

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

October 1, 2002

Allan Dix spoke regarding the Salida Auto Dismantlers' storm drainage problem, soil contamination issues, and side walks on Kiernan Avenue.

Leonard Riddle spoke regarding his concerns of people having target practice and shooting firearms near his home on Highway 108 in Oakdale.

C/P unan. Adopted the consent calendar

- *A1 Approved the minutes of 9/24/02
- *A2 Commended Chief Probation Officer, Linda Duffy, upon her retirement 2002-742
- *A3 Approved amendments to El Solyo Water District's Bylaws DL-11-30 2002-743
- *A4a Proclaimed October 2002 as The Grapes of Wrath Month 2002-744
- *A4b Proclaimed 11/24 – 30/2002 as God Bless America Week 2002-745
- *B1 Authorized the Director of the Department of Aging and Veterans Services (Area Agency on Aging) to sign grant agreements and any subsequent amendments to agreements #FF-0203-30, #TV-0203-30, #FC-02-04-30, and #CB-0203-30 with the California Department of Aging for FY 2002-03 2002-746
- *B2 Approved the Area Agency on Aging's FY 2002-03 update of the four-year 2001-05 Planning and Service Area (PSA) Plan, and authorized the Chairman and the Director of the Area Agency on Aging to sign the transmittal letter to the California Department of Aging 2002-747
- *B3 Accepted the report on revolving funds in existence as of 6/30/02 – Auditor-Controller 2002-748
- *B4 Approved CSA to renew the FY 2002/03 agreement with UC Davis for staff training; authorized the CSA Interim Director, or her Assistant Director Designee, to sign the agreement and any amendments not to exceed the total agreement amount of \$214,600 for FY 2002-03 2002-749
- *B5 Authorized the Director of DER, or his Designee, to sign a monitoring well conveyance and release agreement with Mobil Oil Company 2002-750
- *B6a Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 1009 Atlantic Drive, Modesto, CA – DER 2002-751
- *B6b Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 2236 Robertson Road, Modesto, CA – DER 2002-752
- *B6c Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 5224 McCoy Avenue, Empire, CA – DER 2002-753
- *B7 Approved extending for a period of 3 months the agreement between the County of Stanislaus and Scenic Faculty Medical Group to provide administrative and teaching related services at Stanislaus County HSA; authorized the HSA Interim Managing Director, or her Designee, to sign the amendment extending this agreement for a 3 month period 2002-754
- *B8 Authorized the HSA Interim Managing Director, or her Designee, to negotiate necessary lease/purchase documents for X-ray equipment; following review and approval by County Counsel, authorized the HSA Interim Managing Director, or her Designee, to enter into a lease/purchase agreement for X-ray equipment; and, authorized the HSA to make space renovations to accommodate the new X-ray equipment 2002-755

- *B9 Approved the County application to the California Healthcare For Indigents Program (CHIP) to initiate the flow of Tobacco Tax Funds for FY 2002-03, and authorized the HSA Managing Director, or her Designee, to sign the application 2002-756
- *B10 Authorized the Library to apply for a grant from the U.S. Department of Education in the amount of \$27,140, and authorized the Librarian to execute contracts and/or agreements to accept the funds 2002-757
- *B11 Authorized the Library to apply for a grant from the California State Library in the amount of \$7,712; authorized the County Librarian, or her Designee, to execute contracts and/or agreements to accept the funds; and, authorized the Auditor-Controller to make the necessary budget adjustments 2002-758
- *B12 Approved the closure of the Riverbank Library on Saturday, 10/12/02 2002-759
- *B13 Authorized the Library to apply for matching funds from the California State Library, and authorized the Librarian to execute contracts and/or agreements to accept the funds 2002-760
- *B14 Authorized the Sheriff to accept a COPS in the Schools Grant through the Federal COPS Office; amended the Salary and Position Allocation Resolution to add one Deputy Sheriff-Coroner to the Sheriff's Operation's Division; and, directed the Auditor-Controller to increase appropriations and estimated revenues 2002-761
- *B15 Approved the transfer of one Legal Clerk IV position from the Revenue Recovery Division of the T/TC's Office to County Counsel, and authorized the transferred Legal Clerk IV position to be filled immediately by County Counsel 2002-762
- *B16 Authorized the Sheriff to apply for and accept second year CAL-MMET grant funding in an estimated amount of \$1,657,280; authorized the Auditor-Controller to make the necessary first year grant funding appropriation and revenue budget adjustments; and, directed the Auditor-Controller to make the necessary second year grant funding appropriation and revenue budget adjustments upon award of the grant and to carry over unused funds at the end of the FY 2002-763
- *B17a Accepted the Stanislaus County Treasury Pool's June, 2002 monthly investment reports as prepared by the 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 2002-764
- *B17b Accepted the Stanislaus County Treasury Pool's July, 2002 monthly investment reports as prepared by the T/TC's Office and reviewed for conformity with State law and Local Investment Policy by the Stanislaus County Treasury Pool Oversight Committee; authorized the Chairman to sign that the report has been reviewed and accepted 2002-765
- *B18 Awarded a contract to Demco, Inc. for the provision and installation of Library shelving and related furnishings and equipment for the Salida Regional Library in the amount of \$277,581.50 2002-766
- *B19 Approved the appointment of Kenneth Patterson to the position of Director of the CSA, at a salary of \$125,000 and start vacation accrual at three weeks of vacation in the first year; approved the appointment of Margaret Szczepaniak to the position of Managing Director of the HSA at a salary of \$140,000 per year and start vacation accrual at four weeks of vacation in the first year; appointed Ms. Szczepaniak to Tier 4 of the retirement system, for which she qualifies and authorized the CEO to pursue a Tier 4 appointment with the Retirement Board for Mr. Patterson; and, authorized up to \$7,000 for moving expenses with supporting receipts for both individuals 2002-767
- *C1 Find that the subject Ordinance is not subject to the CEQA; and, introduced and waived the first reading of Ordinance C.S. 809 amending Title 11 of the County Code, Section 11.08.060 to add two-hour parking zones on Lassen Avenue and Ustick Road; Section 11.08.020 to amend no parking zones on Covert Road and Finney Road; Section 11.12.020 to add a yellow zone on Finney Road; Section 11.08.070 to add parking prohibited on certain streets at certain hours on McHenry Avenue – PW ORD-54-L-3 2002-768

