

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

Regular Session

Tuesday

December 18, 2001

All Supervisors Present

Pledge of Allegiance to the Flag

The Honorable William Mayhew, Presiding Judge of the Superior Court, swore in various MAC members of the Empire, Denair, Hickman, Keyes, Knights Ferry and Salida MACs.

Mayor Sabatino spoke regarding a recent Modesto Bee editorial on the City of Modesto's garbage rates.

Don Ragan requested a lien be removed, or temporarily removed, from the home of Virginia Wolf so she can refinance her home.

Raul Ortega spoke regarding the need of the residents of the County islands to have large item garbage pick-up service.

C/S unan. Adopted the consent calendar

*A1 Approved the minutes of 12/11/01 and 12/12/01

*A2 Adopted and waived the second reading of Ordinance C.S. 779 regarding campaign reform

ORD-54-J-2 2001-981

*A3a Reappointed William Howard to the Tuolumne River Regional Park Citizens' Advisory Committee

2001-982

*A3b Reappointed Maria Arevalo to the Mental Health Board

2001-983

*A3c Reappointed Diana Haile and Jenice Sechler to the Housing Authority of the County of Stanislaus

2001-984

*A3d Reappointed Bart Conner to the Juvenile Hall Service League Board

2001-985

*A3e Reappointed Michael Krausnick and Jim Milam to the Stanislaus County Law Library Board of Trustees

2001-986

*A3f Reappointed Kent Crawford to the Stanislaus County Employees' Retirement Board

2001-987

*A3g Reappointed Dan Peterson to the Turlock Mosquito Abatement District Board

2001-988

*A3h Reappointed Michael Loeffler to the Assessment Appeals Board

2001-989

*A3i Reappointed Denny Hoeh to the Citizens' Advisory Committee to the SJVUAPCD

2001-990

*A3j Reappointed Arthur Felice and Betty Scheuber to the Storm Drain District #8 Board of Directors

2001-991

*A3k Reappointed Ralph Morgan, Timothy Ragsdale, Ross Kitson and Bryan Nicholes to the Fire Code Board of Appeals

2001-992

*A3l Reappointed Andrew Souza to the Stanislaus County Planning Commission

2001-993

*A3m Reappointed Harish Mehra to the Hazardous Waste Management Advisory Committee

2001-994

*A4a Appointed Linda Vargo to the Juvenile Hall Service League Board

2001-995

*A4b Appointed Everett B. Souza, Jr. to the Turlock Mosquito Abatement District Board

2001-996

*B1 Approved the allocation of Highway Property Rental Revenue, Deposit Permit #69581 dated 11/16/01, in the amount of \$15,140.72 as follows: allocated \$6,958.95 for payment of possessory interest tax bills in accordance with §104.13(c) of the California Streets and Highways Code; allocated \$2,506.80 to the City of Modesto in accordance with §104.10 of

- the California Streets and Highways Code; and, allocated \$5,674.97 to the County Road Fund in accordance with the provision in §104.10, that its spending be limited to mass transit or streets and highways purposes – Auditor-Controller 2001-997
- *B2** Approved the agreement with Scenic Faculty Medical Group for the provision of non-psychiatric medical services; and, authorized the Director of BHRS, or his Designee, to sign the agreement 2001-998
- *B3** Authorized the Director of BHRS to accept additional Federal Substance Abuse and Mental Health Services Administration Block Grant funding for the Dual Diagnosis Project for FY 2001/02; and, authorized the Auditor-Controller to increase budget expenditures and revenues 2001-999
- *B4** Accepted the completed sight-and-sound fence for the Stanislaus Recovery Center at 1904 Richland Avenue, Ceres; approved the final contract with the contractor, Fence Systems, Inc., dba The Yard, of Modesto, California, with a final contract cost of \$75,892; authorized the Chair to sign the completion documents; and, accepted the project and authorized the necessary recording of the Final Notice of Completion and all other necessary close out activities – CEO 2001-1000
- *B5** Authorized the Chair and the CEO to sign the Annual Equal Rights Commission Statement 2001-1001
- *B6** Authorized the CEO to submit a Federal Grant Application for the Federal Office of Justice Programs Drug Courts Program Office to enhance the County’s Adult Drug Court Program 2001-1002
- *B7** Amended the Salary and Position Allocation Resolution to reflect the effective date as 9/18/01 for the reclassification of the Clerical Division Supervisor position to Manager II in the DA’s Criminal Division – CEO 2001-1003
- *B8** Authorized HSA to apply for the AIDS Case Management Program Contract available through the California Department of Health Services for the period 7/1/02 through 6/30/03; and, authorized the HSA Interim Managing Director, or her Designee, to sign and execute the application 2001-1004
- *B9** Authorized the Sheriff to accept Department of Education Second Year Funding in the amount of \$459,830, to continue Transitional Road to After Custody and Self-Sufficiency (TRACS) Program for inmates; directed the Auditor-Controller to set up a special revenue fund and carry forward funds from the year end; and, authorized the Sheriff to negotiate and sign agreements with the service providers to continue this program 2001-1005
- *B10** Approved a Joinder Agreement in accordance with the Trial Court Employment and Governance Act, GC§71600 et seq, providing for continued participation in the Hartford Deferred Compensation Plan for Trial Court employees – Superior Court 2001-1006
- *B11** Accepted the Stanislaus County Treasury Pool’s 9/2001 Monthly Investment Report as prepared by the Stanislaus County Treasurer-Tax Collector’s Office and reviewed for conformity with State law and Local Investment Policy by the Stanislaus County Treasury Pool Oversight Committee; and, authorized the Chair to sign that the report has been reviewed and accepted 2001-1007

