

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

Special and Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

April 19, 2005

Special Session convened at 6:00 p.m.

Recessed to closed session at 6:01 p.m. Conference with Legal Counsel - Existing Litigation: Menezes v. County of Stanislaus, et al; San Joaquin County Superior Court Case No. CV021347. Government Code §54956.9 (a). Conference with Legal Counsel - Anticipated Litigation – Significant Exposure to Litigation. One Potential Case. Government §54954.5(c). Conference with Labor Negotiator - Agency Negotiator: Rick Robinson. Labor Organization: CNA. Government Code §54954.5(f)

Reconvened at 6:32 p.m. for Regular Session

Bruce Ramsey, President of the Law Library Board of Trustees, presented a resolution and plaque to the family of James J. Milam.

The Chairman presented a resolution proclaiming April as Child Abuse Prevention Month and April 22, 2005 as Children’s Memorial Day in Stanislaus County.

Sheree Howell spoke in support of AB 19, the Religious Freedom and Civil Marriage Protection Act.

Nina Perez also spoke in support of AB 19 and stated that it would provide stability for gay and lesbian families.

Jeff Gianelli provided information to the Board regarding AB 19, and spoke in support of this Act.

Keith Hiatt also spoke regarding AB 19, and requested support from the Board of Supervisors.

Mary Whetstone, President of ASA, spoke regarding the proposed Pet Overpopulation Ordinance. She requested that the Neuter Scooter be placed in target neighborhoods on the weekends. She noted that low-income pet owners do not have the money to spay and neuter their pets, and that they need assistance.

Simon/Mayfield unan. Adopted the consent calendar

- *A1 Approved the minutes of 4/12/05
- *A2 Proclaimed 4/25/05 – 5/1/05 as West Nile Virus and Mosquito and Vector Control Awareness Week 2005-273
- *A3 Approved a commendation for the 63rd Annual Coca-Cola Modesto Relays 2005-274
- *A4 Appointed Juan Quijano to the Stanislaus County Local Task Force on Solid Waste Management 2005-275
- *A5 Approved the Amendment to the Hughson Unified School District Conflict of Interest Code 2005-276

- *B1 Authorized the Auditor-Controller to increase Estimated Revenue and Appropriations for the Elections Division Budget by \$26,000 to conduct the Oakdale Rural Fire Protection District Special Election on Tuesday, 6/14/05 – Clerk-Recorder DF-8-B-18 2005-277
- *B2 Approved the agreement for independent contractor services between Doctors Medical Center and HSA for disbursement of funds from HSA to Doctors Medical Center in accordance with the Emergency Medical Services SB12/612, Hospitals Fund, for uncompensated emergency medical care for the period 7/1/04 through 6/30/05; and, authorized the HSA Managing Director, or her Designee, to sign the agreement – HSA 2005-278
- *B3 Authorized the Parks and Recreation Department to apply for the State of California Boating and Waterways Grant for \$286,260 to develop a new boat launch area at Heron Pointe in Woodward Reservoir Regional Park; authorized the Parks and Recreation Department to use accrued Public Facilities Fees in the amount of \$366,940 for campsite developments at Heron Pointe in Woodward Reservoir Regional Park; and, adopted the resolution to apply for the grant – Parks & Recreation M-64-D-4 2005-279
- *B4a Set a public hearing on 5/10/05, at 9:30 am, to introduce and waive the first reading of an ordinance to establish new fees and amend existing fees of the Department of Environmental Resources ORD-54-W-1 2005-280
- *B4b Set a public hearing on 5/10/05, at 9:30 am, to introduce and waive the first reading of an ordinance to adopt the Department of Planning and Community Development 2005 Fee Schedule ORD-54-W-2 2005-281
- *B4c Set a public hearing on 5/10/05, at 9:30 am, to introduce and waive the first reading of an ordinance to amend existing fees of the Agricultural Commissioner ORD-54-W-3 2005-282
- *B5 Accepted the completed United Community Center and Park and improvements to Mary and Laird Streets in Grayson, CA; approved the final contract with the contractor, McFadden Construction, of Stockton, CA, subject to the final disposition of an existing Stop Notice filed by W.F. Hayward, Co., as follows: original contract of \$1,112,000, change orders in the amount of \$68,600, for a final contract cost of \$1,180,600; authorized staff to respond as may be appropriate to the existing Stop Notice filed by W.F. Hayward, Co.; authorized the Project Manager, on behalf of the Board of Supervisors as the awarding authority, to sign the Notice of Completion; authorized the required recording of the Notice of Completion and all other necessary close-out activities; and, authorized the Auditor-Controller to transfer budget appropriations within the original budget 2005-283
- *B6 Authorized the CEO to issue a RFP for Parking Access and Control System (PACS) for the 12th Street Parking Structure; authorized the Capital Project staff to set a bid date and time of 5/25/05, at 2:00 p.m., to receive the proposals; and, authorized staff to return to the Board with further recommendations after proposals are received and evaluated 2005-284
- *C1 Approved the installation of stop sign traffic control, under the authorization granted to local authorities in Vehicle Code §21355, at the following locations: Milnes Road at Church Street, August Road at Mitchell Road, August Road at Central Avenue, River Road at Richland Avenue, and Kiernan Avenue at Salida Boulevard; required motorists on all approaches to stop prior to entering these intersections, and the stop signs shall be located at or near all entrances to the intersections; approved the installation of stop sign traffic control, under the authorization granted to local authorities in Vehicle Code §21355, at Kiernan Avenue at Elm Avenue; required motorists on Kiernan Avenue to stop prior to entering the intersection; and, the stop sign shall be located at or near the west entrance to the Kiernan Avenue at Elm Avenue intersection – PW 2005-285
- *C2 Approved the purchase agreement to acquire road right-of-way at the southeast corner of the intersection of Carpenter Road and Beverly Drive; authorized the Chairman to execute the

