

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

Regular Session

Tuesday

July 2, 2002

Supervisors Blom and Paul absent

Pledge of Allegiance to the Flag

Tom Watson, Treasurer-Tax Collector, thanked the Board for continuing to do the Pledge of Allegiance to the Flag at the commencement of the meeting.

C/S (3-0) (Blom and Paul absent) Adopted the consent calendar

- ***A1** Approved the minutes of 6/25/02
- ***A2a** Appointed Jeri Van Vooren and Kim Mallock to the Commission on Aging 2002-509
- ***A2b** Appointed Thomas Waterson to the Mountain View Fire Protection District Board 2002-510
- ***A3** Reappointed Cindy Woolston and Cliff Larabee to the Regional Advisory Committee of the Mountain-Valley Emergency Medical Services Agency 2002-511
- ***A4a** Accepted the resignation of Karl Whitehead from the Mental Health Board 2002-512
- ***A4b** Accepted the resignation of Cammie Lear from the Stanislaus County Children's Council 2002-513
- ***A5** Consolidated the City of Riverbank's Municipal Election with the General Election on 11/5/02 2002-514
- ***A6** Set a public hearing on 8/6/02, at 9:30 a.m., to consider an appeal of the Planning Commission's decision of 6/20/02 regarding a Conditional Certificate of Compliance for Assessor's Parcels 81-07-02 and 81-07-03 located at Dakota and Blue Gum Avenues 2002-515
- ***B1** Authorized the CEO to submit a Block Grant Application to the Bureau of Justice Assistance for 2002 Local Law Enforcement Funding to enhance Criminal Justice processes; and, authorized the CEO to review the Grant Application with the Local Law Enforcement Advisory Group and complete the required public hearing announcements 2002-516
- ***B2** Authorized DET to receive and expend Program Year (PY) 2002-03 Workforce Investment Act (WIA) Funds in accordance with the approved Stanislaus County Strategic Five-Year Local Plan; authorized the Director of DET to sign all WIA-related sub-grant agreements and any modifications or adjustments as required by the State; authorized the Director of DET, or his Designee, to enter into and sign agreements and contracts to expend PY 2002-03 WIA funds in amounts which may exceed \$100,000 2002-517
- ***B3** Approved HSA to submit a grant application to the California Health Manpower Policy Commission for capitation funding to provide support for three Residents' salaries in the HSA's Family Practice Residency Program over the period of 7/1/03 through 6/30/06; authorized the HSA's Interim Managing Director, or her Designee, to sign and execute the application; and, authorized the HSA's Interim Managing Director to negotiate and accept the contract if awarded 2002-518
- ***B4** Authorized the Library to accept a \$1,000 "California Stories: Reading the Grapes of Wrath" grant from the California Council for the Humanities; authorized the Librarian to execute contracts and/or agreements to accept the grant funds; and, approved the reflected changes to the Library's 2002-03 Legal Budget 2002-519
- ***B5** Adopted a resolution to amend and restate the Stanislaus County Deferred Compensation Plan to conform with the Economic Growth and Tax Relief Reconciliation Act of 2001;

