

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

Regular Session

Tuesday

August 6, 2002

All Supervisors Present

Pledge of Allegiance to the Flag

Chairman Mayfield presented a commendation to Dr. Larry Poaster, Director of BHRS and Interim Director of CSA, upon his retirement from County service.

Dr. Larry Poaster and Lyndalee Whipple presented a proclamation to Velma Moore and Ruth May, a Relative Care Provider, for Foster Parent and Relative Care Provider Appreciation Day.

Dave Thomas commented on the recent Grand Jury Report Part Nine regarding the Stanislaus County Grand Jury Operations and Issues.

C/P unan. Adopted the consent calendar

- *A1 Approved the minutes of 07/30/02
- *A2 Adopted and waived the second reading of Ordinance C.S. 805 amending Chapter 1.24.040 of the County Code, concerning arrest procedures 2002-598
- *A3 Consolidated the City of Ceres Special Municipal Election with the General Election on 11/5/02 ORD-54-K-5 2002-599
- *A4 Consolidated the Oakdale Joint Unified School District Bond Measure Election with the General Election on 11/5/02 2002-600
- *A5 Accepted the resignation of Karen O'Bannon from the Stanislaus Child Care and Development Planning Council 2002-601
- *A6 Proclaimed September 2002 as Suicide Prevention Awareness Month 2002-602
- *A7 Commended Dr. Larry Poaster, Director of BHRS and Interim Director of CSA, upon his retirement from County service 2002-603
- *A8 Consolidated the City of Waterford General Municipal Election with the General Election on 11/5/02 2002-604
- *B1 Approved Reclamation District 2091 (Flood Control Maintenance) request to reduce the frequency of their required Audit Report from every two years to every five years – Auditor-Controller DR-04-26 2002-605
- *B2 Approved the acceptance of funding from the California DSS for the Refugee Employment Social Services (RESS) Project, and authorized the Interim Director of CSA, or his Assistant Director Designee, to sign an agreement and any amendments not to exceed the amount of \$200,000 – CSA 2002-606
- *B3 Appointed Dan Souza, LCSW, as Director of Mental Health for the Department of BHRS effective 8/10/02, and approved his salary at appointment to be \$125,944 annually – CEO 2002-607
- *C1 Adopted a resolution to summarily vacate a road reservation off Esmar Road near Ceres, in accordance with Section 8331 of the Streets and Highways Code – PW 2002-608
- *C2 Adopted a resolution to summarily vacate a road reservation off Stearns Road east of Oakdale, in accordance with Section 8331 of the Streets and Highways Code – PW 2002-609

- *C3 Adopted a resolution to summarily vacate an access/no-build easement shown on the River Ranch Subdivision east of the City of Oakdale, in accordance with Section 8330(a) of the Streets and Highways Code – PW 2002-610
- *C4 Approved the Disadvantaged Business Enterprise (DBE) Program for Federal FY 2002/03; authorize the CEO to execute the attached DBE Program; and, directed the Clerk to publish a notice setting forth the Annual Goal and the comment period criteria – PW 2002-611
- *C5 Selected the proposal submitted by Gandarilla Building Services and awarded a one-year contract with the provision to extend four additional years for Janitorial Services for the Community Services Center; and, authorized the Purchasing Agent to sign the agreement and any extensions of the term 2002-612

B/S unan. **B4** Approved the strategic direction of the Stanislaus County Regional Roundtable on Travel and Tourism as outlined in the Strategic Planning Document – CEO 2002-613

P/C unan. **B5** Approved agreements with River Oak Grace Community Church and Oak Valley Hospital District for the provision of child care services, and authorized the CSA Interim Director, or his Assistant Director Designee, to sign the agreements not to exceed \$111,000 for River Oak Grace Community Church and \$65,000 for Oak Valley Hospital District for the period of 8/6/02 - 6/30/03 2002-614

B/C unan. **B6** Accepted the report “Getting to Work: An Assessment of the Mobility and Transportation Needs of StanWORKs Welfare-to-Work Customers, and considered the recommendations contained therein as strategies for moving families from welfare to work and making education, training, child care and other services more accessible; and, directed the CEO to work with appropriate agencies to develop strategies and implement the appropriate recommendations – CSA 2002-615

