

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

Regular Session

Tuesday

August 20, 2002

All Supervisors Present

Pledge of Allegiance to the Flag

Accepted the presentation by Gary Hinshaw, Fire Warden / Assistant Director of OES, on Domestic Preparedness.

John Mataka requested a night meeting for the next Grayson Town Hall Meeting for discussing the Fink Road Landfill issue. He also mentioned that the odor coming from the Modesto Tallow plant is becoming noticeably stronger in certain areas.

Raymond Ontiveroz requested an additional 30 days to finish cleaning up his property in order to comply with the County's zoning enforcement.

C/P unan. Adopted the consent calendar after removing from consent the following items:

***B7** - Approval to Adopt the Decision of the Nuisance Abatement Hearing Board Regarding 5643 Claus Road, Modesto, California Hearing No. CE 01-1211 - Environmental Resources; ***B15** - Approval to Authorize Proceeding with the Tenant Improvement Project at the Former Procter & Gamble Facility for Use by the Department of Child Support Services (DCSS), Approval of the Project Budget, and Related Items; and, ***C4** - Approval to Direct the Auditor-Controller to Increase Appropriations for the Shackelford Neighborhood Improvement Project – Public Works

***A1** Approved the minutes of 8/13/02

***A2** Appointed Joe L. Housewright to the Stanislaus Consolidated Fire District Board 2002-640

***A3** Reappointed Armand George Skol to the Stanislaus County Children and Families Commission 2002-641

***A4** Accepted the resignation of Russ Richards and appointed Gary Hinshaw to the Emergency Medical Services Committee 2002-642

***A5** Commended Sheriff Les Weidman and Linda Weidman as honorees for the Interfaith Ministries' "2002 A Night to Remember" 2002-643

***A6** Proclaimed 9/2 – 6/2002 as National Payroll Week 2002-644

***A7** Accepted the resignation of Carletta Evans Steele from the Youth Council of the Stanislaus Local WIB 2002-645

***B1** Approved the FY 2002-03 agreement with the USDA for animal damage management, and authorized the Chairman to sign the agreement – Agricultural Commissioner 2002-646

***B2** Approved the Labor Agreement between the County and the Stanislaus Regional Emergency Dispatchers' Association (SREDA) representing the Emergency Dispatchers; implemented the provisions contained with the Tentative Agreement; and, amended the Salary and Position Allocation Resolution to reflect the changes agreed to – CEO 2002-647

***B3** Approved an adjustment to the vacation accrual rate for Patterson Chief of Police, Tyrone Spencer, to 7.70 hours bi-weekly; and, authorized the Auditor-Controller to make the necessary adjustment, retroactive to 9/8/01 – CEO 2002-648

