

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

Regular Session

Tuesday

December 7, 1999

All Supervisors Present

Pledge of Allegiance to the Flag

The Annual Report of the Stanislaus County Child Care Planning Council (SCCPC) was given

A verbal presentation was given to the Board by Representatives of the San Diego Wild Animal Park regarding a Wild Animal Park in Stanislaus County

John Mataka from Grayson spoke regarding the Westley Tire Fire site and requested that the Board act on several request from the Community Action Awareness Committee. He resigned from Supervisor Caruso's Citizen Advisory Committee

Karen Cox spoke regarding the health survey from the citizens near the Westley Tire Fire site and would like to see a health study regarding asthma patients within the fire area. She also spoke regarding the management of the tire pile and the clean up of the site

Grace Cox spoke regarding the monitoring of the site, the \$1 million dollar bond and the 90 trailers filled with tires in the Westley area.

Chairman Simon said that the Board would send a letter demanding that no more tires be delivered to the site and would give copies to the Advisory Committee. The CEO showed a photo and updated the Board on the situation of the tire pile and asked for a copy of the health information Karen Cox spoke about.

Ray Paul spoke on a CPS issue regarding his grandchildren

P/C unan. Adopted the consent calendar after removing from the Consent Calendar items: *A-7 Approval to Set a Public Hearing on January 11, 2000 at 9:30 a.m. to Consider the Appeal of Planning Commission's Decision to Continue General Plan Amendment Application No. 99-01, Rezone Application No. 99-01, and Tentative Subdivision Map Application Nos. 99-01, 99-07, 99-08, 99-09 - Pimentel, Runyan, Naranjo and Peacock Development; and, item *B-10 Approval to Award the County Center III, Building 1 Demolition and Asbestos Abatement Contract to APC Contractors, Inc.; and, removed from the agenda item *B-11 Approve the Conversion of the Health Services Agency Managing Director Position from a Contract Status to a County Employee Status

Approved minutes for 11/23/99

Adopted and waived the second reading of Ordinance C.S. 708 repealing speed zones on various County roads 1999-929 ORD-54-D-8

Adopted and waived the second reading of Ordinance C.S. 709 establishing a no parking zone on Leckron Road and amending a no parking zone on Mariposa Road 1999-930 ORD-54-D-9

Appointed David Cerutti to the Animal Advisory Board 1999-931

Accepted the resignation of Antonio Mello from the Reclamation District 2063 1999-932

Approved the Board of Supervisors' Meeting Calendar for 2000 1999-933

Approved commendation for Berdette Cofer on Being Named Man of the Year from the American Legion Post 74 1999-934

Allocated \$6,3371.15 for payment of possessory interest tax bills in accordance with Section 104.13(c) of the California Streets and Highways Code; allocated \$2,653.80 to the City of Modesto in accordance with Section 104.10 of the California Streets and Highways Code; and, allocated \$11,015 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 highway purposes - Auditor-Controller 1999-935

Continued the Local Emergency Proclamation issued by the Director of Stanislaus County's Emergency Services on 9/22/99 due to the Westley Tire Fire and directed all appropriate action to be taken relative to the Local Emergency 1999-936

Approved the transfer of Forfeited Fraud Prosecution Funds to establish a Foster Children's Scholarship Fund and authorized the Auditor-Controller to transfer \$10,000 in General Funds - Community Services Agency/District Attorney 1999-937

Adopted a resolution approving, and authorizing the Chairman to sign the contracting Communities Agreement to reimburse Ogden Martin Systems of Stanislaus, Inc. for expenses incurred in connection with the issuance of the 1999 Certificates of Participation and the Refunding of the 1990 Certificates - Environmental Resources 1999-938

Approved the capital equipment costs for relocation and expansion of the Oakdale Medical Office in collaboration with Oak Valley Hospital and approved the purchase of capital equipment - Health Services Agency 1999-939

Approved contract #99-85761 with the State Department of Health Services for the Women, Infants and Children (WIC) Supplemental Nutrition Program and authorized the HSA Managing Director, or her Designee, to sign and execute the contract - Health Services Agency 1999-940

