval of Rezone Application #2007-07, William Rossi, a request to rezone a 9-acre parcel from A-2-10 (General Agriculture) to a new P-D (Planned Development) to allow a manufactured home sales business on-site with an existing agricultural equipment sales business located at 4831 Esmar, in the Ceres area; adopted a 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: (a) the project is consistent with the overall goals and policies of the County General Plan, and (b) the proposed Planned Development zoning is consistent with the Planned Development General Plan designation; approved Rezone Application #2007-07, William Rossi, subject to the Development Standards and Development Schedule as approved by the Planning Commission; and, introduced and waived the reading and adopted Ordinance C.S. 1023 for the approved Rezone Application #2007-07 – Planning

ORD-55-G-3

2008-220 & 2008-221

O'Brien/Monteith unan. **9:20 am** Considered Planning Commission's recommendation for approval of Williamson Act Cancellation Application #2007-01, Variance Application #2007-02, and Lot Line Adjustment Application #2007-03, Friends of the Tuolumne, a request to adjust the sizes of 3 existing parcels from 40.36, 68.74 and 115.2 acres to 3.95, 71.96, and 148.39 acres in the A-2-40 (General Agriculture) Zoning District, approval of a Variance application to allow one parcel to be created at 3.95 acres - less than the 40-acre minimum requirement, and to cancel a portion of Williamson Act contract #2002-4481 on the 3.95 acre parcel located at and adjacent to 23792 and 23806 Yosemite Boulevard, in the Waterford area, and 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; ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorders Office pursuant to Public Resources Code §21152 and CEQA Guidelines §15075; in relation to the request for a Variance, finds: (A) that because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this Chapter will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. (B) that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated. (C) that the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of this particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; in relation to the Lot Line Adjustment, finds: (A) 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 (B) 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 (C) at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts (D) 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. (E) 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. (F) the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use (G) 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; In relation to the request to cancel a portion of Williamson Act Contract 2002-4481, finds: (A) that the cancellation is consistent with the purposes of this chapter based on findings that: 1) the cancellation is for land on which a notice of nonrenewal has been served pursuant to §51245; 2) that cancellation is not likely to result in the removal of adjacent lands from agricultural uses; 3) that cancellation is for an alternative use which is consistent with the applicable provision of the city or county general plan; 4) that cancellation will not result in discontinuous patterns of urban development; and 5) that there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land; (B) that cancellation is in the public interest based on findings that: 1) other public concerns substantially outweigh the objectives of Government Code, specifically as they relate to the expansion and preservation of the Bobcat Flat Wildlife Area and related upland refugia; and 2) that there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land; accepted the Cancellation Value of the Subject Property as determined by the County Assessor (\$300,000); certified to the County Auditor the Cancellation Fee which must be paid as deferred taxes to be 12½% of the accepted cancellation value (\$37,500); approved Tentative Cancellation of a portion of Williamson Act Contract #2002-4481 subject to payment of the Cancellation Fee; unless the fee is paid within one year of the filing of the Certificate of Tentative Cancellation, the fee shall be re-computed as provided by State Law; directed the Clerk of the Board to record a Certificate of Tentative Cancellation within 30 Days of this action; and, directed the Clerk of the Board, within 30 Days of the Board action, to publish Notice of the Decision, pursuant to Government Code, and to deliver a copy of the published Notice of the Decision to the Director of Conservation; approved Lot Line Adjustment Application #2007-03 and approved rescission of all or a portion of Williamson Act Contract #2002-4481, #2002-4480, and #2002-4455 and approved two new “Open Space” contracts pursuant to Lot Line Adjustment Application #2007-03 and authorized the Planning Director to execute the new contracts; and, approved Variance Application #2007-02 - Friends of the Tuolumne, subject to completion of Williamson Act Contract Cancellation Application #2007-01, subject to the attached Conditions of Approval – Planning 2008-222

Corr 1 Referred to DER and the Department of Animal Services, two reports from the 2007-2008 Stanislaus County Civil Grand Jury regarding the Stanislaus County Department of Animal Services and Stanislaus County Hazardous Materials/Situations Notification.

Corr 2 Referred to the Chief Executive Office, a letter from the Stanislaus Arts Council regarding a grant that was received from the California Arts Council to fund exemplary after-school arts programs for elementary schools in Stanislaus County.

Corr 3 Referred to DER, a letter from the California Department of Toxic Substances Control regarding the draft clean up plan for the future Gregori High School.

Corr 4 Acknowledged receipt of a report from the Stanislaus County Veterans Services Division and a copy of the Annual Report from the California Association of County Veteran Service Officers, Inc.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Melanie Medeiros; Carlos A. Bejarano; Stefani King; Jayden T. King, a minor; and, Juan Guaracha Hernandez.

Supervisor Monteith reported that on 3/20/08, he attended a CSAC Board of Directors meeting and that various counties are trying to address the anticipated State Budget cuts.

Supervisor DeMartini reported that he recently visited Diablo Grande subdivision where 19 more lots have been approved and that despite all the issues that this project has had he believes that the community will continue to grow and move forward.

The CEO closed by reading an excerpt of a poem relating to the County's five retirees.

Adjourned to closed session at 11:08 a.m. for Public Employment: Performance Evaluation – County Chief Executive Officer. Government Code §54957(b).

Closed Session Announcement: Grover/Monteith unan. The Board conducted a performance evaluation of Richard Robinson, CEO, pursuant to Government Code §54957(b); and, upon completion of the evaluation the Board granted a 2.5% Paid for Performance salary increase in recognition of his good performance over this past year 2008-223

Adjourned at 11:54 a.m.

ATTESTED: CHRISTINE FERRARO TALLMAN, Clerk
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: DIANE NAYARES-PEREZ, Deputy 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.)