- *B4 Approved the adoption of Employee Suggestion Program Award #284, submitted by an employee of Child Support Services, Shelly Antonucci, for proposed cost savings from redesign of printing process for Summons and Complaints in the amount of \$345.00
2002-649
- *B5 Authorized the CEO to engage Hanson Bridgett as Tax Counsel to assist with the creation of a Replacement Benefit Plan
2002-650
- *B6 Approved the agreement with YCCD for Learning Disability Testing Services for StanWORKs Participants; and, authorized the CSA Interim Director, or the Assistant Director Designee, to sign the agreement not to exceed the total contract amount of \$229,219 for the period of 9/1/02 through 6/30/03
2002-651
- *B8 Authorized HSA to accept additional funds in the amount of \$41,675 from the California Department of Health Services (DHS) for local public health preparedness and response to bioterrorism in order to improve Biologic Laboratory Capacity; and, authorized the HSA Interim Managing Director, or her Designee, to sign the agreements and accept these funds
2002-652
- *B9 Authorized the Chairman to enter into an agreement with the South San Joaquin Irrigation District for reimbursement of 50 percent of the cost of a hydrology study of Woodward Reservoir - Parks and Recreation
2002-653
- *B10 Approved the Probation Department's Employee Recognition Program
2002-654
- *B11 Adopted a resolution making GC Section 31760.3 titled in part "Notice to Spouse of Member's Selection of Benefits or Change of Beneficiary," applicable and operative in Stanislaus County – Retirement
2002-655
- *B12 Authorized the CEO to enter into a Conditional Real Property Purchase Agreement to acquire 4.11 acres of vacant land in Grayson owned by Trinidad Gutierrez and the Gutierrez Revocable Living Trust, Cindy Waldo and Maxine House (Parcel 016-34-06) for the Grayson Community Resource Center and Recreational Park Facility; authorized the required public notice of the County's intention to purchase the property and authorized staff to return to the Board on 9/24/02; authorized staff to conduct inspections on the property and to report back to the Board on 9/24/02; and, authorized the CEO to negotiate and execute an agreement for architectural and engineering services for the proposed Grayson Community Center and Park Facility
2002-656
- *B13 Approved Contract #99-85761, Amendment #06, with the State Department of Health Services for the Women, Infants, and Children (WIC) Supplemental Nutrition Program; authorized the HSA Interim Managing Director, or her Designee, to sign and execute the Contract Amendment; and, approved the changes to the Legal Budget for FY 2002/03
2002-657
- *B14 Accepted the completed Stanislaus County Juvenile Hall Special Needs Housing Unit at 2215 Blue Gum Avenue, Modesto, CA; approved the final contract amount of \$2,591,684 with the General Contractor, Flintco, Inc., of Rancho Cordova, CA; authorized the Chairman 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
2002-658
- *B16 Approved contract renewals for Animal Services with the Cities of Ceres, Hughson, Newman, Patterson, Riverbank and Waterford, and authorized the Chairman to sign – Animal Services
2002-659
- *B17 Approved the State Department of Health Services' Contract #02-25819 for Chlamydia Awareness and Prevention Project (CAPP) and Chlamydia Testing and Screening Project (CTSP); and, authorized the HSA Interim Managing Director, or her Designee, to sign and execute this contract
2002-660

- *B18** Introduced and waived the first reading of Ordinance C.S. 808, amending Chapter 6.70.040 of the County Code concerning ambulance provider agreements – HSA
ORD-54-L-1 2002-661
- *C1** Directed the Auditor-Controller to increase appropriations for the Abbie Street and South Avenue Improvement Project by \$20,000.00 to cover the costs of providing additional engineering design work – PW 2002-662
- *C2** Approved the resolution to summarily vacate Capp Street and adjoining alley in the town of Salida – PW 2002-663
- *C3** Directed the Auditor-Controller to increase appropriations by \$4,693.00 and increase estimated revenue by \$4,154.00 in the project account for the Compressed Natural Gas (CNG) Vehicle Fueling Facility Project, to cover the cost of TID connection fees – PW 2002-664
- *C5** Approved the Purchase Agreement to acquire road right-of-way at the northeast corner of the intersection of Stoddard Road and Kiernan Avenue for the improvement of that intersection; authorized the Chairman to execute the agreement; directed the Auditor-Controller to increase appropriations by \$15,000.00 in the project account to acquire additional road right-of-way; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$13,500.00 payable to Fidelity National Title Company – PW
2002-665
- *C6** Approved the Plans and Specifications for the Carpenter Road Realignment 2.0 Miles North of Crows Landing Road Project; set the deadline for submission of bids as 9/19/02, prior to 2:45 p.m.; directed Public Works’ staff to mail Notice Inviting Bids to Trade Journals as required by law; and, directed the Auditor-Controller to increase appropriations by \$5,000.00 and anticipated revenue by \$4,426.00 in the project account to cover the costs of advertising and publishing – PW 2002-666
- *C7** Approved the Master Agreement and Contract for the change-out carbon vessels for USFILTER/WESTATES, of Oakland, California, in the amount of \$45,000; directed the Auditor-Controller to increase appropriations by \$45,000, for carbon change-out at the Water Treatment System located at the Geer Road Landfill Ground Water Extraction Treatment Plant; and, authorized the Chairman to execute the agreement and the contract – PW 2002-667
- *C8** Approved the resolution with the State Department of Transportation allowing Stanislaus County to accept additional funding for the continuation of the investigation to bring commuter rail service to Stanislaus County – PW 2002-668
- *C9** Approved the Plans and Specifications for the Pelican Road Flood Repair Project; and, set the deadline for submission of bids as 9/19/02, prior to 2:30 p.m. – PW 2002-669
- *D1** Authorized the Chairman to sign the Consortium Agreement between the City of Turlock and the County and the contract designating the County as a sub-recipient of Home Investment Partnership Consortium (HOME) funds – Planning and Community Development Department 2002-670
- *D2** Rescinded a portion of Williamson Act Contract #71-0322 (Taylor Rd., District 2); rescinded a portion of Williamson Act Contract #76-2240 (Stearns Rd., District 1); approved new contracts pursuant to Minor Lot Line Adjustment Applications #2002-07 and #2002-17, and authorized the Planning Director to execute new contracts; 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 GC 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; and 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 – Planning and Community Development Department
2002-671