- authorized the Chairman to execute the amended plan; authorized staff to conduct a special open enrollment period for plan participants to make changes in contributions; and, directed staff to notify all plan providers that the County has adopted an amended plan conforming to EGTRRA – CEO/Risk Management 2002-520
- *B6** Accepted the Stanislaus County Treasury Pool’s April, 2002 Monthly Investment Report as prepared by the Stanislaus County T/TC’s Office and reviewed for conformity with State Law and Local Investment Policy by the Stanislaus County Treasury Pool Oversight Committee; and, authorized the Chairman to sign that the report has been reviewed and accepted 2002-521
- *C1** The Board finds that the territory (Atlas Park Annexation), more particularly described on Exhibits "A" and "B" is owned by Petitioner, and that Petitioner's ownership represents 100% of the total assessed valuation of all taxable property within the territory proposed to be annexed into said district; finds that Stanislaus County Code, §21.40.040, requires the installation of a street lighting system to serve the territory; finds that the territory proposed to be annexed is not within the limits of any other lighting district; finds that public necessity and welfare require that the territory be annexed to the Almond Wood Estates Lighting District; ordered that the requirements of said notice, hearing, and election shall not be applicable to this proceeding, pursuant to Streets and Highways Code, §19056; ordered that the territory be annexed to the Almond Wood Estates Lighting District of Stanislaus County; finds the fact of filing of the petition was received by the Clerk of the Board on 6/26/02; ordered that, pursuant to the Streets and Highways Code, §19000, et seq, the cost of conducting and maintaining the Lighting District shall be assessed against the individual parcels of land within the District's boundaries; directed the Clerk of the Board to send a certified copy of the resolution ordering the annexation to the Lighting District to the Department of Public Works, the offices of the Assessor, Elections, Auditor-Controller, and the Clerk-Recorder; and, directed the Department of Public Works to send a certified copy of the resolution ordering the annexation to the Lighting District and all other required documents and the processing fee to the SBE DL-25-A-1 2002-522
- *C2** The Board finds that all subdivision improvements required for Tentative Parcel Map #2000-28 Conditions of Approval have been constructed to the satisfaction of Stanislaus County; accepted all streets, avenues, ways, roads, and street drainage system constructed for Tentative Parcel Map #2000-28 for maintenance by Stanislaus County; and, authorized the County Surveyor to file the Final Parcel Map #2000-28, Chris Bonson – PW 2002-523
- *C3** Directed the Auditor-Controller to increase appropriations and estimated revenue by \$17,200 in the project account for the Kiernan Avenue at Stoddard Road Intersection Improvement Project, to provide for the additional design work and engineering phase of the project; and, directed the Purchasing Agent to execute the Design Contract Amendment on behalf of the County – PW 2002-524
- *C4** Awarded the contract for the Compressed Natural Gas (CNG) Vehicle Fueling Facilities to W.M. Lyles Co. of Fresno, CA, in the amount of \$1,114,607.40; directed the Auditor-Controller to increase appropriations by \$1,130,000.00 and estimated revenue by \$1,114,607.40; and, authorized the Purchasing Agent to establish a contract with W. M. Lyles Co. of Fresno, CA for the contract amount – PW 2002-525
- *C5** Approved Contract Change Order #7 and the balance of contract items for the final contract cost for the Anderson Road Bridge at Orestimba Creek Bridge Reconstruction Project; and, directed the Auditor-Controller to increase appropriations for the contract cost in the amount of \$41,519.91, to cover increased construction costs associated with the project – PW 2002-526
- *D1** Set a public hearing on 8/20/02, at 6:35 p.m., regarding the Annual CDBG Performance Report for FY 2001/02 - Planning and Community Development 2002-527

- ***D2** Increased the First Time Homebuyer Assistance Maximum to \$30,000 as part of State HOME Investment Partnership Program Grant 99-HOME-0401 – Planning and Community Development 2002-528
- ***D3** Rescinded a portion of Williamson Act Contract Nos. #77-2795 (Fairland Ave., District 1) and #72-0845 (Magnolia Ave., District 5) and approved new contracts, pursuant to Minor Lot Line Adjustment Applications 2001-61 and 2002-15; 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 Section 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; 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 2002-529

S/C (3-0) (Blom and Paul absent). **B7** Accepted the six month progress report from the HSA and the Mountain Valley Emergency Medical Services Agency on the restructuring of the EMS dispatch, first response, and ambulance transport configuration for Stanislaus County; directed the HSA and the Mountain Valley Emergency Medical Services Agency to report back to the Board with another progress report in six months 2002-530

C/S (3-0) (Blom and Paul absent) **B8** Authorized the HSA to contract with the State Department of Health & Human Services (DHSS) to develop a Metropolitan Medical Response System (MMRS); approved HSA to accept \$400,000 incrementally upon the completion of deliverables as specified in the contract; and, authorized the HSA Interim Managing Director, or her Designee, to sign the contract and accept these funds 2002-531

S/C (3-0) (Blom and Paul absent) **9:35 a.m.** Finds the project for Rezone Application #2002-01 - Pirrone Business Park, to develop a Planned Industrial/Commercial facility on 6.58 acres located east of Pirrone Road, South of Hammett Road Interchange, in the unincorporated community of Salida, 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 analysis presented in the Initial Study, and ordered the filing of the certificate of Fee Exemption with the Clerk-Recorder's Office; adopted the Mitigated Negative Declaration pursuant to CEQA Guidelines 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 the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgement and analysis; adopted the Mitigation Monitoring Plan pursuant to CEQA Guidelines 15074(d); 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 the project is consistent with the overall goals and policies of the County General Plan; finds the proposed P-D zoning is consistent with the Planned Development General Plan description; finds the project will increase activities in and around the project area and increase demands for roads and services, thereby requiring

dedication and improvements; approved Rezone Application # 2002-01 - Pirrone Business Park, subject to the attached Development Standards and Development Schedule; and, introduced, waived the reading and adopted Ordinance C.S. 799 for the approved Rezone Application #2002-01 - Planning and Community Development
ORD-54-K-1 2002-533 & 2002-534

