

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

Regular Session

Tuesday

March 18, 2003

All Supervisors Present

Pledge of Allegiance to the Flag

Robert Varain spoke regarding a garage fire in LaGrange. The building that burned is still standing in the burned condition, and he requested that it be torn down. He also spoke regarding the lack of water pressure to fight fires. He voiced his concerns regarding the response he has received from DER. Kevin Williams, Director of DER, and Chief Rambo from Consolidated Fire District responded to his issues.

Grover McCoy also spoke about the water pressure and the ability to fight fires in LaGrange. He noted that the tanks that hold the water do not contain enough capacity.

Allen Zanker spoke regarding the safety and security of water in LaGrange, and he said that TID and MID are not in compliance with State law. He noted that he disagrees with the stand of TID and MID who say they do not have an obligation to provide water to LaGrange for fire suppression. He read into the record a memo from TID, which states they do have an obligation to provide water for these services.

Raul Ortega spoke regarding a cut in funding for homeless veterans. He noted that the clinic for veterans needs additional staffing. He requested a commission to be set up to address veteran's issues. The CEO noted that the clinic is funded and staffed by the Federal government and that the Board submitted an application for a home for veterans.

Maria Rodriguez spoke regarding the house she lived in that burned down. She is living in a car with her children and husband. Neither the Red Cross nor the Housing Authority can find them permanent housing. The house she lived in is now being repaired but will be rented to someone else.

Miguel Donoso spoke regarding the lack of low income housing in this County. Westpark Industry has a contract with the County to provide low income housing for County residents.

Erlinda Gonzales spoke regarding the need for housing in the County. She noted that there are empty cabins in the Westley and Patterson area six months out of the year. She requested that this housing be used on an emergency basis.

Ofelia Rodriguez noted the unsafe wiring condition of the low income housing that the Rodriguez family lived in.

P/G unan. Adopted the consent calendar after removing from consent items: ***B-2** Approval of Authorization to Begin the Implementation of the Downtown Parking Program to Accommodate the Displacement of Parking Spaces Arising from Construction of the Gallo Arts Center and the 12th Street Office Building and Parking Garage; ***B-5** Approval for the Health Services Agency to Submit Phase One of Stanislaus County's Smallpox Vaccination Plan, Under the National Smallpox Vaccination Program, to the Department of Health Services and to Enter into a Memorandum of Understanding with Local Hospitals for Participation on Public Health and Healthcare Response Teams; ***D-1** Approval to Rescind a Portion of Williamson Act Contract No. 78-3220 and 92-4217 (Brady Road, District 1) and Approval of

a New Contract Pursuant to Minor Lot Line Adjustment 2002-64 and Authorize the Planning Director to Execute New Contracts; and, *D-2 Approval to Rescind a Portion of Williamson Act Contract No. 72-1082 and 86-4056 (Delaware Road, District 2) and Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2002-53 and Authorize the Planning Director to Execute New Contracts

- *A1 Approved the minutes of 3/11/03
- *A2 Adopted and waived the second reading of Ordinance C.S. 825 amending Title 11 of the Stanislaus County Code, adding a two-hour parking zone, parking prohibited on certain streets at certain hours, handicapped parking, and no parking zones on various roads
ORD-54-M-8 2003-243
- *A3 Commended Constance Brimm, Chief Deputy Probation Officer and Robert Seagrave, Deputy Probation Officer II, upon their retirement from Stanislaus County 2003-244
- *A4a Appointed Zena Gilbert to the Economic Development Action Committee 2003-245
- *A4b Appointed Harold Agresti to the Keyes Fire Protection District Board of Directors 2003-246
- *A4c Appointed Will O’Bryant to the Economic Development Action Committee 2003-247
- *A5 Proclaimed the week of 3/30-4/5, 2003 as Safety Belt Safe Week 2003-248
- *A6 Accepted the resignation of Pat Paul and approved appointment of Nick Blom to the Stanislaus County Employees Retirement Board 2003-249
- *B1 Approved the Deductive Change Order in the amount of \$17,194.14 for the Former City Hall Remodel Project located at 801 11th Street, Modesto 2003-250
- *B3 Amended agreement with Kelly Services, Inc. for Employment Placement Services for StanWORKs participants and authorized the CSA Director, or his Assistant Director Designee, to sign the agreement not to exceed \$236,700 for the period 7/1/02 through 6/30/03 – CSA 2003-251
- *B4 Authorized the DA, or his Designee, to accept the grant from the Stanislaus County Children & Families Commission and sign the contract; authorized the transfer of up to \$7,500 from Appropriations for Contingencies to assist with funding for the purchase of equipment for child abuse victims; and, directed the Auditor-Controller to appropriate funds – DA 2003-252
- *C1 Approved MOU between the City of Newman and Stanislaus County for the County to operate a public transit service, Newman Dial-A-Ride, within the City of Newman; and, authorized the Public Works Transit Division and the County Transit Manager to oversee the operation of the Newman Dial-A-Ride – PW 2003-253
- *C2 Approved negotiation and award of a transit operations contract to Storer Transit Systems, and authorized the Public Works Transit Division and the County Transit Manager to sign and execute all necessary documents – PW 2003-254

