

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

Regular Session

Tuesday

February 18, 2003

All Supervisors Present

Pledge of Allegiance to the Flag

Chris Messer, winner of the Statewide Story Writing Contest for the California Foundation for Agriculture in the Classroom, was presented with a resolution commending his award.

Charles Pringle spoke regarding his difficulties in securing a building permit on Robertson Road, Modesto.

Grover McCoy spoke regarding the LaGrange domestic and fire hydrant water issues. He requested the Board place an item on their agenda regarding this matter.

Brad Johnson from the Salida MAC requested that the new Salida Library Branch be hooked up to Charter Cable and to AT&T Cable, so that their meetings could be broadcast and recorded.

C/M unan. Adopted the consent calendar

- *A1 Approved the minutes of 2/11/03
- *A2 Accepted the resignation of Gus Warren from the Monterey Park Tract Community Services District Board of Directors 2003-163
- *A3 Approved request from the District Attorney's Office for use of the Courthouse lawn on 4/26/03 for the Vigil of Hope March 2003-164
- *A4 Approved request from the Haven Women's Center for use of the Courthouse lawn on 4/10/03 from 5:00 p.m. to 7:30 p.m. for the "Walk for Awareness" 2003-165
- *A5 Appointed Jennifer Christiansen and reappointed Jan Gauthier and Mike Hamasaki to the Earl Pride Scholarship Committee 2003-166
- *A6 Approved commendation for Ron Krasko upon his retirement from the Community Services Agency 2003-167
- *A7 Proclaimed the week of 3/9/03 as Portuguese Immigrant Week 2003-168
- *B1 Authorized the Area Agency on Aging to coordinate Senior Awareness Day at the Stanislaus County Fairgrounds on 5/17/03; authorized Stanislaus County to participate in Senior Awareness Events as a sponsor; approved a resolution declaring May as Senior Awareness Month; authorized the Chairman to sign a letter supporting Senior Awareness Activities, for volunteers to show when soliciting prizes and donations for Senior Awareness Day; invited Board members to participate in Senior Awareness Day, Saturday, 5/17/03, by presenting the Senior Award resolution to the recipient from his or her district; and, approved budget documents that will provide the Area Agency on Aging with \$2,500 from the special projects budget to support Senior Awareness Day activities – AAA 2003-169
- *B2 Accepted the \$102,106 Juvenile Accountability Grant (2002) from the Office of Criminal Justice Planning, and authorized the Public Defender to sign the grant award on behalf of the County; adopted the Juvenile Coordinating Council's recommendation for use of the grant funds; and, directed the Auditor-Controller to establish a new Special Revenue Fund Budget Unit and to establish appropriations in the appropriate accounts - Public Defender 2003-170

- ***B3** Authorized the Chairman, CEO, and Sheriff to sign the extension of the contract with the City of Waterford for the Sheriff to provide general law enforcement services for an additional five years beginning 7/1/03 to 6/30/08 – Sheriff 2003-171
- ***B4** Approved notification to the State Department of Corrections of intent to renew contract for emergency radio communications and access, and authorized the Sheriff to sign the contract with the State Department of Corrections – Sheriff 2003-172
- ***B5** Ratified and authorized the Public Works Department to proceed with the modernization, repair and all other necessary work to bring the Courts elevator to fully operational status; delegated the authority to the Assistant Executive Officer to procure the necessary equipment, services, and supplies for the modernization, repair and all other necessary work to bring the elevator to fully operational status without giving notice for bids; the Board unanimously finds that the emergency will not permit the delay resulting from competitive solicitation for bids, and that the action is necessary to respond to the emergency; authorized the Public Works Director to inform the Board the status of the emergency action and the Board to vote by 4/5 at the next Board meeting and every 14 days thereafter until the action is terminated; and, directed the Auditor-Controller to increase appropriations by \$175,000 for the emergency modernization and repair to bring the Courts elevator at 800 11th Street, Modesto, to fully operational status 2003-173

S/C unan. **B6** Approved the project update for the Gallo Arts Center Project and authorized the Chief Executive Office to proceed with the next phases of the project; formally approved the project budget; authorized the Auditor-Controller to establish a Capital Projects Fund for the Gallo Arts Center Project; acknowledged and commended the Central Valley Center for the Arts (CVCA) and the many donors who have raised and pledged the funds necessary to proceed with construction of the Gallo Arts Center Project; authorized the County’s financing team to complete the final financing package for the County’s share of construction cost for the Gallo Arts Center Project; approved the project schedule; awarded a construction contract for the abatement and demolition of the buildings and facilities located on the site of the future Gallo Arts Center Project to the low bidder, Delta Oilfield Services, Inc. and authorized the Project Manager to issue a Notice to Proceed contingent upon receipt of the proper insurance and bonds; authorized staff to solicit and prequalify contractors for the construction of the Gallo Arts Center in accordance with the written Model Prequalification Questionnaire for Single Projects established by the Department of Industrial Relations; adopted the Department of Industrial Relations' system of rating bidders on written questions; adopted the appeal procedure set forth; authorized the Project Manager to negotiate and execute an agreement with the City of Modesto for funding the design and construction of the necessary off-site improvements for the Gallo Arts Center as approved by the Modesto City Council on 2/11/03; authorized the CEO to negotiate and execute an amendment to the design agreement with Nestor &Gaffney Architecture for this additional scope of work; authorized the CEO to negotiate an operating agreement with Gallo Arts Center, Inc., to operate and manage the Gallo Arts Center, to be returned to the Board of Supervisors for final consideration; approved initial planning for the Downtown Parking Shuttle Program, and authorized the CEO to purchase up to two used buses for a total amount not to exceed \$20,000 for the shuttle program from existing budgeted appropriations; authorized staff to proceed with final shuttle program planning work necessary to implement the initial phase of the program and all other feasible options for alternative parking for County employees and customers who will be displaced during the construction period authorized the CEO to execute work authorizations to the master agreement with Lester Cutchall for inspection services, provided such work authorizations are within the project budget; and, authorized the Chairman of the Board to sign a letter of gratitude and appreciation to the First Baptist Church for allowing the County to use their parking lots during the work week while the construction is underway in downtown Modesto 2003-174