P/B unan. Removed Item ***B7** - Approval to Adopt the Decision of the Nuisance Abatement Hearing Board Regarding 5643 Claus Road, Modesto, California Hearing No. CE 01-1211 - DER, from the agenda due to the property owner coming into compliance with zoning enforcement regulations

2002-672

S/B unan. ***B15** Amended the item to correct minor typographical errors in staff recommendation #2; authorized proceeding with the Tenant Improvement Project at the former Procter & Gamble facility for 25,000 square feet of leased space for use by the Department of Child Support Services (DCSS); approved a project budget of up to \$701,642; authorized the Auditor-Controller to establish a new fund and to transfer up to \$701,642 from Fund #1071, Org #241100, Account #80300 to a new Capital Project Budget; and, authorized the Project Manager to negotiate and execute contracts for services, as long as amounts are within budget, for architectural services, construction management services, inspection services, and any other necessary related design services – CEO

2002-673

B/S (4-0) (Caruso abstained) ***C4** Directed the Auditor-Controller to increase appropriations for the Shackelford Neighborhood Improvement Project by \$70,000 to cover the costs of providing public outreach for the project, geotechnical services, storm drainage analysis, and revisions to the Sanitary Sewer Plans – PW

2002-674

S/B unan. **6:35 p.m.** Approved FY 2001/02 CDBG Program Grantee Performance Report for agreements #99-STBG-1384 and #00-STBG-1481 and Program Income; and, approved FY 2002/03 Program Income budget – Planning and Community Development Department

2002-678

S/B unan. **6:40 p.m.** Adopted FY 2002/03 Annual Assessment Rates for Del Rio Heights Landscape Assessment District as shown in Table #2; and, authorized the transfer of any fund balances into the General Reserve and/or the System Replacement Funds for the Del Rio Landscape Assessment District - Parks and Recreation Department

DLA-1-7 2002-679

P/C (3-2) (Blom and Simon opposed) **6:45 p.m.** Finds that a Mitigated Negative Declaration is appropriate for the proposed project for GPA #2001-07 and Rezone #2001-11 – D & L Concrete Pump, Inc., based on the Initial Study and other project amendments and information submitted by the applicant and commenting agencies; finds that the proposed GPA is not consistent with the overall goals and policies of the Land Use Element of the County General Plan and the overall General Plan; denied GPA #2001-07 and Rezone #2001-11; and, upheld the Planning Commission's action to deny this request and the staff's recommendation, based upon the staff report and testimony received from staff, including the statements in the staff report in which the Planning Commission found that this is the wrong location for this use and that other zoning districts could accommodate this use – Planning and Community Development Department

ORD-54-J-1 2002-680

B/S unan. **6:50 p.m.** Finds the project for GPA # 2001-13, Rezone Application #2001-23 and Parcel Map Application #2001-30 - John Varni, Sr., to amend the General Plan Designation from Agriculture to Planned Industrial (PI) and Create 4 Parcels of 1.1 Acres and 2 Parcels of 2.1 Acres, located North of Kiernan Avenue, between McHenry Avenue and Pentecost Drive, Modesto, CA, 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 that 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 PI zoning is consistent with the Planned Industrial (PI) 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; finds that none of the findings requiring disapproval of the parcel map can be made; approved Rezone Application #2002-23 and Parcel Map #2001-30 subject to the attached Mitigation Measures/Development Standards; and introduced, waived the reading and adopted Ordinance C.S. 806 for the approved Rezone Application #2001-23 - Planning and Community Development Department ORD-54-K-8 2002-681 & 2002-682

