

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

May 6, 2003

A resolution proclaiming May 6, 2003 as World Asthma Day was presented to Dr. Walker and Dr. Carroll of the Stanislaus Asthma Coalition.

A resolution proclaiming May as Teen Pregnancy Prevention Month was presented to Laura Tarlo, Project Director for Teen Pregnancy Prevention Program at HSA; Samantha Phillips, McHenry Medical Office Clinic Manager; Belinda Rollicheck, Program Manager for the SHADE Teen Clinic; and, Jan Husman, Coordinator for the Adolescent Family Life Program and CAL-Learn Program.

A resolution proclaiming May 6-12, 2003 as Nurses Week was presented to Denise Hunt, Assistant Director of BHRS, and Cleopathia Moore, Assistant Director of Public Health.

A resolution proclaiming May 4-10, 2003 as Multipurpose Senior Services Program Week was presented to Deana Del Barba, Social Worker from the MSSP.

Margie Palomino, Director of Aging and Veterans Services, spoke regarding May 2003 as National Older Americans Month and invited the Board to visit the Info Van.

P/M unan. Adopted the consent calendar after removing from the consent calendar items: ***C4** Approval of the Installation of Stop Signs at Various Locations, and ***C6** Approval to Introduce and Waive the First Reading of an Ordinance to Amend Title 11 of the Stanislaus County Code, Pertaining to Traffic Control to Establish Speed Zones on Various County Roads; and, after removing from the agenda, item ***C8** Approval of the Subdivision Improvement Agreement and the Filing and Recording of the Final Map for Diablo Grande Unit No. 1A Subdivision

***A1** Approved the minutes of 4/29/03

***A2** Accepted the resignation of Vito Chiesa and approved appointment of Wayne Zipser to the Agricultural Advisory Board 2003-400

***A3a** Appointed Jerry Ann Gradford to the Monterey Park Tract Community Services District 2003-401

***A3b** Appointed Judith R. Loretelli to the Stanislaus County Children's Council 2003-402

***B1** Accepted the recommendations of the Senior Awards Committee for the five Senior Award recipients (one from each supervisorial district) – Aging & Veterans Services 2003-403

***B2** Set a public hearing on 7/8/03 at 9:25 a.m. regarding the 2003-2004 special assessment for the Salida Lighting District – Auditor-Controller DL-3-B-15 2003-404

***B3a** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 7707 and 7725 Foy Avenue, Ceres, California (CE No. 02-2098) – DER 2003-405

***B3b** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 7815 Foy Avenue, Ceres, California (CE No. 02-1924) – DER 2003-406

***B3c** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 5344 9th Street, Keyes, California (CE No. 03-93) – DER 2003-407

- *B3d** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 0 Vantine Street, Knights Ferry, California (CE No. 02-2000) – DER 2003-408
- *B4** Approved updating the Governing Body Resolution Form currently on file with the Governor’s Office of Emergency Services for the California Department of Homeland Security 2003-409
- *C1** Approved the FY 02/03 Transportation Development Act Claim; and, authorized the Director of Public Works to execute and submit the claim to StanCOG – PW 2003-410
- *C2** Adopted a resolution to summarily vacate a portion of Gratton Road in Denair – PW 2003-411
- *C3** Directed the Auditor-Controller to increase Appropriations by \$4,750 and Estimated Revenue by \$4,200 in the project account to cover additional reviews necessary for the Compressed Natural Gas (CNG) Vehicle Fueling Facility Project – PW 2003-412
- *C5** Directed the Auditor-Controller to increase Appropriations and Estimated Revenue by \$121,900 in the project account to cover design services and construction engineering associated with the Albers Road Widening Project – PW 2003-413
- *C7** Introduced and waived the first reading of Ordinance C.S. 842 amending Title 11 of the Stanislaus County Code, amending Handicapped Parking Zones, No Parking Zones, and One-Hour Zones on various County roads; and, find that the subject ordinance is not subject to CEQA (Public Resources Code, §2100 et seq.) – PW ORD-54-N-9 2003-414

P/C unan. ***C4** Approved the installation of stop sign traffic control, under the authorization granted to local authorities in Vehicle Code §21355, at the following locations: Glen Avenue at Las Vegas Street and Davis Avenue at Morgan Street; required motorists on all approaches to stop prior to entering these intersections; the stop signs shall be located at or near all entrances to said intersections; and, amended the item to exclude the intersection of Vantine Street at Dean Street from the recommendations – PW 2003-415

C/P unan. ***C6** Introduced and waived the first reading of Ordinance C.S. 841 amending Title 11 of the Stanislaus County Code, Sections 11.04.030, 11.04.040, 11.04.050, 11.04.060, and 11.04.070, to establish speed zones on various County roads; and, find that the subject ordinance is not subject to CEQA (Public Resources Code, §2100 et seq.) – PW ORD-54-N-8 2003-416

C/M unan. **9:25am** Finds the project for Rezone Application #2002-11, - The Auto Prestige, a request to rezone from A-2-10 (General Agriculture) to Planned Development (PD) to allow a used car sales lot with a two-story, 4,500 square foot sales office on a 31,000 square foot lot located at 4249 McHenry Avenue, north of Pelandale Avenue, in the Modesto area, to be De Minimis for the purposes of collection of Fish and Game Fees pursuant to CCR §753.5 by adopting the findings of fact contained in the Certificate of Fee Exemption, those findings being based on the analyses 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 CCR §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 CCR §15074(d); ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder’s Office, pursuant to Public Resources Code §21152 and CCR §15075; finds that the project is consistent with the overall goals and policies of the County General Plan; finds that the proposed PD zoning is consistent with the Planned Development General Plan description; 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 #2002-11, The Auto Prestige, subject to the development standards; and, introduced, waived the reading and adopted Ordinance C.S. 835 for the approved Rezone Application #2002-11 - Planning ORD-54-N-1 2003-417 & 2003-418