- agreement; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$7,000.00 payable to Noor U. Popal – PW 2005-286
- *C3** Approved plans and specifications for the Keyes Road at Geer Road Traffic Signal Project; directed the Clerk of the Board to publish notice inviting bids for the project as required by law; set the deadline for submission of bids as 5/25/05, prior to 2:00 p.m.; directed the Public Works Department staff to mail notice inviting bids to trade journals as required by law; and, directed the Auditor-Controller to increase Appropriations by \$5,000 in the project account to defray the cost of advertising and publishing – PW 2005-287
- *E1** Accepted the resignations of Supervisors Thomas W. Mayfield and William O'Brien from the Stanislaus County LAFCO and appointed Supervisors James DeMartini and Ray Simon to the Stanislaus County LAFCO – County Counsel BD-30-4 2005-288

Simon/DeMartini unan. **6:40 pm** Conducted the public hearing; introduced and waived the first reading of Ordinance C.S. 910 to set fares for Stanislaus Regional Transit (StaRT); finds and determined that the proposed ordinance is not subject to CEQA (Public Resources Code, §2100 et seq.); and, authorized the Department of Public Works, Transit Division, and the Transit Manager to implement the ordinance - PW ORD-54-V-4 2005-291

DeMartini/Simon unan. **6:45 pm** Finds GPA #2003-08, and Rezone Application #2003-11 - Bassi Plaza, a request to rezone and amend the General Plan from Agriculture to Planned Development and to change the zoning district from General Agriculture (A-2-40) to Planned Development to allow for mini market/gas station on 2.3 acres located at 4955 Crows Landing Road, in Ceres area 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 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, 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: (A) the general 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 planned development zoning is consistent with the Planned Development General Plan designation, and (E) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; approved GPA #2003-08 and Rezone Application #2003-11, Bassi Plaza, subject to the Development Standards as amended and Mitigation Monitoring Plan; the Board approved Phase I and specifically excluded Phase II from the approval; **amended** Condition No. 2, located on page 41 of the staff report to the Board, to reflect the exclusion of Phase II; and, introduced and waived the reading and adopted Ordinance C.S. 915 for the approved Rezone Application #2003-11 – Planning ORD-54-V-4; 2005-292 & 2005-293

Mayfield/Simon unan. **6:50 pm** Finds GPA #2004-05, and Rezone Application #2004-12, Sequoia Apartments, a request to rezone and amend the General Plan of two parcels totaling 33,621 square feet (0.77 acre) from Planned Development/Low Density Residential to new Planned Development for development of a 2-story, 24 unit apartment complex (the application also includes amending the existing Salida Community Plan from Low Density Residential to High Density Residential), located at 4825 Sequoia Street, in Salida, to be De Minimis for the purposes of collection of Fish and Game Fees pursuant

to California Code and 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 a 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 to 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: (A) the general 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, the proposed planned development zoning is consistent with the Planned Development General Plan designation, and (E) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; approved GPA #2004-05, Rezone Application #2004-12, Sequoia Apartments, subject to the Development Standards and Mitigation Monitoring Plan; and, introduced and waived the reading and adopted Ordinance C.S. 916 for the approved Rezone Application #2004-12 - Planning