C/S (3-0) (Blom and Paul absent) **9:40 a.m.** Finds the project for Rezone Application #2002-02 - A & L Pirrone Vineyards, to develop a Planned Industrial/Commercial facility on 5.83 acres located east of Pirrone Road, South of Hammett Road Interchange, in the unincorporated community of Salida, 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 analysis presented in the Initial Study, and ordered the filing of the Certificate of Fee Exemption with the Clerk-Recorders Office; adopted the Mitigated Negative Declaration pursuant to CEQA Guidelines 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 the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgement and analysis; adopted the Mitigation Monitoring Plan pursuant to CEQA Guidelines 15074(d); 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 the project is consistent with the overall goals and policies of the County General Plan; finds the proposed P-D zoning is consistent with the Planned Development General Plan description; finds the project will increase activities in and around the project area and increase demands for roads and services, thereby requiring dedication and improvements; approved Rezone Application # 2002-02 - A & L Pirrone Vineyards, subject to the attached Development Standards and Development Schedule; and, introduced, waived the reading and adopted Ordinance C.S. 800 for the approved Rezone Application #2002-02 - Planning and Community Development
ORD-54-K-2 2002-535 & 2002-536

C/S (3-0) (Blom and Paul absent) **E1** Approved the introduction and waived the first reading of Ordinance C.S. 802 adding Chapter 10.44 related to prohibited acts of solicitation; and, amended Section 10.44.040 of the ordinance to delete the term "employment", and to replace the term "misdemeanor" with "infraction" – County Counsel
ORD-54-K-4 2002-532

Corr 1 Acknowledged the receipt of a letter from Modesto City Schools regarding their response to the 2001-02 Grand Jury Report.

Corr 2 Referred to the CEO/Emergency Operations, a letter from the Governor's OES regarding the extension of the filing deadline to 9/30/02 for the U.S. Small Business Administration nationwide Economic Injury Disaster Loan Program from the events of 9/11/01.

Corr 3 Referred to County Counsel, a letter from the San Diego Board of Supervisors requesting support of House Joint Resolution 81, which would amend the United States Constitution to prevent infringement on the right to pray in public places.

Corr 4 In response to the letter received from Stanislaus County IHSS Advisory Committee requesting opposition to efforts by the Governor and the State Legislature to reduce either the administration or program costs within the Personal Care Services/IHSS Program, the Board noted that the County has supported full funding of the Personal Care Services/IHSS Program in its budget deliberations.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Don Scott Campbell; Patricia Robinson and Daughter, Charlene Robinson, a minor; Reverend Ernest Spears; Wawanesa Insurance as Subrogee for Christopher Diaz; and, Mario A. Hurtado.

Supervisor Simon will be giving a speech today at the Gallo Arts Center Dedication Ceremony at 1:30 p.m., located at 11th and I Streets.

The CEO announced that next Tuesday, 7/9/02 at 12:00 p.m., the Board Members are invited to attend the Modesto Rotary Club's dedication luncheon for the Oregon Park improvements.

Chairman Mayfield announced that there will be a Board of Supervisors' Planning Workshop held on Tuesday, 7/9/02 at 1:30 p.m., located at 1010 10th Street, 6th Floor Tower Conference Room, Modesto, CA.

The CEO announced that the California State Senate adopted a Proposed Budget, and some trailer bills, and forwarded it to the Assembly. He informed the Board that letters have been received from the State Department of Social Services saying that the money they would advance us for CALWorks, Food Stamps, Foster Care, and Child Care would not be forthcoming as of 7/1/02, which causes a total delay in cash advances to the County in an approximate amount of \$3,000,000. County Counsel, Mick Krausnick, noted that the County Counsels' Association did respond to the letters received from the State and a copy of their response will be forwarded to the Board and the CEO.

Adjourned at 10:15 a.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.)