M/P unan. **9:30am** Adopted the final \$2.324 million CDBG Annual Work Plan for FY 03/04; approved related allocation agreements between the County and the cities of Oakdale and Patterson and authorized the Chairman to sign same; approved grant awards to fifteen public service agencies in the aggregated amount of \$227,874; authorized the Director of Planning and Community Development, on behalf of the County, to act on all matters relating to the Final Annual Work Plan; and, directed the Auditor-Controller to establish the appropriate allocation and budget accounts – Planning 2003-419

P/C **9:35am** (2-3) (Mayfield, Grover and Simon opposed) The motion to deny the Appeal failed.
G/S (3-2) (Paul and Caruso opposed) Approved the Appeal of Planning Commission Decision of Denial for Vesting Tentative Parcel Map Application #2002-37 and Exception Application #2002-07, Dan and Sharon Schwartz; finds that the project is categorically exempt from CEQA; ordered the filing of the Notice of Exemption; finds that none of the findings requiring denial of the parcel map can be made as set forth in Exhibit E; finds that the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; approved Vesting Tentative Parcel Map Application #2002-37 and Exception Application #2002-07, Dan and Sharon Schwartz, subject to the Conditions of Approval; and, modified Condition No.10 to read as follows: pursuant to Subdivision Ordinance §20.52.170 the developer shall demonstrate to the satisfaction of the County that it possess a 30-foot access easement for residential purposes from Black Oak Court to Parcel “A” which shall be suitable for access of fire apparatus and shall be shown on the parcel map to be recorded – Planning 2003-420

Recessed at 11:02 a.m.

Reconvened at 11:10 a.m.

G/P (4-1) (Mayfield opposed) **B5** Introduced and waived the first reading of Ordinance C.S. 840 adding Chapter 1.26 to the Stanislaus County Code to extend authority to City Police Officers to enforce certain provisions of the Stanislaus County Ordinance Code – Sheriff ORD-54-N-7 2003-421

Removed from the agenda, **B6** Approval of the Annual Update of Technology Initiatives Related to the Community Wide Connecting Stanislaus Technology Program and Proclaim May 2003 as Connecting Stanislaus Technology Awareness Month in Stanislaus County

M/G unan. **B7** Approved the CEO’s Third Quarter Financial Report for FY 02/03; authorized the CEO and Auditor-Controller to make the necessary adjustments as recommended; authorized the CEO to take the necessary actions to end the fiscal year in a positive fiscal position; authorized the Auditor-Controller to make the necessary year-end closing entries as approved by the CEO; approved the FY 03/04 Budget Schedule; directed the Auditor-Controller to accrue SB 90 revenue for the BHRS Department budget units at year end; directed the CEO to work with Departments to reduce anticipated exposures for the County for the remainder of FY 02/03 and FY 03/04 related to the failure of the State to reimburse the County for mandated services as legally obligated in the SB 90 claiming program; approved amendment to the salary and position allocation resolution as detailed in the staffing impacts (attachment C); approved the reduction-in-force action of one grant funded position in the Probation Department Challenge Grant Program to be effective at close of business 6/30/03; accepted the CEO’s preview of the Preliminary Budget Impact Report for FY 03/04; set a public hearing for consideration and adoption of the FY 03/04 Final Budget on 6/17/03 at 6:35 p.m., the hearing will be continued to 6/18/03 at 9:00 a.m. and 6/19/03 at 9:00 a.m. if necessary; and, directed the Clerk to advertise the public hearings and make appropriate changes to the public notices if fee increases are proposed as part of the budget process

2003-422

Corr 1 Referred to the CEO and the Department of Parks and Recreation, a letter from the State of California Department of Parks and Recreation regarding the status of Proposition 40 grant programs.

Corr 2 Referred to the CSA, a letter from Lake County requesting a resolution opposing AB 1470 and SB 936 In-Home Supportive Services.

Corr 3 Referred to the Ag Commissioner and DER, a letter from the California Regional Water Quality Control Board regarding the water quality study on the Tuolumne, Stanislaus, and Merced Watersheds, and Farmington and east valley floor drainage areas.

C/P unan. **Corr 4** Adopted a resolution supporting the inclusion of Highway 99, from Stockton in the north, to I-5 south of Bakersfield, into the Interstate Highway system. 2003-423

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Daniel A. Trindade; Rudy Suarez; and, Kristine Kahn-Walley.

Supervisor Caruso informed the Board on his and Supervisor Grover's recent trip to Washington, D.C. regarding transportation issues. He and Supervisor Grover both thought that the trip would result in funding for StanCOG projects. He thanked Congressman Cardoza for his assistance regarding these meetings.

Chairman Simon spoke about the overwhelming publicity regarding the Laci Peterson case. He voiced his concerns of the portrayal of the community and the local authorities in the media.

The CEO reported on the Landfill map that was submitted to the Integrated Waste Management Board. The map did not accurately reflect the Board's intent. County Counsel has been in contact with legal counsel of the Integrated Waste Management Board regarding the correction of the map.

Adjourned to closed session at 12:27 p.m. for public employment/re-appointment (four year term): performance evaluation – County Counsel. GC §54954.5(e).

Closed Session Announcement: G/M unan. The Board reappointed Michael H. Krausnick as County Counsel to a four-year term ending 3/31/08; the four-year term will begin immediately upon the expiration of his current term, 3/31/04; this action is pursuant to GC §27641; and, there is no change in compensation for Mr. Krausnick 2003-424

Adjourned at 12:55 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.)