

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

Regular Session

Tuesday

August 16, 1994

Pledge of Allegiance to the Flag

Senior Dispatcher Jim Wheelless, International Telecommunicator of the Year Award recipient was presented with letters and resolutions of commendation from President Clinton, Senator Feinstein, Congressman Condit, State Senator McCorquodale, Assemblyman Cannella and the Board of Supervisors

P/B unan. Adopted the consent calendar

- Approved minutes of 8/9/94 94-830
- Adopted and waived second reading of C.S. 563 for parking zones on various County roads 94-831 ORD-49-4
- Adopted and waived second reading of C.S. 564 for speed zones on various County roads 94-832 ORD-49-5
- Adopted and waived second reading of OA C.S.565 of Stanislaus County Code Section 21.112 for appeal fee 94-833 S-18-WW-8 & ORD-49-6
- Accepted resignation of Cathy Medeiros from the PIC 94-834 BD-35-C-14
- Proclaimed 8/24/94 as Notary Public Day 94-835 M-33-AE-30
- Approved the allocation of \$5,511.52 for payment of Possessory Interest Tax Bills in accordance with Section 104.13(C) of the California Streets and Highways Code; allocated \$891.30 to the City of Modesto in accordance with Section 104.10 of the California Streets and Highways Code; and allocated \$4,439.42 to the County Road Fund in accordance with the provision in 104.10 of the California Streets and Highways Code that its spending be limited to mass transit or streets and highways purposes - Auditor-Controller 94-836 S-2-H-14
- Approved prescribed the inventory of County Property shall be compiled and filed biennially; and designated the inventory of County Property will be filed with the Auditor-Controller no later than 9/30 (biennially) following the close of the prior FY - Auditor-Controller 94-837 S-2-H-15
- Authorized the Mental Health Director to sign an agreement with Community Temporary Shelter Services for housing services to Homeless Mentally Ill Individuals - Mental Health 94-838 S-17-AG-5
- Approved the 1994-95 State Department of Health AIDS Master Contract 94-20041 and Memorandum of Understanding; authorized the Public Health Director to sign and execute the contract, MOU and any amendments not to exceed a total contract amount of \$400,000 - Public Health 94-839 S-10-U-2
- Approved the first amendments to agreement to increase the scope of survey work being preformed by subconsultants to LPA, Inc. at an additional cost of \$3,795 and approved second amendment to agreement that extends by 6 days the amount of time the County allowed LPA, Inc. to complete their design work 94-840 M-68-2 & S-24-U-6
- Approved subdivision improvements for Parkhaven Place Unit #2 94-841 M-27-F-1
- Approved repair gas lights for Country Club Estates Lighting District 94-842 DL-24-20

Approved final map and accepted subdivision improvements for Somerset Estates Phase II	94-843 M-27-F-7
Approved petition for annexation to Salida Highway Lighting District	94-844 DL-3-A-22
Approved title to lots B and D Wittfield Park Unit #1 subdivision	94-845 M-27-E-17

B/M unan. Accepted donation of \$1,910 from Post-Newsweek Cable, Inc. in order to fund Story Times from 9-12/31/94 and authorized the Auditor-Controller to add \$1,910 to the Library's Revenue, Sub-Object 4059, and appropriations, Sub-Object 5002 94-846 S-15-J-5 (1-180)

P/M unan. Introduced and waived reading of OA section 24.03.010 of the Fire Code-Fire Protection Facilities Fees defining square footage 94-847 M-64-A-3, ORD-42-25, ORD-49-7 & S-33-D-24 (1-210)

C/B unan. approved submitting 3 applications to the CSAC 1994 Challenge Awards and 5 applications to the Partnership Award Programs for: Office of Volunteer Services-Challenge Award; Clean and Sober Education Program - Challenge Award; SSI Advocacy Program - Challenge Award; Stanislaus County Housing Authority Partnership - Partnership Award; Family Practice Residency Expansion - Partnership Award; Momobile Rolls Out - Partnership Award; Stanislaus County Local Match Collaboration - Partnership Award; and Stanislaus County Community Job and Resource Fair - Partnership Award 94-848 S-4-E-18 (1-217)

C/B 4-1 (Paul) Authorized the Chairman to sign contract with Alpine, Mother Lode, San Joaquin Emergency Medical Services Agency to administer certain local emergency medical services as defined by Health and Safety Code, Division 2.5 and the County Ambulance ordinance for the period of 7/1/94 - 6/30/95 - Public Health 94-849 S-10-U-3 (1-243)

