

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

Regular Session

Tuesday

March 15, 2005

Chairman Grover and Supervisor Simon Absent

Pledge of Allegiance to the Flag

Mary Whetstone, President of ASA, noted that the remodel project of the Animal Shelter Quarantine area is complete, and she thanked the Board. She requested that the Board fund the use of the Neuter Scooter on weekends in community neighborhoods, and fund a Countywide humane education program outlining the benefits of spay and neutering.

Sue Purdom spoke regarding the Neuter Scooter and requested that it be used on weekends in various neighborhoods throughout the County.

Karole Britton spoke regarding the Neuter Scooter, and its use as the primary veterinary hospital at the Animal Shelter. She requested that the ventilation at the Animal Services hospital be fixed so that the Neuter Scooter could be used as a mobile hospital in the community.

Frank Rosenav, of the Golden Valley Kennel Club, spoke regarding the Neuter Scooter. He handed out a copy of a Modesto Bee Letter to the Editor supporting the Animal Auxiliary's proposal to activate the Neuter Scooter.

Gail Womack also spoke regarding the Neuter Scooter and requested that it be used in the community as a mobile veterinary hospital for spay and neutering.

Enedina Chavez, of Patterson, spoke regarding the Covanta incinerator and the poor air quality in the West Side of the County.

Gabby Reynoso, from the Grayson Neighborhood Council, read a letter regarding the Covanta incinerator in Crows Landing and its affects on air quality.

Julie Alcantar, from Patterson, spoke regarding plastics that are burned at the Covanta incinerator causing emissions of dioxin and health issues.

Alicia Serrano spoke regarding her sister who has asthma, and noted the poor air quality in the County.

John Mataka raised issues regarding the Covanta incinerator and its affects on air quality and public health. He wants the Covanta incinerator shut down and the County to use an alternative energy source. He noted that the air quality in the Central Valley is worse than in L.A.

Gloria Diaz also raised issues regarding the Covanta incinerator and the emission of dioxin causing health issues. She requested that the County stop burning garbage.

Jessica Tovar, from Greenaction for Health and Environmental Justice, spoke regarding the Covanta incinerator and the importation of waste from other cities and counties. She noted that at low levels dioxin can cause cancer, birth defects, and other health issues.

Ralph Anthony Ryder spoke regarding the impact of incinerators around the world. He noted that a team of French epidemiologists recently requested that the French government not pursue incineration due to health concerns. Mr. Ryder is writing an epidemiology report regarding this issue and he will send it to the Board when it is complete.

Monica Wilson, of Global Anti-Incinerator Alliance in Oakland, raised concerns regarding the Covanta incinerator and requested that it be shut down. She spoke regarding the ash from the incinerator that is placed in the landfill. She stated that we could save more energy by increasing recycling efforts.

Sonya Harrigfeld, Director of DER, showed a graph that depicted the amounts of dioxin emitted by the Covanta Incinerator between the years 2000 to 2004. She noted that the emission levels are low, and significantly below the permitted limit.

Jim Healey, Plant Manager of Covanta, noted that levels of dioxin are measured yearly. A third party environmental science lab tests the incinerator emissions yearly and is overseen by the San Joaquin Valley Air Pollution Control Board.

Bradley Angel, Executive Director of Greenaction, spoke regarding dioxin and stated that minute levels can cause health issues.

Juan Rosario, from San Juan, Puerto Rico, voiced concerns regarding the Covanta incinerator and the techniques used to test levels of dioxin.

O'Brien/DeMartini (3-0)(Grover and Simon absent) Adopted the consent calendar after removing from consent item ***D3** Approval to Respond to U.S. Fish and Wildlife Service's Draft Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon

- *A1** Approved the minutes of 03/01/05
- *A2** Adopted and waived the second reading of Ordinance C.S. 913 Amending Title 11 of the Stanislaus County Code, adding a No Parking Zone on Crows Landing Road, San Marino Drive, Ninth Street and Faith Home Road; Amending a No Truck Parking Zone on Sisk Road and Oakdale Road; amending a No Parking Zone on Sisk Road and Herndon Avenue – PW
ORD-54-V-3 2005-172
- *A3** Proclaimed May 2005 as Asthma Awareness Month 2005-173
- *A4** Amended the Del Puerto Health Care District Conflict of Interest Code DH-1-A-3 2005-174
- *A5** Accepted the appointment of Kirk Jensen to the Central California Irrigation District Board
2005-175
- *A6** Appointed Mary Burch to the IHSS Advisory Committee 2005-176
- *A7** Appointed Robert James Nickerson to the Building Code Appeals Board 2005-177
- *B1** Authorized the BHRS Director to appoint Paul Rains, RN, MSN, to the position of a Nurse Manager at Stanislaus Behavioral Health Center at a salary of \$45.10 which exceeds the mid-point of Band E 2005-178
- *B2** Authorized the acceptance of a grant from the Children and Families Commission (Prop 10) for the Families in Partnership Program and authorized the CSA Director, or his Assistant Director Designee, to sign the agreement not to exceed the total contract amount of \$844,993 for the period of 10/1/04 through 6/30/07 – CSA 2005-179
- *B3** Approved contract amendment #GAPP-4081-02 with the California Department of Education (CDE) for the administration of the Child Care and Development Block Grant and authorized the CSA Director, or his Assistant Director Designee, to sign the agreement not to exceed the total contract amount – CSA 2005-180