G/M unan. *B2 Approved the implementation of the Downtown Parking Program; authorized the CEO to hire temporary Clerk-Drivers to operate parking shuttle vehicles; authorized staff to continue working to locate additional downtown satellite parking areas as the Parking Program is implemented; authorized the CEO to pursue and negotiate potential parking leases with the City of Modesto to provide additional downtown shuttle parking; and, approved the use of existing plant acquisition funds to support this lease effort 2003-255

G/P unan. *B5 Authorized HSA to submit Phase One of Stanislaus County’s Smallpox Vaccination Plan, under the National Vaccination Plan, to the Department of Health Services; authorized HSA to enter into a MOU with local hospitals for participation on Public Health and Healthcare Response Teams; authorized the HSA Managing Director, or her Designee, to sign the MOUs; and, authorized the HSA to assume Workers Compensation liability for the Public Health and Hospital Response Team members who are vaccinated during Phase One, designated as County Volunteers and acting as agents of the County, for vaccine-related injuries – HSA 2003-256

C/P unan. ***D1** Rescinded a portion of Williamson Act Contract #78-3220 and 92-4217 (Brady Road, District 1) and approved new contract pursuant to Minor Lot Line Adjustment Application 2002-64; 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 §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 & Community Development

2003-257

C/P unan. ***D2** Rescinded a portion of Williamson Act Contract #72-1082 and 86-4056 (Delaware Road, District 2) and approved new contracts pursuant to Minor Lot Line Adjustment Application 2002-53; 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 §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 & Community Development

2003-258

C/P unan. **B6** Approved proceeding with the Grayson Community Center and Park Project; approved establishing the project budget; authorized the Auditor-Controller to establish a new Capital Projects Fund and to appropriate transfers; and, approved the Project schedule

2003-259

M/G unan. **B7** Authorized support of Merced County’s application for Transportation Equity Act (TEA 21) Funding for a Feasibility Study/Project Study Report (PSR) to realign State Route 165, including a new State Route 99 Interchange south of Lander Avenue

2003-260

G/C (4-1) (Mayfield opposed) **6:35 p.m.** Upheld the Planning Commission’s recommendations based on staff reports, testimony of staff, and others testifying at the Board meeting; approved the Vesting Tentative Subdivision Map Application #2002-03, Exception Application #2002-05 and Rezone Application #2002-33 – Leer Court at Del Rio subject to the attached Conditions of Approval and Mitigation Monitoring Plan, to rezone from R-A to P-D to allow the creation of five parcels a minimum of 20,000 square feet each and an exception allowing access via a private road improved to County Standards on property located at 409 Stewart Road, north side of Stewart Road, between the Union

Pacific Railroad and McHenry Avenue, in the Del Rio area; finds the project 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; ordered the filing of the Certificate of Fee Exemption with the Clerk-Recorder's Office; adopted the Mitigated Negative Declaration pursuant to California 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 Stanislaus 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 Stanislaus County Clerk-Recorder's Office, pursuant to Public Resources Code §21152 and California Code of Regulations §15075; finds that none of the findings requiring denial of a tentative map can be made; finds the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedications and improvements; determined that all of the necessary findings for an exception can be made; and, introduced, waived the reading and adopted Ordinance C.S. 823 for the approved Rezone Application #2002-33 – Planning and Community Development

ORD-54-M-6 2003-261 & 2003-262

Recessed at 9:25 p.m.

Reconvened at 9:33 p.m.

Corr 1 Referred to the Department of Behavioral Health and Recovery Services information from Supervisor Helen Thompson of Yolo County regarding AB 1421 "Laura's Law" which allows Counties to establish assisted outpatient treatment programs that combine court-ordered treatment with intensive and supervised care in the community.

Corr 2 Referred to the Department of Planning and Community Development a letter from the U.S. Department of Housing and Urban Development regarding the 2003 allocation of \$2,324,000 in Community Development Block Grants.

Corr 3 Referred to the CEO, DER and HSA information from "Breath" The California Smoke-Free Bars, Workplaces and Communities Program regarding outdoor tobacco smoke policies and ordinances.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Erik Jovani Mendoza; Manuel Joe Garcia; and, Zulima Aviles, Andrew Aviles Jr., Elizabeth Aviles Jacobi and Adam Cole.

Supervisor Caruso met with citizens of Patterson regarding the closing of the DMV office in Patterson and noted that throughout the smaller communities of Stanislaus County the DMV is closing branches.

Supervisor Mayfield met with the Manufactures Council regarding the impact of the San Joaquin Valley Unified Air Pollution Control District's new restrictions regarding emission on their boilers. He noted that the smog from the highway creates more pollution. He voiced concern that by restricting industry the problem will not be solved.

Supervisor Paul attended a conference on water issues last weekend, where there was a lack of understanding of agricultural water needs.

Supervisor Grover attended a meeting with the Modesto Bee Editorial Board regarding air pollution, and he noted that soon afterwards there was a positive editorial article regarding agriculture. He attended the

Workforce Alliance Board meeting this week. He noted that in the past the Alliance was asked to study if sales tax was possible for transportation in the County, and then if viable, to take the lead in this effort. The city mayors are meeting on this issue and have an opposing view.

The CEO noted that the State budget is the issue in State Legislature. He announced that the County is on Orange Alert from the Homeland Security Office and that staff has a plan regarding emergency preparedness. The EOC will be fully up and running by Thursday and the County will provide ongoing information to the public.

Adjourned at 10:00 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.)