B/C unan. **C1** Accepted the Stanislaus County Commuter Rail Feasibility Study and authorized staff to continue investigation of bringing Commuter Rail to Stanislaus County 2001-1008

S/M (3-2) (Blom and Caruso opposed) **7:35 p.m.** Finds the project for GPA #2001-08 and Rezone Application #2001-14 - Creative Alternatives, Inc., to amend the General Plan designation of Agriculture and zone of A-2-40 to Planned Development to allow for an increase from six to ten boys to reside in an existing group home located at 1101 E. Greenway Avenue in the Turlock area, to be de minimis for the purposes of collection of Fish and Game fees, pursuant to California Code of Regulations §753.5; adopted

the Findings of Fact contained in the Certificate of Fee Exemption, which are based on the analysis presented in the Initial Study; ordered the filing of the Certificate of Fee Exemption with the Clerk-Recorder's Office; adopted the Negative Declaration pursuant to California Code of Regulations §15074(b); finds that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the County's independent judgement and analysis; ordered the filing of a Notice of Determination with the Clerk-Recorder's Office, pursuant to Public Resources Code §21152 and California Code of Regulations 15075; finds that the project is consistent with the overall goals and policies of the County General Plan and that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation; approved GPA #2001-08 and Rezone 2001-14 – Creative Alternatives, subject to the Development Standards; and, introduced, waived the reading and adopted Ordinance C.S. 774 for the approved Rezone Application #2001-14 – Planning and Community Development ORD-54-I-9 2001-1009 & 2001-1010

M/B unan. **7:40 p.m.** Finds the project for GPA #2001-01 and Rezone Application #2001-01 - Jim Messner, to amend the General Plan designation from Agriculture to Planned Development and rezone from A-2-40 (General Agriculture) to Planned Development on 21± acres for construction of a mini storage facility on 5± acres, a sign company on 2± acres, commercial/warehouse use on 3± acres, with permanent agricultural use on 10± acres located at the corner of Golden State Boulevard and Barnhart Road in the Keyes area, to be De Minimis for the purposes of collection of Fish and Game fees, pursuant to California Code of Regulations §753.5; adopted the Findings of Fact contained in the Certificate of Fee Exemption, which are based on the analysis presented in the Initial Study; ordered the filing of the Certificate of Fee Exemption with the Clerk-Recorder's Office; adopted the Mitigated Negative Declaration pursuant to California Code of Regulations §15074(b); finds that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the County's independent judgement and analysis; adopted the Mitigated Monitoring Plan pursuant to California Code of Regulations §15075; ordered the filing of a Notice of Determination with the Clerk-Recorder's Office, pursuant to Public Resources Code §21152 and California Code of Regulations 15075; finds that the proposed modified GPA is consistent with the overall goals and policies of the Land Use Element of the County General Plan, with the overall General Plan and with the Keyes Community Plan as it relates to the proposed mini-storage facility and other project uses and components; approved GPA #2001-01, as modified; finds that the proposed Planned Development Zoning is consistent with the Planned Development General Plan designation; approved Rezone Application #2001-01 – Jim Messner, as modified, subject to the Mitigation Monitoring Plan Development Standards; and, introduced, waived the reading and adopted Ordinance C.S. 782 for the approved Rezone Application #2001-01 – Planning and Community Development ORD-54-I-17 2001-1011 & 2001-1012