ORD-54-V-5; 2005-294 & 2005-295

Mayfield/O'Brien unan. **6:55 pm** Finds GPA #2000-09, and Rezone Application #2000-12, Valley Wood Preserving, Inc., a request to rezone and amend the General Plan from General Agriculture (A-2-10) to Planned Development to allow truck, recreation vehicles, equipment parking and storage and remodel two office/warehouse buildings at 2119 & 2237 South Golden State Blvd, in the Turlock area, 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 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: (A) the general 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 planned development zoning is consistent with the Planned Development General Plan designation, and (E) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; approved GPA #2000-09 and Rezone Application #2000-12, Valley Wood Preserving, Inc., subject to the Development Standards and Mitigation Monitoring Plan; and, introduced and waived the reading and adopted Ordinance C.S. 917 for the approved Rezone Application #2000-12 - Planning

ORD-54-V-6; 2005-296 & 2005-297

Recessed at 7:42 p.m.

Reconvened at 7:50 p.m.

Simon/DeMartini (3-2)(O'Brien and Mayfield opposed) **7:00 pm** Based upon the testimony received, staff report and attachments, staff presentation and Board discussion, the Board granted the appeal of Planning Commission's denial and approved Use Permit Application #2003-35, Gurdwara Sant Sagar Church located on property at 3418 Golf Road, south of Turlock; project includes a 4,800 sq. ft. temple and 188 paved parking spaces in the A-2 zoning district subject to the Conditions of Approval; 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 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 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; 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 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; certain conditions have been added to ensure that the impact from this project is minimal, (B) the establishment as proposed will not be substantially detrimental to or in conflict with agricultural uses of other property in the vicinity, (C) 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 that is requested is such that the land may reasonably be returned to agricultural use in the future, (D) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; approved Use Permit Application 2003-35 - Gurdwara Sant Sagar Church, subject to the Conditions of Approval – Planning 2005-298

O'Brien/Mayfield unan. **B7** Accepted the Stanislaus County Children's Council 2004 Annual Report 2005-289

Simon/Mayfield unan. **B8** Approved the Area Agency on Aging Four-Year (2005-2009) Area Plan and authorized the Chairman of the Board of Supervisors and the Director of the Area Agency on Aging to sign the transmittal letter to the California Department of Aging – Aging & Veterans Services 2005-290

Corr 1 Referred to the Department of Parks and Recreation, a Notice from the California Department of Parks and Recreation regarding the future development and acquisition program in the Great Central Valley and upcoming public outreach meetings.

Corr 2 Referred to the Department of Planning and Community Development, Department of Environmental Resources, and Parks and Recreation, a letter from the U.S. Department of the Interior, Bureau of Land Management, seeking input regarding the development of a Resource Management Plan that includes the Central Valley.

Corr 3 Referred to the Department of Planning and Community Development and the Department of Environmental Resources, information from the California Oak Foundation regarding Senate Bill 1334, the California Oak Woodlands Law, which became effective on January 1, 2005.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Valley First Credit Union; Robert Benyamini; A Minor, by and through his Guardian Ad Litem, Susanna Rowe; Mary Jean Caulkins; Stanford University Hospital and Clinics; and, Ralph Kevin Keeler.

Supervisor O'Brien spoke regarding SB 1334 and the removal of oak woodlands. He noted the importance of oak trees, especially on the East Side of the County. Recently, a number of oak trees were knocked down on a parcel outside the Oakdale City limits, but within their sphere of influence. He suggested that the County look at the City of Oakdale's ordinance regarding the removal of oak trees, and consider adopting a similar one.

Supervisor DeMartini noted that tomorrow he will present a check in the amount of \$129,000 to the City-County Airport for infrastructure improvements. This is the County's share of property tax assessments for aircraft.

CEO noted that tomorrow the Senate Local Government Committee would be hearing SB 9 concerning the Peterson trial reimbursement. District Attorney Jim Brazelton, Assistant Sheriff Mark Puthuff, Deputy Executive Officer Richard Jantz, and Don Peterson, our legislative representative, will be testifying at this hearing tomorrow. He also reported that there would be an intensive 2-day retreat on 4/20/05 and 4/21/05 as the next step in studying the HSA deficit.

Adjourned at 9:30 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.)