Authorized the extension of lease agreement with existing concessionaire at Woodward and Modesto Reservoirs and authorized the Purchasing Agent to sign agreement extensions with existing concessionaire at Woodward and Modesto Reservoirs – Parks 1999-941

Authorized the Director of Parks and Recreation to reduce Camping Fees at Woodward and Modesto Reservoirs from 12/1/99 through 3/31/00 – Parks 1999-942

Approved and authorized the Chairman to sign the extension of the agreements with State of California Wildlife Conservation Board for the operation of Orestimba Fishing Access until 12/31/04 – Parks 1999-943

Approved the Plans and Specifications for the repair of Settled Final Cover Project at the Geer Road Landfill project and authorized the Clerk to schedule the dates for advertising the project on 12/15, 22, and 29/99 and the bid submittal deadline for 1/5/00 prior to 2:30 p.m. 1999-944

Introduced and waived the first reading of Ordinance C.S. 710 amending Title 11 of the Stanislaus County Code Section 11.08.020, repealing parking zones, on various County roads and find that the ordinance is not subject to CEQA

1999-945 ORD-54-D-10

Find that the Final Map of Oakmore Estates Subdivision, Phase 1, is in substantial compliance with the previously approved Tentative Map; find that Stanislaus County has adopted a Specific Plan covering the area proposed to be included within the Final Map; find that the Final Map, together with the provisions for its design and improvement, is consistent with the Specific Plan for the area; that all roads, highways, streets, avenues, alleys, lanes, ways, easements, and places not to be accepted at this time, but reserve the right to accept at any future time; authorized the Chairman to sign the Final Map and the Subdivision Improvement Agreements; and, authorized the Final Map of Oakmore Estates Subdivision, Phase 1 to be filed and recorded as presented

1999-946

Find that Benja Lane and Carsean Court have been constructed to the satisfaction of Stanislaus County; accepted Benja Lane and Carsean Court, as they are shown on the Parcel Map, filed in Volume 49 of Parcel Maps, Page 37 on 3/16/99, for maintenance by Stanislaus County; and, authorized the release of the Performance and Labor Materials Guarantees

1999-947

Set a public hearing regarding Performance Review of Community Development Block Grant No. 97-EDBG-490 for 1/11/00 at 9:25 a.m.

1999-948

C/P unan. Awarded the abatement and demolition contract for the remodel of County Center III, Building 1 to APC Contractors, Inc., subject to the submission of required bonds and insurance; approved the basis of award of the demolition and asbestos abatement contract for the base bid of \$46,630; and, authorized the Project Manager to issue a Notice to Proceed upon successful completion of contract terms

1999-950

C/M unan. Set a public hearing to consider the appeal of Planning Commission's decision to continue General Plan Amendment Application #99-01, Rezone Application #99-01, and Tentative Subdivision Map Application #s99-01, 99-07, 99-08, 99-09 - Pimentel, Runyan, Naranjo and Peacock Development and amended the time of the public hearing to 12/21/99 at 8:00 p.m.

1999-949

M/P unan. adopted a resolution authorizing the issuance, execution and delivery of the Stanislaus Waste to Energy Financing Agency for the Solid Water Facility Refunding Revenue, Certificates Series 1999

1999-951

Recessed at 10:25 a.m.

Reconvened at 10:40 a.m.

C/B (4-1)(Mayfield opposed) As the Conducting Authority, adopted the Dissolution of the Romero-Newman Water District pursuant to Government Code Section 57000 et seq; adopted a resolution ordering the dissolution without an election pursuant to Government Code Section 57083(a)(3) unless sufficient written protests, in accordance with Government Code Section 57078, are submitted and not withdrawn by the conclusion of the hearing to terminate these

proceedings (no written protest were submitted); and, directed the Clerk of the Board to forward this resolution to the LAFCO Executive Officer 1999-952 DW-16-5

Recessed at 12:53 p.m.

Reconvened at 1:06 p.m.

(Note: The following items A-G, related to Diablo Grande, are covered and supported by the same Staff Report.)

