

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

Regular Session

Tuesday

April 5, 2005

All Supervisors Present

Pledge of Allegiance to the Flag

A presentation was made by Kathryn Kohn from the Community Capacity Development Office of the U.S. Department of Justice regarding the Weed and Seed Program.

Employee Service Awards for those honored for thirty years of service were given to Kristy Feliciano – DET; Edwin Espinosa – DER; and, Ignacio Ocegueda – DER. Employee Service Awards for those honored for twenty-five years of service were given to Arlene Hamrick – Auditor-Controller’s Office and Albert Suelzle – Clerk-Recorder’s Office.

Simon/Mayfield unan. Adopted the consent calendar

- *A1 Approved the minutes of 3/29/05
- *A2a Appointed Warren Brumley to the Stanislaus County Parks and Recreation Commission 2005-238
- *A2b Appointed John Fantazia to the Economic Development Action Committee 2005-239
- *A2c Appointed Jeffrey McCardia and Michael Thompson to the Advisory Board on Substance Abuse Programs 2005-240
- *A3 Approved request from the Stanislaus County Bar Association and California State University, Stanislaus for use of the Courthouse Lawn on Monday, 5/4/05 for a Law Day Event 2005-241
- *A4 Approved request from Chris Ricci Presents, Inc. for use of the Courthouse Lawn on Saturday, 7/23/05 for the Xclamation Festival 2005-242
- *A5 Accepted the resignation of Martin Petersen and Tammy Felix from the Stanislaus County Children and Families Commission 2005-243
- *A6 Proclaimed April 2005 as Child Abuse Prevention Month and 4/22/05 as Children’s Memorial Day 2005-244
- *A7 Proclaimed 4/10/05 – 4/16/05 as Safety Seat Checkup Week 2005-245
- *B1 Authorized the Executive Director of the Stanislaus County Children & Families Commission to appoint Cerise Cameron-Grice, JD to the position of Manager II at the Stanislaus County Children & Families Commission at an annual salary of \$71,344, which exceeds the mid-point of Band B 2005-246
- *C1 Approved the amendment to the agreement with Universal Building Services for janitorial services for the Agricultural Center to include cleaning newly installed carpets on a quarterly basis; and, authorized the Purchasing Agent to execute the amendment – PW 2005-247
- *D1 Set a public hearing regarding the Community Development Block Grant Draft Updated Consolidated Plan and Annual Action Plan for 5/10/05, at 9:25 a.m.; and, released the Draft Plans for a 30-day public comment period – Planning 2005-248
- *D2 Rescinded all or a portion of Williamson Act Contract #1973-1482 and 1973-1483 (McCracken Road, Westley Area), and approved new contract pursuant to Minor Lot Line Adjustment Application 2004-66 (Sarbijit & Satwant Athwal) 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; 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 2005-249

Simon/O'Brien unan. **9:20am** Accepted the Applicant/Appellant's Withdrawal of the Appeal of Planning Commission Condition of Approval #29 for Use Permit Application #2002-24, Silveira Organic Materials

2005-253

DeMartini/Simon (4-1)(O'Brien opposed) **9:25am** Finds Specific Plan Amendment #2005-01, Diablo Grande and Vesting Tentative Subdivision Maps #2004-02, The Legends; #2004-03, The Vineyards I; #2004-04, The Vineyards II; and, #2004-05, The Cottages, requests to modify the text and percentage of various land uses within the Phase One Preliminary Development Plan of Diablo Grande 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; ordered the filing of the Certificate of Fee Exemption with the Stanislaus County Clerk-Recorder's Office; adopted the Mitigated Negative Declaration on the Specific Plan changes 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 Negative Declaration reflects Stanislaus County's independent judgment and analysis; finds the currently approved Mitigation Monitoring Plan prepared pursuant to CEQA Guidelines §15074(d) addresses all impacts and mitigation measures and will remain in effect; 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: (A) the specific plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses; (B) the County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service; (C) the amendment is consistent with the General Plan goals and policies; (D) the proposed revisions to the Diablo Grande Specific Plan are consistent with the Specific Plan General Plan designation; finds that none of the following findings requiring denial of a tentative map can be made: (A) that the proposed map is not consistent with applicable general and specific plans; (B) that the design or improvements of the proposed subdivision is not consistent with applicable general and specific plans; (C) that the site is not physically suitable for the type of development; (D) that the site is not physically suitable for the proposed density of development; (E) that the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; (F) that the design of the subdivision or type of improvements is likely to cause serious public health problems; (G) that the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection the governing body may approve a map if it finds that alternate easements, for access or for

use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public; this subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; 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; and, approves Specific Plan Amendment Application No. 2005-01, and the four Vesting Tentative Subdivision Map Applications No. 2004-02 - The Legends; No. 2004-03 - The Vineyards I; No. 2004-04 - The Vineyards II, and No. 2004-05 - The Cottages, allowing for the development of 504 single-family lots subject to the Conditions of Approval and Mitigation Monitoring Plan – Planning 2005-254

O'Brien/Mayfield unan. **B2** Approved a CSA Collaborative Outstation in Riverbank to be located at the Community Casa and authorized the CSA to participate in a study conducted by the City of Riverbank to determine the need, location and timetables of a full-service CSA location in Riverbank 2005-250

Simon/Mayfield unan. **B3** Approved the 2005 Community Health Report for Stanislaus County 2005-251

Simon/Mayfield unan. **B4** Approved the proposed Board of Supervisors' priorities and directed County Department Heads to finalize the goals for the priorities and develop measures for the goals to be considered for adoption by the Board at a later date 2005-252

Corr 1 Referred to the CEO, a letter from the Chairman of the Orange County Board of Supervisors requesting support of Assembly Bill 1033 which would establish a formula that allows low property tax counties to keep a larger portion of their property tax revenue growth that is in excess of the state average property tax revenue growth.

Corr 2 Acknowledged receipt of the Report on the Actuarial Valuation as of June 30, 2004 from the Stanislaus County Employees' Retirement Association.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Robert Martin; Larry Cupit; Roberta Garcia; and, Vera McElraine.

Supervisor DeMartini informed the Board that he attended a series of Mountain-Valley Regional Emergency Medical Services meetings. He expressed his dissatisfaction with this organization and recommends that the County no longer participate as a member. He noted that three other local counties have already dropped their membership. He asked that staff begin to analyze this issue and make a recommendation to the Board. The CEO noted that staff is looking into this issue and will report back to the Board.

The CEO commented on the request from Orange County for support of AB 1033. He also noted that on 4/6/05 there would be a meeting with the cities regarding the Pet Overpopulation Ordinance and a community meeting would be held on 4/13/05 at 6:00 p.m. at Harvest Hall, 3800 Cornucopia Way, Modesto.

Adjourned to closed session at 11:09 a.m. for conference with Legal Counsel: Anticipated Litigation – Significant Exposure to Litigation. One Potential Case. Government Code §54954.5(c). Public Employment: Performance Evaluation – County Chief Executive Officer. Government Code §54954.5(e).

Adjourned at 12:35 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.)