***D1** Rescinded a portion of Williamson Act Contract #71-0318 (Dakota Ave., District 3), and a portion of Williamson Act Contract #73-1252 (North Ave., District 3) and approved new contracts pursuant to Minor Lot Line Adjustment Applications #2002-12 and #2002-29 and 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 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 2002-769

C/B unan. **B20** Accepted the update on the Westley Tire Fire Site – DER 2002-770

C/B unan. **9:25 a.m.** Denied the appeal; upheld the Planning Commission’s decision after finding that the necessary findings described on page two of the report could not be made - the Board stressed its policy for precedent and past practice of the Board, for Parcel Map Application #2002-12 and Variance Application #2002-03, Joaquin A. Azevedo, Jr., to create a 6.3± acre parcel and a 56± acre remainder, in the A-2-20 (General Agriculture) Zoning District – Planning and Community Development 2002-773

S/C unan. **9:30 a.m.** Finds that based on the Initial Study and Mitigation Monitoring Plan, for GPA #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, located west of Ward Avenue, between Fink Road and Oak Flat Road, in the Patterson area, to be De Minimis for purposes of Fish and Game Codes; finds that the proposed GPA is consistent with the overall goals and policies of the Land Use Element of the County General Plan, the Agricultural Element, and the overall General Plan; approved GPA #2002-02; finds that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation; finds that the project will increase activity in the area, thereby necessitating dedications and easements; and approved Rezone Application #2002-06 subject to the attached Mitigation Monitoring Plan, Development Standards and an Applicant’s Modified Development Schedule; and, introduced, waived the reading and adopted Ordinance C.S. 807 for the approved Rezone Application #2002-06 - Planning and Community Development
ORD-54-K-9 2002-774 & 2002-775

B/C unan. **B21** Approved Stanislaus County to participate in the Turlock Groundwater Basin Association Water Balance Study, and authorized the Director of DER to contribute \$5,500 to the Turlock Groundwater Basin Association to fund the County’s share of the Turlock Basin Water Balance Study 2002-771

B/C unan. **B22** Authorized the HSA to accept funding in the amount of \$1,300,000, from the Children and Families Commission to establish the Child Health Access Program for the period of 10/1/02 through 6/30/03; authorized the HSA Interim Managing Director, or her Designee, to sign and execute the contract; and, authorized an amendment to the salary and position allocation per the staffing impact 2002-772

Corr 1 Referred to the Agricultural Commissioner, DER, Planning and Community Development, and Public Works, a copy of the Recovery Plan for the California Redlegged Frog from the U.S. Department of the Interior.

Corr 2 Referred to the CEO, a letter from State Senator Jackie Spears requesting support of legislation regulating disclosure of confidential consumer information by financial institutions.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Ruth Sanchez; Samuel Steckman; and, Cynthia Valenti.

Supervisor Blom noted that he attended the CSAC Executive Retreat where the membership in NACo was discussed concerning California counties' level of support and influence over the day-to-day decisions made by the NACo Executive Board. They also discussed the formation of a coalition of eleven states that share the same social system in order to have a greater impact in the legislative outcomes in Washington.

Supervisor Caruso and Gary Dixon will be attending the California Transportation Commission Meeting in San Diego on Thursday, 10/3/02, to try and obtain the necessary funding for the expansion of Kiernan Avenue and Highway 132. He also noted that he had an interview with the Modesto Bee regarding San Joaquin County wanting to pull out of the SJVUAPCD. Supervisor Blom said that the Air District Board has not received an official request from San Joaquin County to pull out of the SJVUAPCD.

Chairman Mayfield said that he would call Ann Veneman, on behalf of the Board, concerning the economic impact of the West Coast port crisis due to the Longshoreman's strike. Supervisor Caruso requested the CEO to prepare a letter to be sent on behalf of the San Joaquin Valley Supervisors Association in addition to the phone call made by the Chairman.

The CEO reported that he recently met with several investment banks and insurance companies who purchase municipal bonds to discuss the numerous County projects scheduled for the coming year. He met with Covanta Energy Company to discuss various issues, including reducing tipping fees for garbage rates. He said that Covanta reimbursed the landfill for their ash disposal. He noted that he met with Congressman Radanovich's Chief of Staff concerning various County issues and federal funding possibilities.

The Chairman announced that on Tuesday, 10/8/02 at 7:00 p.m., there will be a discussion of the report on the Draft EIR on the proposed expansion of the Fink Road Landfill, at the Agricultural Center's Harvest Hall, located at 3800 Cornucopia Way, Modesto, CA.

Adjourned to closed session at 11:05 a.m. for conference with Real Property Negotiator: property located at 12th and I Street, Modesto, CA (APN:105-24-09). Property Owner: City of Modesto, Jack Crist, City Manager. Agency negotiator: Reagan M. Wilson, CEO or Patricia Hill Thomas, Assistant Executive Officer. Under negotiation: negotiator will determine price and terms of payment. GC Section 54954.5(b)

Adjourned at 11:56 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.)