M/P unan. Adopted findings that privatization of landscape services as recommended in this report for the Community Services Center and the Public Safety Center are appropriate, based on the sites being remote from available County employee resources and that the County's economic interests are best served by such a contract; awarded a 2 year contract for landscape services for this site to Mike Davis Landscape Company at an annual cost not to exceed \$41,616 or \$3,468 per month; and authorized the CEO to execute an agreement with Mike Davis Landscape for the service 94-850 M-65-B-11 & M-68-3 (1-388)

C/B unan. Revoked UP #80-19 for Pioneer Speedway a conditional UP in an A-2-10 (general agriculture) zone. The Board suspended the execution of the revocation until the date of 11/1/94 which will allow the Planning Commission and the Board sufficient time to hear the new use permit application. The Board's decision is based after conducting a properly noticed hearing which several witnesses testified both for and against the revocation. The Board based decision upon a review and consideration of staff reports to the Board which included several attachments and have specifically included the transcript of the Planning Commission meeting of 6/16/94 as well as receiving and considering and making their decision based upon the testimony of all the witnesses and all the various documents and photographic evidence and other material and documents which were submitted and reviewed and considered by the Board in making their decision. The Board specifically finds: (1) that the permittee in this instance failed to comply with certain conditions that were set forth in the permit. The Board finds (2) the permit provided that failure to perform any of the stated conditions would constitute grounds for revocation. The Board also finds that (3) there is sufficient and substantial evidence presented from the testimony, documentary evidence and the staff reports that several of the

conditions set forth in the permit were violated. The Board finds (4) evidence of violation include the fact there is substantial evidence that the track has been expanded from that which it was originally approved, and that finding is based upon the evidence and testimony of witnesses, the aerial photographs and other documents which have been introduced and considered by the Board. The Board, further finds that (5) there was substantial evidence showing there has been violation of hours and that operations of the track hours were operated beyond the designated time frames. The Board finds that (6) there have been other violations of the permit including some "light" violations and racing of "go carts". The Board finds (7) there is substantial evidence to support violations of overnight camping. In addition, separately the Board further finds (8) that there is substantial evidence showing violations of permit conditions on the record which, in and of itself, support revocation of the permit. In addition the Board further finds (9) that there has been substantial evidence received on the issue of "nuisance" and the Board finds separate from the permit conditions violations that the business has been conducted in a manner which constitutes a nuisance in the areas overnight camping, parking on neighbors property, "light" violations "go cart" racing as well as violations of hours of operations. 94-851 S-30-AD-9

Recessed at 9:37 p.m.

Reconvened at 9:50 p.m.

P/M unan. Approved as amended the name changes of Richardson Court and Richardson Drive to Gold Run Drive and left Marquette 94-852 S-22-AK-30

C/M 4-0 (Blom abstained) Approved the abandonment of a portion of Iowa Avenue near the City of Modesto after finding Iowa Avenue is unnecessary for present or prospective use and adopted a resolution to vacate 94-853 S-22-AK-31 (1-594)

Referred to the Department of Public Works a letter from Oakdale Irrigation District regarding the operation of OID reclamation pumps for storm drainage removal purposes

Referred to the Public Facility Fee Committee a letter from SCM Corporate Group protesting the imposition of County Capital Facility Fees for Summerfaire Group: lot 135, plan 3300

Referred to the Public Facility Fee Committee a letter from Neumiller & Beardslee protesting the imposition of County Capital Facility Fees for Newport West Phase II lots 11, 12, 13 and 14, Block 9866

Referred to the CEO a letter from the Office of Emergency Services regarding the designation of Stanislaus County as a disaster area due to the damages caused by a fire which occurred in the City of Modesto on 4/7/94

Acknowledged receipt of claims, referred to Risk Management the following claims: Janet Bush, Sue Cain, Carol Tedfor, William Bush, Jr., Lawrence Bush - Decedent William John Bush's Successors, Ignacio Rios, Trudi Mae Rice, Chavarria vs. Beidleman, Pauline Andrews, Zamudio Rosendo Cruz, James Atrins, Mark G. Stanislaw, Albert Gulart, and Chris A. Crawford

CEO reported the Empire Fire District voted to participate in the Fire Consolidation District. All four fire districts involved have agreed to move forward. The next steps will be to prepare the appropriate applications to LAFCO, prepare the appropriate draft agreements to this agency and the new fire agency,

and to deal with some of the fiscal consolidation and close out issues as we get out of the business and the district gets into it. The CEO will come back to the Board with more detailed reports as we move along.

Supervisor Paul asked for an update on the Graffiti Ordinance. County Counsel responded the Ordinance would be coming to the Board within two weeks - there are still some outstanding issues to resolve. Senator McCorquodale's bill is proceeding rapidly through the State Legislature and is expected to be ratified within two weeks

Adjourned at 11:44 p.m.

ATTESTED: REAGAN M. WILSON, Clerk
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: CHRISTINE FERRARO, Deputy Clerk

(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.)