M/S unan. **7:45 p.m.** Finds the project for GPA #2001-10 and Rezone Application #2001-17 – Patricia M. Cousins, to amend the General Plan designation of Urban Transition and zone of A-2-10 to Planned Development to allow restoration and remodeling of an existing house into a law office located at 3865 Roeding Road in the Ceres area, to be De Minimis for the purposes of collection of Fish and Game fees, pursuant to California Code of Regulations §753.5; adopted the Findings of Fact contained in the Certificate of Fee Exemption, which are based on the analysis presented in the Initial Study; ordered the filing of the Certificate of Fee Exemption with the Clerk-Recorder's Office; adopted the Negative Declaration pursuant to California Code of Regulations §15074(b); finds that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the County's independent judgement and analysis; ordered the filing of a Notice of Determination with the Clerk-Recorder's Office, pursuant to Public Resources Code §21152 and California Code of Regulations

15075; finds that the project is consistent with the overall goals and policies of the County General Plan and that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation; approved GPA #2001-10 and Rezone Application #2001-17 – Patricia M. Cousins, subject to the Development Standards; and, introduced, waived the reading and adopted Ordinance C.S. 783 for the approved Rezone Application #2001-17 – Planning and Community Development
ORD-54-I-18 2001-1013 & 2001-1014

No action was taken on the **7:50 p.m.** public hearing to consider approval of GPA #2001-07 and Rezone Application #2001-11 - D & L Concrete Pump, Inc. (**NOTE: THIS ITEM COULD NOT BE HEARD DUE TO THE PLANNING COMMISSION’S CONTINUANCE TO ITS 6/6/02 MEETING.**)

B/M unan. **7:55 p.m.** Finds the project for Rezone Application #2001-15 – Forrest M. Aarvig, to rezone 1.33 acres from A-2-40 (General Agriculture) to PD (Planned Development) to allow a 20,307 square foot building to be constructed and used for Planned Industrial uses on property located east of Highway 99 at the north end of Kiernan Court in Salida, to be De Minimis for the purposes of collection of Fish and Game fees, pursuant to California Code of Regulations §753.5; adopted the Findings of Fact contained in the Certificate of Fee Exemption, which are based on the analysis presented in the Initial Study; ordered the filing of the Certificate of Fee Exemption with the Clerk-Recorder’s Office; adopted the Mitigated Negative Declaration pursuant to California Code of Regulations §15074(b); finds that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the County’s independent judgement and analysis; adopted the Mitigation Monitoring Plan, pursuant to California Code of Regulations §15074(d); ordered the filing of a Notice of Determination with the Clerk-Recorder’s Office, pursuant to Public Resources Code §21152 and California Code of Regulations 15075; finds that the project is consistent with the overall goals and policies of the County General Plan; finds that the proposed Planned Development zoning is consistent with the Planned Development General Plan description; finds that the project will increase activity in and around the project area, and increase demands for roads and services, thereby requiring dedications and improvements; approved Rezone Application #2001-15 – Forrest M. Aarvig, subject to the Development Standards; and, introduced, waived the reading and adopted Ordinance C.S. 784 for the approved Rezone Application #2001-15 – Planning and Community Development ORD-54-I-16 2001-1015 & 2001-1016

Corr 1 Referred to the Chief Probation Officer, a letter from the California Department of the Youth Authority regarding proposed rulemaking pertaining to voluntary psychotropic medication to minors as an emergency action.

Corr 2 Acknowledged receipt of the 2001 Annual Report of the CSAC Excess Insurance Authority and referred the report to the CEO-Risk Management Division.

Corr 3 Referred to CSA and the Department of Planning and Community, a letter from the U.S. Department of Housing and Urban Development regarding the awarding of Stanislaus County’s 2002 CDBG, HOME Investment Partnership (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for persons with AIDS (HOPWA) programs.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Dennis Winchester; and, Samantha A. Geer.

Supervisor Caruso voiced his concerns regarding the TID and PG&E power agreements and the energy cost to the residents on the west side of the County. This issue is being looked into by County staff.

Chair Paul greeted Rick Santos the National Commander of American Legion to Stanislaus County at a recent event.

The CEO wished the Board Happy Holidays.

Adjourned at 10:03 p.m.

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

BY: LILLIE L. FARRIESTER, 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.)