B/S unan. **B7** Authorized the CEO to negotiate and execute agreements which would result in the purchase of land, the construction of a County office building and the development of private retail space in conjunction with the development of a County parking garage on property located at 12th and I Streets in Modesto; approved the deal points between the County and Westland Development, LLC; approved the project budget and schedule; authorized the CEO to negotiate and execute an agreement with the City of Modesto for the purchase of real property at 12th and I Streets in Modesto at its appraised value, and authorized staff to publish a Notice of Intent to purchase real property in accordance with applicable Government Code provisions; authorized the CEO to enter into a Master Agreement with Westland, which would include the purchase of Westland’s interest in the project site and the sale of air space condominium rights to Westland for retail use; authorized the CEO to negotiate and execute a Parking License Agreement with Westland; authorized staff to negotiate with other potential users of the building for the purchase or lease of a portion of the office building and to license a portion of the parking garage to such users; authorized staff to negotiate amendments to the agreements with the architects, the Construction Manager, and abatement and demolition consultants and the soil engineers currently working on the Parking Garage Project to modify the scope of work to include the Office Building Project, provided the amendments are within the approved project budget; authorized staff to proceed with initial planning and programming and to proceed with initial design if negotiations are proceeding in a manner consistent with the deal points, budget and schedule; after acquisition of the project site, authorized staff to retain engineering services and to record a Record of Survey, which would eliminate the separate legal parcels between the office building site and the parking garage site; authorized if necessary, that in the event the project cannot proceed in a manner consistent with the Downtown Project Schedule, deal points or budget, the staff to revert to the former project to design and construct the parking garage as an independent project; approved the appointment of the County’s existing Financing Team, including the Municipal Financing Consultant, Special and Tax Counsel and Disclosure Counsel,

and cause the necessary agreements to be executed by the CEO and other appropriate County officials; approved a Reimbursement Resolution relating to expenditures for the Office Building and Parking Garage Project – this resolution is needed to comply with Internal Revenue Code Provisions, which allow the County to be reimbursed for such expenditures upon closing of the Tax Exempt Certificates of Participation (COPS) expected to be issued within the next eight months; and, authorized the CEO and other appropriate County officials to cause the solicitation and retention of the services of other professionals and firms required for the successful preparation and issuance of the COPS 2002-616

B/S unan. **C6** Adopted the results of the Ballot Procedure (439.2 votes in protest, 282.16 votes in support, and 15 ballots uncountable) for CSA #10 – Salida; finds that a simple majority of the assessment ballots received protested the new formula for calculating the annual assessment, therefore, the Board set the 2002/03 annual assessment as shown on Exhibit A; and, authorized the Auditor-Controller to add the annual assessment to the 2002/03 Tax Roll – PW CSA-10-A-5 2002-617

B/S (4-1) (Paul opposed) **9:30am** Denied the appeal by Ali Arshad of the Planning Commission’s decision to uphold the decision of the Director of Public Works to issue a Conditional Certificate of Compliance for 1612 Dakota Avenue, in the Modesto area – PW 2002-618

Recessed at 10:30 a.m.

Reconvened at 10:37 a.m.

P/C unan. **9:35am** Finds the project for Rezone Application #2001-21 - Crossroads Feed & Ranch Supply, to change zoning from Planned Development #116 to a new Planned Development to allow for the expansion of an existing feed and seed ranch supply business on a 9.97 acre site, located in the Empire/Waterford area, to be De Minimis for the purposes of collection of Fish and Game fees pursuant to California Code of Regulations Section 753.5 by adopting the findings of fact contained in the attached Certificate of Fee Exemption, those findings being based on the analyses 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 Section 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 Section 15074(d); ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder’s Office, pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; finds that the project is consistent with the overall goals and policies of the County General Plan; finds the proposed Planned Development 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 # 2001-21 - Crossroads Feed & Ranch Supply, subject to the attached Development Standards and Development Schedule; and, introduced, waived the reading and adopted Ordinance C.S. 803 for the approved Rezone Application #2001-21 - Planning and Community Development ORD-54-K-6 2002-619 & 2002-620