C/B unan. Pursuant to the Writ of Mandate dated 10/1/99 from the Stanislaus County Superior Court, adopted a resolution to set aside and void the recertification of the Diablo Grande Specific Plan EIR as Supplemented by the Water Resources Plan Supplemental EIR and all approvals related to the Diablo Grande Specific Plan or Phase 1 Project that Relied upon the Diablo Grande Specific Plan EIR as Supplemented 1999-953

C/B unan. Adopted a resolution recertifying the Diablo Grande Specific Plan EIR (Sch #91032066) as Supplemented by the Water Resources Plan Supplemental EIR (Sch #97032022) only insofar as they address development of Phase 1 served with water from Berrenda Mesa and onsite groundwater and amended the resolution to include the making of certain court-mandated findings 1999-954

C/B unan. Finds that substantial evidence exists to support the findings listed in the Writ of Mandate dated 10/1/99 from the Stanislaus County Superior Court 1999-955

C/B unan. Adopted Resolution Re-authorizing General Plan Amendment No. 91-01 and Specific Plan Application No. 91-01 - Diablo Grande, only insofar as they apply to development of Phase 1 1999-956

C/B unan. Reintroduced and waived first reading of Ordinance C.S. 542 for Rezone Application 91-01 and Modified Sectional District Map 9-110.840-A 1999-957 ORD-48-5 ORD-54-B-7

C/B unan. Introduced and waived the first reading of Ordinance C.S. 711 for the Phase 1 Preliminary Development Plan - Diablo Grande **(Note: Same as Ordinance C.S. 678 introduced on 7/28/98 and adopted on 8/18/98)** 1999-958 ORD-54-D-11

C/B unan. Approved Tentative Map Application No. 97-01 - Diablo Grande Unit 1, including Approval of: a) Berrenda Mesa and On-site Wells as the Specific Water Sources for Phase 1, b) Minor Proposed Changes to the 1993 Mitigation Monitoring Reporting Plan, c) Western Hills Water District and Diablo Grande Standard Drawings and Specifications, d) Diablo Grande Limited Partnership, Diablo Grande Commercial Association, and Diablo Grande Residential Association as the entities responsible for ownership, funding, operation, and maintenance of private roads, landscape areas, parks/creekside areas, open space, wildlife, corridors, street lighting, guard shack, communication facilities, utility facilities, utility sites, wetlands, and the Sheriff station, and e) Western Hills Water District as the entity responsible for funding, operating, and maintaining water, wastewater, and storm drain systems 1999-959

Referred to the Health Services Agency a notice from the Partnership for the Public's Health requesting applications from community groups in Stanislaus County 1999-960

C/B (4-1)(Paul) Approved spending \$5,000 on the Modesto Millennium for the Downtown Countdown fireworks display

Supervisors Caruso and Paul will serve on the Ballot Processing Panel for the City of Modesto Run-off Election on Tuesday, 12/14/99 per a invitation from Karen Matthews, County Clerk-Recorder

Acknowledged receipt of claims and referred to the CEO-Risk Management the following claims: Barbara B. Williams/Bill H. Williams; Lassen Gold Mining, Inc.; Deborah Roberts; Austin Uselton; and, Frank Allen Gilliam, Sr.

Supervisor Blom attended the annual CSAC conference where he attended meetings on affordable housing, now referred to as workforce housing and Proposition 10

Supervisor Paul also attended the CSAC conference where she attended meetings on Proposition 10 and smart growth workshops

Supervisor Caruso requested that the County stay abreast the growth imitative and make a stand in our visioning statement

The CEO reported on the CSAC conference and the presentation made by Stanislaus County and the City of Modesto collaboration on the 10th Street Place. He also noted that the visioning statement will be inclusive of the input received throughout the County

Supervisor Caruso updated the Board on the Governor's Fall Central Valley Economic Summit he attended in Fresno

Adjourned to Closed Session at 1:40 p.m. for a Conference with Labor Negotiator Agency Negotiation: Reagan Wilson; Employee Organizations: AFSCME Local 10, OE3, CNA, SCEA - Government Code Section 54954.5 (p)

Adjourned at 2:30 p.m.

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

BY: Christine Ferraro Tallman, Clerk to 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.)