C/P unan. **B7** Approved the plans and bid documents for the abatement and demolition of the existing facilities on the 12th Street property site and set the bid date for 4/2/03, at 2:30 p.m.; authorized staff to advertise for bids, to open bids on behalf of the Board, and to recommend award; approved a revised project approach to the 12th Street Project; authorized the CEO to negotiate and sign an amendment with the existing project architectural team; approved the revised schedule for the new approach to accelerate the completion of the 12th Street Parking Garage; authorized the Project Manager to negotiate and execute a work authorization with the construction manager for construction management services, provided the work authorization is within budget; authorized the Project Manager to negotiate and execute a work authorization with the Inspector of Record for inspection services, provided the work authorization is within budget; and, authorized the Project Manager to request proposals for testing services and to negotiate and execute an agreement for testing services provided the agreement is within budget

2003-175

G/M unan. **6:35 pm** Finds the current project for Rezone Application #2002-34 - Gerry Hughes, a request to rezone 2.20 acres from PI to PD to allow the existing development to include uses in addition to those currently permitted on property located on the east side of Pirrone Road, north of Pirrone Court in Salida, involves no new construction; finds the project is exempt under provisions of §15301 of the California CEQA Guidelines; ordered the filing of a Notice of Exemption; finds the project to be consistent with the provisions of the General Plan; approved Rezone Application #2002-34, Gerry Hughes, subject to the Development Standards, and to the Development Standards of existing PI #19; and, introduced, waived the reading and adopted Ordinance C.S. 819 for the approved Rezone Application #2002-34 - Planning and Community Development ORD-54-M-2 2003-176 & 2003-177

G/C unan. **6:40 pm** Finds the current project for Rezone Application #2002-32 - Forrest Aarvig, a request to rezone 1.3 acres from PD#260 to a modified PD to allow the existing development to include uses in addition to those currently permitted on property located on the east side of Pirrone Court, south of Pirrone Road in Salida, involves no new construction; finds the project is exempt under provisions of §15301 of the California CEQA Guidelines; ordered the filing of a Notice of Exemption; finds the project to be consistent with the provisions of the General Plan; approved Rezone Application #2002-32, Forrest Aarvig, subject to the Development Standards, and to the Development Standards of existing PD #260; and, introduced, waived the reading and adopted Ordinance C.S. 820 for the approved Rezone Application #2002-32 - Planning and Community Development ORD-54-M-3 2003-178 & 2003-179

G/M unan. **6:45 pm** Finds the current project for Rezone Application Rezone Application #2002-35 - Post Properties, LLC, a request to rezone 29.49 acres from PI #11 to a PD to allow the existing development to include a restaurant use in addition to those currently permitted, located at 5700-5933 Stoddard Road in Salida, involves no new construction; finds the project is exempt under provisions of §15301 of the California CEQA Guidelines; ordered the filing of a Notice of Exemption; finds the project to be consistent with the provisions of the General Plan; approved Application #2002-35, Post Properties, LLC, subject to the Development Standards, and to the Development Standards of existing PI#11; and, introduced, waived the reading and adopted Ordinance C.S. 821 for the approved Rezone Application #2002-35 - Planning and Community Development ORD-54-M-4 2003-180 & 2003-181

P/C unan. **6:50 pm** Finds the project for Rezone Application #2002-08 - Mark Porter, a request to rezone from expired PD#146 to a new PD to allow for a single-family dwelling, an agricultural building and future commercial development on a 1.06 acre site located at 2213 East F Street/Highway 108/120, in the Oakdale area, 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 Certificate of Fee Exemption, those findings being based on the analysis presented in the Initial Study; ordered the filing of the Certificate of Fee Exemption with the Clerk-Recorder; adopted the Mitigated Negative Declaration pursuant to Code of Regulations §15074(b); finds that on the basis of the whole record, including the

Initial Study and any comments received, there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the County's independent judgment and analysis; adopted the Mitigation Monitoring Plan pursuant to California Code of Regulations §15075(d); ordered the filing of a Notice of Determination with the Clerk-Recorder, 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 General Plan; finds that the proposed PD Zoning is consistent with the Planned Development General Plan designation; determines that none of the findings precluding parcel map approval can be made; 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 #2002-08 - Mark Porter, subject to the Development Standards; and, introduced, waived the reading and adopted Ordinance C.S. 822 for the approved Rezone Application #2002-07 - Planning and Community Development ORD-54-M-5 2003-1802 & 2003-183

Corr 1 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Ryan Borrell; Dennis & Kelly Little; Heather Haggard, by and through her duly appointed conservators Gary and Mary Carroll; and, China Station Restaurant

Supervisor Caruso asked what happened to the kitchen equipment at the old Memorial South Hospital. He spoke about the feasibility of the ½ cent sales tax in this fiscal climate and suggested that other methods of funding, such as bonding, be explored. The CEO noted that there are other bonding mechanisms, and that he will come back to the Board with a report.

Legislative A. A verbal report was given on Exotic Newcastle disease

Announced: Dedication Ceremony for the Salida Sheriff Substation
February 25, 2003, at 4:00 p.m.
4600 Broadway, Salida

Adjourned at 9:25 p.m.

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

BY: ELIZABETH A. KING, 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.)