P/B unan. **9:40am** Finds the project for Rezone Application #2001-12, Vesting Tentative Subdivision Map Application #2001-03, and Exception Application #2001-06 - Cote Di Or, to change the zoning from A-2-5 and R-A zoning districts to Planned Development and to create (8) parcels ranging from 3.14 to 3.59 acres in size from a 26.17 acre site, located in the Oakdale area, to be De Minimis for the purposes of collection of Fish and Game fees pursuant to California Code of Regulations Section 753.5 by adopting the findings of fact contained in the attached Certificate of Fee Exemption, those findings being based on

the analyses 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 Section 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 Section 15074(d); ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office, pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; finds that the project is consistent with the overall goals and policies of the County General Plan; finds the proposed Planned Development zoning is consistent with the Estate Residential and Agriculture General Plan designations; finds that based on the record, all of the necessary exception findings can be made, and that none of the following findings requiring denial of a tentative map can be made: a) that the proposed map is not consistent with applicable general and specific plans, b) that the design or improvements of the proposed subdivision is not consistent with applicable general and specific plans, c) that the site is not physically suitable for the type of development, d) that the site is not physically suitable for the proposed density of development, e) that the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, f) that the design of the subdivision or type of improvements is likely to cause serious public health problems, or g) that the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision - in this connection, the Commission may approve a map if it finds that alternate easements for access for use will be provided that these will be substantially equivalent to the ones previously acquired by the public, and this subsection shall apply only to easements established by judgement of a court of competent jurisdiction; 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 # 2001-12, Vesting Tentative Subdivision Map Application #2001-03 and Exception Application #2001-06 - Cote Di Or, subject to the attached Development Standards; and, introduced, waived the reading and adopted Ordinance C.S. 804 for the approved Rezone Application #2001-12 - Planning and Community Development ORD-54-K-7 2002-621 & 2002-622

Corr 1 Referred to the CEO a copy of the 2001-02 Stanislaus County Civil Grand Jury Final Report, Part Nine, regarding the Stanislaus County Civil Grand Jury operations and issues.

Corr 2 Referred to the Department of Planning and Community Development a copy of the Commencement of Redevelopment Activities for the Hughson Redevelopment Project that was received from Urban Futures, Inc.

Corr 3 Referred to the CEO a letter from the City of Modesto requesting a growth advisory measure to the electorate in Stanislaus County at the 11/5/02 election.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Ronald E. Dafford; Valarie Perkins; and, Dolores Williams.

Supervisor Caruso noted that he will be meeting with Bill Lockyer, Attorney General, regarding valley water issues in Bakersfield next week.

Supervisor Simon, Supervisor Caruso and the CEO informed the Board of a meeting they attended in Fresno with Cal Trans Dist. #6 regarding transportation financing opportunities.

Chairman Mayfield announced that he and other Boardmembers attended this morning's New Courthouse Ramp Dedication Ceremony, held at 8:30 a.m., at the 11th Street entrance of Stanislaus Superior Court

Supervisor Paul thanked Judge Began for her tenacity and commitment in working towards the completion of the new Courthouse ramp.

The CEO reported that the State Assembly met and did not settle any budget issues.

Adjourned to closed session at 12:37 p.m. for conference with Real Property Negotiators: (1) Property: 4.11 acres vacant land on south side of Mary Street (east of River Road) Grayson, CA. (APN:016-34-06) Property Owner: Mr. Gutierrez and Agency Negotiator: Reagan M. Wilson. Conference with Real Property Negotiator: GC §54956.8, Property: 10 parcels of property in Waterford, CA. Agency Negotiator: Reagan M. Wilson or Patricia Hill Thomas, APN/Owner Negotiator: 134-07-01 through 04 and 134-14-01; Community Baptist Church, 134-07-78; Ronald Coleman, 134-07-73; Gary Trumble, 134-07-74; Philip Gerald Mann, 134-07-47; Ashlock E.L TRS, 134-07-46; Michael Roll et al. Under negotiation: both terms of payment and price. GC §54954.5(b). Under negotiation: negotiator will determine price and terms of payment. GC §54954.5(b).

Adjourned at 1:35 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.)