C/S unan. Continued Item **6:55 p.m.** - Public Hearing to Consider the Approval of General Plan Amendment #2002-02 and Rezone Application #2002-06 - Kit Fox Vineyards Winery. A Request to Change General Plan and Zoning from Agriculture (A-2-40) to Planned Development (PD) to Allow Phased Construction of a Winery, Including a Tasting Room, Café and Retail Sales Facility Utilizing 3.6 Acres of a 46.81 Acre Walnut Orchard. Total Building Area Will Be 7,500 Square Feet. The Project is Located West of Ward Avenue, Between Fink Road and Oak Flat Road, Patterson Area. A Mitigated Negative Declaration Will Be Considered – Planning and Community Development Department
(Continued to the meeting of 9/24/02, at 9:25 a.m.) ORD-54-K-9 2002-683

Recessed at 9:20 p.m.

Reconvened at 9:25 p.m.

B/C unan. **B19** Awarded the contract for the reconstruction of the Salida Regional Library to the low bidder, the McDonald Glenn Company of Manteca, for the base bid amount of \$1,600,554; and, authorized the Project Manager to sign the contract on behalf of the Board, and to issue the Notice to Proceed upon approval of bonds and insurance – CEO 2002-675

B/C unan. **B20** Accepted the update report of Department of Animal Services' programs and future strategies; and, authorized the Director of Animal Services to seek grant and/or foundation funding for the Community Spay and Neuter Program 2002-676

B/P unan. **B21** Approved an increased project budget for the remodel of the former Modesto City Hall; awarded the Construction Contract to the low bidder, J. L. Bray; authorized the Project Manager to sign the contract on behalf of the Board and to issue the Notice to Proceed upon approval of bonds and insurance – CEO 2002-677

B/S unan. **Corr 1** Adopted a resolution regarding the positive affect that agriculture has on air quality, to be sent to the SJVUACD 2002-684

Corr 2 Requested that a letter be sent to the California Department of Veterans Affairs regarding the high quality of service provided by the Stanislaus County Area Agency on Aging and Veteran Services to the

veterans of this County, acknowledging the excellent level of service they are providing to the citizens of Stanislaus County.

Corr 3 Acknowledged and accepted the Stanislaus Regional 9-1-1 Annual Report.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Steven McCurdy; Teresa Avalos; and, Billy Horace.

Supervisor Caruso will be attending the next Grayson Town Hall meeting to talk about the landfill, air quality, and several other issues. He attended a meeting held at the Modesto Bee where all the cities' mayors met to discuss the possibility of sharing a proposed ½ cent sales tax.

Supervisor Paul attended a leadership training workshop for elected officials. Thirty elected officials were selected from the Central Valley to attend the workshop, which was funded by the Ken Maddy Foundation as part of the Great Valley Institute.

Chairman Mayfield announced that the Board will have their response to the Grand Jury's report by 9/24/02. He commented on the newspaper article regarding Caltrans stopping the process of expanding Kiernan Avenue to four lanes.

Supervisor Paul requested that staff submit an editorial to the Modesto Bee to clarify the County's position regarding the targeted technology training funded by the Rural E-Commerce Grant from the California Technology Trade and Commerce Agency. The CEO said that the Board approved the targeted technology training on 3/12/02, as a non-consent item, and it's part of the Connecting Stanislaus Project. He also noted that it will provide baseline, subsidized computer training to the rural areas, where there is currently no training available, and will hopefully help to encourage individuals to seek higher level computer training that's provided by private sector businesses in our community. He said that a letter will be sent to the Modesto Bee noting the significant issues that the Modesto Bee missed regarding the training program.

Adjourned at 10:17 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.)