

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

Regular Session

Tuesday

January 11, 2005

Supervisor Simon Absent

Pledge of Allegiance to the Flag

A Moment of Silence was observed in memory of Sergeant Howard Stevenson of the Ceres Police Department.

A CSAC Challenge Award was presented to CSA for their Camp ALWAYS Program – A Life With Adoption Yields Success.

Chairman Grover presented a resolution proclaiming the week of 1/9/05 as Family Services Specialist Recognition Week.

Sheriff Weidman responded to a citizen complaint voiced at the 1/4/05 Board meeting regarding cars parking on the new sidewalks in the Shackelford neighborhood. He showed photographs of the sidewalks in the neighborhood, and noted that no cars were parked on the sidewalks. He also noted that the Sheriff's department would continue to address public safety issues in this neighborhood.

O'Brien/DeMartini (4-0)(Simon absent) Adopted the consent calendar after removing from consent items *A2 Approval of the Stanislaus County Board of Supervisors' 2005 Meeting Calendar, and *Legislative A. Approval to Authorize the Chairman of the Board of Supervisors to Send a Letter to the Governor Requesting that Proposition 42 Transportation Funds not be Diverted to the State's General Fund

*A1a Approved the Regular Session minutes of 1/4/05

*A1b Approved the Board of Supervisors' Orientation minutes of 1/4/05

*A3a Accepted the resignation of John Hernandez from the Mental Health Board 2005-31

*A3b Accepted the resignation of Anita Hellam from the Advisory Board on Substance Abuse Programs 2005-32

*A3c Accepted the resignation of Carl L. Ott from the East Side Mosquito Abatement District 2005-33

*B1 Approved the agreement with the State Department of Mental Health for State hospital bed usage for FY 2004/2005 and authorized the BHRS Director to sign the agreement – BHRS 2005-34

*B2 Authorized the Purchasing Division to issue a Request for Proposal (RFP) on behalf of CSA for the provision of services to children by family resource centers for the period of 6/1/05 through 6/30/08, in collaboration with the Children and Families Commission – CSA 2005-35

*B3a Authorized DER to accept funds from the State Water Resources Control Board and to contract with environmental contractors for the clean up of soil and groundwater contamination at 632 Ninth Street, Turlock, California; authorized the Interim Director of DER, or her Designee, to sign agreements with the State Water Resources Control Board to accept Emergency, Abandoned, and Recalcitrant (EAR) accounts funds, in the form of a letter of award - amounts may exceed \$100,000; and, authorized the Interim Director of DER, or her Designee, to enter into and sign agreements and contracts to expend funds designated by the State Water Resources Board – DER 2005-36

- ***B3b** Authorized DER to accept funds from the State Water Resources Control Board and to contract with environmental contractors for the clean up of soil and groundwater contamination at 722 First Street, Turlock, California; authorized the Interim Director of DER, or her Designee, to sign agreements with the State Water Resources Control Board to accept Emergency, Abandoned, and Recalcitrant (EAR) accounts funds, in the form of a letter of award - amounts may exceed \$100,000; and, authorized the Interim Director of DER, or her Designee, to enter into and sign agreements and contracts to expend funds designated by the State Water Resources Board – DER 2005-37
- ***B4a** Adopted the decision of the Nuisance Abatement Hearing Board regarding property located at 1010 Santa Fe Avenue, Modesto, California (CE No. 04-1424) – DER 2005-38
- ***B4b** Adopted the decision of the Nuisance Abatement Hearing Board regarding property located at 901 Watson Avenue, Modesto, California (CE No. 03-2904) – DER 2005-39
- ***B4c** Adopted the decision of the Nuisance Abatement Hearing Board regarding property located at 1740 Denver Street, Modesto, California (CE No. 04-3047) – DER 2005-40
- ***B4d** Adopted the decision of the Nuisance Abatement Hearing Board regarding property located at 1500 Grimes Avenue, Modesto, California (CE No. 04-1319) – DER 2005-41
- ***B5** Accepted the Stanislaus County Treasury Pool’s November 2004 Monthly Investment Report as prepared by the Stanislaus County Treasurer/Tax-Collector’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 of the Board of Supervisors to sign on behalf of the Board that the report has been reviewed and accepted – T/TC 2005-42
- ***C1** Approved the amendment to the agreement for sharing cost of electrical facilities with Caltrans to include the new traffic signal at State Route 132 and McClure Avenue; authorized the Director of Public Works to execute the amendment; and, authorized the Director of Public Works to execute similar future amendments to the agreement- PW 2005-43
- ***C2** Authorized the Chairman to sign the MOU with Modesto Irrigation District (MID) regarding costs to relocate electric utilities in County right-of-way- PW 2005-44
- ***D1** Rescinded all or a portion of Williamson Act Contract #1972-1015 and #1973-1250 (Sequoia Road, Patterson area), and approved new contract pursuant to Minor Lot Line Adjustment Application 2004-50 (Del Mar Seed Co. - Jon and Tami Maring) 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 §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 2005-45

