

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

August 22, 2006

Grover/Mayfield unan. Adopted the consent calendar

- *A1 Approved the minutes of 8/15/06
- *A2a Adopted and waived the second reading of Ordinance C.S. 967 amending Title 11 of the Stanislaus County Code, adding no parking zones on Crows Landing Road in the Modesto area and Lester Road and Fresno Avenue in the Denair area; and, amending no parking zones on Elm Street in the Salida area and Lester Road in the Denair area
ORD-55-5 2006-664
- *A2b Adopted and waived the second reading of Ordinance C.S. 964 establishing a new fee on food processing by-products utilized within Stanislaus County
ORD-55-2 2006-665
- *A3 Set a public hearing on 9/12/06, at 9:20 a.m., to consider an appeal of the Planning Commission's approval of Tentative Subdivision Map No. 2006-01 – Palm Estates in the Denair area
2006-666
- *A4 Accepted the resignation of Herbert D. Davis from the Riverdale Park Tract Community Services District Board of Directors
2006-667
- *B1 Authorized CSA to renew the FY 2006/07 agreement with the University of California, Davis for staff training; and, authorized the CSA Director, or his Assistant Director Designee, to sign the agreement and any amendments not to exceed the total agreement amount of \$113,900 for the FY 2006/07 – CSA
2006-668
- *B2a Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 3001 Pioneer Road, Hughson, CA (CE No. 05-1027) – DER
2006-669
- *B2b Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 4342 S. Central Avenue, Ceres, CA (CE No. 06-326) – DER
2006-670
- *B2c Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 1909 Donald Street, Modesto, CA (CE No. 06-490) – DER
2006-671
- *B2d Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 1237 Boulder Avenue, Modesto, CA (CE No. 05-1860) – DER
2006-672
- *B3 Approved funding, not to exceed \$5,000, for a study of how future water-use changes may impact the water resources within the Turlock Groundwater Basin – DER
2006-673
- *B4 Approved the provisions contained within the tentative agreement reached between the County and the California Nurses' Association Representing the Registered Nurses' Bargaining Unit; amended the Salary and Position Allocation Resolution to reflect the changes included in the tentative agreement; and, authorized the Chairman and all parties to sign the agreement – CEO
2006-674
- *C1 Approved Amendment No. 4 to Agreement No. 2004-1 with Dokken Engineering, Inc., for additional engineering services for the Albers/Geer/State Route 132 Intersection Project; and, authorized the GSA Director/Purchasing Agent to increase the contract amount with Dokken Engineering, Inc., in the amount of \$10,000, and sign the agreement – PW
2006-675

- *C2** Approved the annexation of territory (Innovative Technology Business Park Phase 2, APN: 136-008-014 and 136-008-015) to the Salida Highway Lighting District without an election; finds that the territory more particularly described in Exhibits “A” and “B” is owned by petitioner, and that petitioner ownership represents 100% of the total assessed valuation of all taxable property within the territory proposed to be annexed into said district; finds that Stanislaus County Code §21.40.040 requires the installation of a street lighting system to serve the territory; finds that the territory proposed to be annexed is not within the limits of any other lighting district; finds that the public necessity and welfare require that the territory be annexed to the lighting district; ordered that the requirements of notice, hearing and election shall not be applicable to this proceeding, pursuant to Streets and Highways Code §19056; ordered that the territory be annexed to the Salida Highway Lighting District of Stanislaus County; finds the fact of filing of the petition was received by the Clerk of the Board on 8/16/06; ordered that, pursuant to the Streets and Highways Code §19000, et seq., the cost of conducting and maintaining the lighting district shall be assessed against the individual parcels of land within the district’s boundaries; directed the Clerk of the Board of Supervisors to send a certified copy of the resolution ordering the annexation to the lighting district to the Department of Public Works, the offices of the Assessor, Elections, Auditor-Controller, and the Clerk Recorder; and, directed the Department of Public Works to send a certified copy of the resolution ordering the annexation to the lighting district and all other required documents and the processing fee to the State Board of Equalization – PW DL-3-B-19 2006-676
- *D1** Rescinded all or a portion of Williamson Act Contract 1971-0222 (Alvarado Road, South of Oakdale) and approved a new contract pursuant to Minor Lot Line Adjustment 2006-29 (Lutz) 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 2006-677
- *D2** Rescinded all or a portion of Williamson Act Contract 1972-1119 (Montpelier Road, south of Montpelier, east of Denair) and approved a new contract pursuant to Minor Lot Line Adjustment 2006-34 (Montpelier Farming Corp.) 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 2006-678

Mayfield/Grover unan. **B5** Approved a resolution renaming the Transitional Age Young Adult Drop-In Center to Josie’s Place Drop-In Center in memory of Josefina Flores – BHRS 2006-679

Mayfield/O’Brien unan. **B6** Accepted the report on the Latino Emergency Communications Project – CEO 2006-680

Grover/Mayfield unan. **9:15am** Finds Rezone Application #2005-15, Carmax, a request to rezone 9.56 acres of two expired PD (Planned Development) zones, located on four parcels with a new PD zone to allow construction and operation of an automobile sales and service dealership, located at the northeast corner of McHenry Avenue (SR 108) and Claratina Avenue, in the Modesto 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, and ordered the filing of the Certificate of Fee Exemption with the Stanislaus County Clerk-Recorder’s office; adopted the 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 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 project is consistent with the overall goals and policies of the County General Plan, (b) the proposed Planned Development zoning is consistent with the Planned Development General Plan description, (c) the proposed project will increase activity in the vicinity, thereby necessitating dedications and improvements; approved Rezone Application #2005-15 - Carmax, subject to the attached Development Schedule and amended Development Standards which will include the Stanislaus County Department of Public Works revised conditions as stated in the letter dated 8/10/06; and, introduced and waived the reading and adopted Ordinance C.S. 965 for the approved Rezone Application #2005-15
– Planning ORD-55-3; 2006-681 & 2006-682

Corr 1 Acknowledged receipt of a letter from the California State Department of Transportation (CalTrans) regarding an open house at the Salida Public Library for the SR 219/Kiernan Avenue Widening Project on 8/22/06 from 4:00 p.m. to 8:00 p.m.

Corr 2 Referred to the Department of Public Works and the Department of Environmental Resources, a notice from the California Air Resources Board regarding the public hearing to consider the adoption of California’s heavy-duty diesel in-use compliance regulation.

Corr 3 Acknowledged receipt of the 2005-2006 Stanislaus County Civil Grand Jury Final Report.
M-39-K-2

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Melissa Ortiz and Pedro Sandoval.

Supervisor DeMartini reported that AB 2253 regarding illegal dumping has passed both the State Assembly and the Senate. This bill would increase penalties for illegal dumping from infractions to misdemeanors, and would make it easier for the County to prosecute and legally impound vehicles. Supervisor DeMartini requested that the CEO send a letter of support of AB 2253 to the Governor. The CEO noted that he would write a letter in support of AB 2253 and mail it this week.

Mayfield/O'Brien unan. **Legislative A.** Authorized the Chairman to sign a letter to the California Department of Water Resources opposing the revised guidelines to Assembly Bill 142 for Flood Control Funding 2006-683

Adjourned at 9:31 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.)