- *C1 Approved the Subdivision Improvement Agreement for Vesting Tentative Parcel Map #2004-12; and, authorized the Chairman to sign the agreement on behalf of the Board of Supervisors – PW 2005-181
- *C2 Accepted the Hickman Road Bridge at Tuolumne River Scour Countermeasures Project (“Tuolumne River Bridge at Waterford”) as complete; approved increasing the project account by \$16,688.76; and, directed the Auditor-Controller to increase the Appropriations in the project account per the Financial Transaction Sheet – PW 2005-182
- *D1 Set a public hearing on 4/5/05, at 9:25 a.m., to consider Specific Plan Amendment #2005-01 - Diablo Grande; Tentative Map #2004-02 - The Legends; Tentative Map #2004-03 - The Vineyards; Tentative Map #2004-04 - The Vineyards II; and, Tentative Map #2004-05 - The Cottages – Planning 2005-183
- *D2 Set a public hearing on 4/19/05, at 6:45 p.m., to consider GPA #2003-08 and Rezone Application #2003-11, Bassi Plaza - Joe & Kiran Bassi – Planning
ORD-54-V-4 2005-184

DeMartini/O’Brien (3-0)(Grover and Simon absent) *D3 Directed staff to finalize a response for the Chairman’s signature, to the U.S. Fish and Wildlife Service’s Draft Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon – Planning 2005-185

O’Brien/DeMartini (2-1)(Mayfield opposed)(Grover and Simon absent) **6:40 p.m.** The **motion failed** to approve the appeal of the Planning Commission denial for Use Permit Application #2004-14, Laura Overton

DeMartini/O’Brien (3-0)(Grover and Simon absent) **6:40 p.m.** Based on the testimony received, staff report, staff presentation, and Board discussion, the Board granted the Appeal of Planning Commission’s Denial and approved Use Permit Application #2004-14, Laura Overton, a request for a kennel permit to house dogs, which would include breeding, on a 4.3 acre site in the A-2-40 (General Agriculture) zoning district located at 3800 S. Quincy Road, south of Whitmore Avenue and north of Service Road, in the Hughson area, subject to the Conditions of Approval; finds that the use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; finds that the parcel on which such use is requested is not located in one of the County’s “most productive agricultural areas,” as that term is used in the Agricultural Element of the General Plan, or the character of the use requested is such that the land may reasonably be returned to agricultural use in the future; finds that the establishment, maintenance, and operation of the proposed use or building applied for is consistent with the general plan designation of “General Agriculture” and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County; finds that the establishment as proposed will not be substantially detrimental to, or in conflict with, agricultural uses of other property in the vicinity, and the parcel on which such use is requested is of diminished agricultural importance because of size, shape, location, orientation, soil type or relationship to existing adjacent usage, or the character of the use which is requested is such that the land may reasonably be returned to agricultural use in the future; finds that the project is not likely to cause substantial environmental damage, because this site is not identified as having endangered plant or animal habitat as noted on the natural diversity data base maps of the Stanislaus County General Plan Support Documentation; finds that the project is categorically exempt from CEQA and ordered the filing of the Notice of Exemption; amended Condition No. 4 to add a requirement that the applicant take all reasonable steps to ensure noise levels do not disturb neighbors including placing the dogs inside between the hours of 10:00 p.m. and 6:30 a.m.; amended Condition No. 5 to read as follows: “A maximum of 20 dogs shall be allowed on site, plus an additional five dogs provided documents can be presented showing that the dogs were previously

owned by the applicant and returned by the buyers; and, added the Condition that if a business license is warranted, one shall be obtained by the applicant – Planning 2005-188

Recessed at 9:03 p.m.

Reconvened at 9:15 p.m.

O'Brien/DeMartini (3-0)(Grover and Simon absent) **C3** The Board received public comment on the seven alternatives for the relocation of State Highway 108 and supported the inclusion of the Claribel Corridor in a Project Study Report as one of the several alternative routes for State Highway 108 – PW 2005-187

DeMartini/O'Brien (3-0)(Grover and Simon absent) **B4** Accepted a report of the strategic accomplishments of the Stanislaus County Regional Tourism Roundtable and impacts to Countywide economic development 2005-186

Corr 1 Referred to the Department of Planning and Community Development, information from the National Community Development Association requesting support of the Community Development Block Grant Program.

Corr 2 Referred to the Chief Probation Officer and District Attorney, a notice from the Department of Youth Authority regarding proposed regulatory action for the collection of DNA specimens.

Corr 3 Referred to the Agricultural Commissioner, Department of Planning and Community Development, and Department of Environmental Resources, a notice from the California Regional Water Quality Control Board regarding CEQA scoping meetings and public workshops to discuss the development of an amendment to the Plan for the Sacramento and San Joaquin River Basins.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Daniel Gutierrez; Jamie Smith; David Shane Tyson; Lola M. Funk; Angela Bertles; Lloyd Byrd Hines; Ismael Alvarado; and, Robert Benyammi.

Supervisor DeMartini noted that the Patterson School District is still planning to build a school in an agricultural area, despite objections from the County. In addition, he learned from the County Public Works Director that the proposed school site is in a flood plain. He requested that County Counsel write a letter to the Department of Conservation regarding placement of the school in a floodplain. County Counsel stated that, as requested, he would write the letter to the Department of Conservation regarding this issue.

Adjourned at 10:36 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.)