DeMartini/Mayfield (3-1)(O’Brien opposed)(Simon absent) ***A2** Approved the Stanislaus County Board of Supervisors’ 2005 Meeting Calendar 2005-46

Mayfield/O'Brien (4-0)(Simon absent) **B6** Approved the contract for the third year of the State-County Property Tax Administration Grant Program; adopted a resolution to participate in the State-County Property Tax Administration Grant Program; authorized the CEO to sign the contract and any amendments; authorized the Auditor-Controller to accept \$866,155 from the State Department of Finance; directed the Assessor and the CEO to report back to the Board at the completion of the third year of this program; authorized two new Appraiser Technician positions; and, amended the Salary and Position Allocation Resolution to include the new positions – Assessor 2005-47

O'Brien/Grover (2-2)(Mayfield and DeMartini opposed)(Simon absent) **9:25am** The **motion failed** to remand Use Permit Application #2004-13, McHenry Golf Center, back to the Planning Commission as requested by the Applicant and the Appellant

O'Brien/Grover (2-2)(Mayfield and DeMartini opposed)(Simon absent) **9:25am** The **motion failed** to continue the public hearing to a future date, when there would be a full Board, for the Appeal of Planning Commission decision for Use Permit Application #2004-13, McHenry Golf Center, a request to establish a golf driving range on an 18+ acre parcel in the A-2-40 (General Agriculture) zoning district on McHenry Ave., north of Kiernan Ave./Claribel Rd., in the north Modesto area

Mayfield/O'Brien (4-0)(Simon absent) **9:25am** The Board received written requests to remand Use Permit Application #2004-13, McHenry Golf Center, back to the Planning Commission from both the Applicant and Appellant regarding the appeal of Planning Commission decision for Use Permit Application #2004-13, McHenry Golf Center, a request to establish a golf driving range on an 18+ acre parcel in the A-2-40 (General Agriculture) zoning district on McHenry Ave., north of Kiernan Ave./Claribel Rd., in the north Modesto area; and, the Board approved the requests and remanded the Application back to the Planning Commission with direction to reconsider a revised project at a new location as set forth in the letters from the Appellant and Applicant 2005-48

Recessed at 10:20 a.m.

Reconvened at 10:34 a.m.

O'Brien/Mayfield (4-0)(Simon absent) **9:30am** Finds Rezone Application #2004-05 and Parcel Map Application #2004-14, Kelly Business Park, a request to rezone 4.35 acres from A-2-40 (General Agriculture) to PD (Planned Development) and to create two parcels to allow the development with Commercial/Industrial uses consistent with others in the surrounding vicinity and to allow a new gymnasium to be constructed adjacent to an existing church within the proposed PD, 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 analyses presented in the Initial Study, and ordered the filing of the Certificate of Fee Exemption with the Stanislaus County Clerk-Recorder's Office; adopted the Mitigated Negative Declaration pursuant to CEQA Guidelines §15074(b), by finding 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 judgment and analysis; adopted the Mitigation Monitoring Plan pursuant to CEQA Guidelines §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 CEQA Guidelines §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; determined 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 #2004-05, subject to the Development Standards; approved Parcel Map Application #2004-14, subject to the Development Standards; and, introduced, waived the reading and adopted Ordinance C.S. 912 for the approved Rezone Application #2004-05 - Planning ORD-54-V-1; 2005-49 & 2005-50

Corr 1 Referred to the Stanislaus County Redevelopment Agency, a letter from the California Housing Finance Agency regarding the approval of round one of FY 2004/05 HELP Program funding for Stanislaus County in the amount of \$562,500.

Corr 2 Acknowledged receipt of claim and referred to the CEO-Risk Management Division the following claim: Alaina Costa.

Supervisor DeMartini noted that he, the Deputy Director of Planning, County Counsel, and the Agricultural Commissioner attended a recent Patterson School Board meeting where the school board approved purchasing land outside the Patterson sphere of influence to build a school. He stated that the County gave a presentation based on facts opposing this project, as not being consistent with the agricultural zone, and raising traffic issues. In addition, a letter from the Farm Bureau opposing the purchase was presented.

Supervisor Mayfield spoke regarding an upcoming Air Pollution Control District meeting. He noted that the Air District has a new rule planned for every month of this year, including rules regarding wine fermentation tanks and dust which will affect the way we do business in the valley.

DeMartini/Mayfield (4-0)(Simon absent) ***Legislative A.** Authorized the Chairman of the Board of Supervisors to send a letter to the Governor requesting that Proposition 42 transportation funds not be diverted to the State's General Fund 2005-51

The CEO gave a brief update regarding the Governor's January budget proposal. He stated that on 1/25/04 a more complete report would be presented to the Board, as well as the 2005 Legislative Platform. The Governor's proposed budget identifies a \$9.1 billion difference between revenues and expenditures for the two-year period ending June 2006. The Governor plans to utilize half of the remaining economic recovery bond, suspend Prop 42, and reduce funding for Prop 98, schools, education, health and human services, general government, resources, and youth/adult corrections. The proposal will have a significant impact on Stanislaus County, and the CEO will be distributing a more complete analysis in the days ahead.

Adjourned at 11:51 a.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.)