

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

Regular Session

Tuesday

March 27, 2007

All Supervisors Present

Pledge of Allegiance to the Flag

Quaid Pierce spoke regarding problems in his Hatch Road neighborhood with crime and noise.

Mayfield/Grover unan. Adopted the consent calendar after removing from consent items *C3 Approval of the Transportation Development Act Claim for Fiscal Year 2006/2007; and, *C7 Approval to Set a Public Hearing for April 17, 2007 at 6:50 p.m. to Introduce, Waive the Reading and Adopt as an Urgency Measure, an Ordinance Adding Chapter 6.74 "Junk Dealers and Scrap Metal Recyclers" to the Stanislaus County Code

*A1 Approved the minutes of 03/20/07

*A2 Adopted and waived the second reading of Ordinance C.S. 985 amending §11.04.040, 11.04.050, 11.04.060, 11.04.070 of the Stanislaus County Code, amending and adding speed zones on Toomes Road (Salida Area) and Crows Landing Road (Modesto Area)

*A3a Accepted the resignation of Daniel Ortiz from the Economic Development Action Committee

*A3b Accepted the resignation of Leo Avila, Jr. from the Housing Authority of the County of Stanislaus' Board of Commissioners

*A4a Appointed Rodman Hooker to the Turlock Mosquito Abatement District Board of Directors

*A4b Appointed Mary Jill Klajic to the Commission on Aging

*A5 Proclaimed 04/15/07-4/21/07 as National Library Week

*A6 Approved request from the River Oaks 4-H for use of the Woodward Reservoir undeveloped area on 05/03/07-05/06/07 for their 2nd Annual 4-H Poker Ride, Run or Walk Event

*B1 Set a public hearing on 04/17/07, at 6:45 p.m., to appoint Matthew Joseph Machado, P.E., as the Stanislaus County Road Commissioner

*B2 Accepted the report of Annual Inspection/Evaluation of Local Jail/Detention Facilities Pursuant to §101045 of the State of California Health and Safety Code - DER

*B3 Approved HSA to enter into a MOU with the West Modesto King Kennedy Neighborhood Collaborative for \$153,842 for meeting program requirements of the Kaiser Permanente Healthy Eating Active Living-Community Health Initiative; authorized the HSA Managing Director, or her Designee, to sign the MOU and accept the funds; and, directed the Auditor-Controller to increase the appropriations and estimated revenue in the amount of \$76,921 - HSA

*B4 Approved the design, plans and specifications; approved proceeding with the final bid packages for the tenant improvements needed to complete the Founders Room and Administration Area for the Gallo Center for the Arts; authorized the Project Manager to issue Notices Inviting Bids for the Founders Room and Administration Area; set the bid opening date as 5/2/07, no later than 2:00 p.m.; authorized the Project Manager to adjust the bid opening date(s) if necessary if bidding conditions warrant a time extension; authorized the Project Manager to execute contracts with Concrete Innovations by Hallack (\$445,197), Central Valley Landscaping (\$164,832) and Collins Electric (\$121,024) and miscellaneous construction elements (arbor \$45,000 and alley demolition and waterproofing \$32,000) for the final construction of the next phase of the plaza (to grand opening) in a total amount not to exceed \$808,053 to complete the remaining portions of

Bid Package 6, Plaza and Site Work; authorized the CEO and the Auditor-Controller to make the necessary budget adjustments and to adjust the cash contribution from the CVCA for their share of the plaza costs; authorized the Project Manager to obtain continued professional services through project completion, provided the costs are within the project budget; and, acknowledged the generosity of the City of Modesto for their donation of trees for the Gallo Center for the Arts project - CEO

- *C1 Considered and adopted a Resolution of Necessity to acquire real property or interest in real property by Eminent Domain for the State Route 219 widening project, parcel owner Gary Max and Linda Thompson, Co-Trustees, et al, for APN: 003-019-012; and, the Board made the findings contained therein – PW
- *C2 Considered and adopted a Resolution of Necessity to acquire real property or interest in real property by Eminent Domain for the State Route 219 widening project, parcel owner Donald G. Beachler, et ux, for APN: 003-019-011; and, the Board made the findings contained therein – PW
- *C4 Awarded a consulting engineering contract to GDR Engineering for the design of the Albers Road Widening – Phase II Project (Claribel Road to Milnes Road); authorized the GSA Director/Purchasing Agent to enter into a contract with GDR Engineering in the contract amount not to exceed \$178,385 and sign the contract; and, directed the Auditor-Controller to make the necessary budget adjustments – PW
- *C5 Finds the project is consistent with the overall goals and policies of the Stanislaus County General Plan; 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, 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 and payment of the Department of Fish & Game Environmental Filing Fees with the Stanislaus County Clerk-Recorder's office pursuant to the Public Resources Code §21152 and CEQA Guidelines §15075; approved the purchase agreement for the subject acquisition; authorized the Chairman to execute the purchase agreement; directed the Auditor-Controller to increase appropriations and estimated revenue for the Carver Road Realignment at Ladd Road by \$110,350; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$108,500 payable to Fidelity National Title Company for the purchase amount of \$107,000 and \$1,500 for escrow fees and title insurance – PW
- *C6 Awarded a consulting engineering contract to Associated Engineering Group, Inc., for the design of the Las Palmas Avenue at Sycamore Avenue and Las Palmas Avenue at Elm Avenue traffic signal projects; directed the Auditor-Controller to increase appropriations and estimated revenue in the Las Palmas Avenue at Sycamore Avenue and Las Palmas Avenue at Elm Avenue traffic signal projects per the financial transaction sheet; and, authorized the GSA Director/Purchasing Agent to enter into a contract with Associated Engineering Group, Inc., in the contract amount not to exceed \$137,610 – PW
- *D1 Set a public hearing on 04/17/07, at 6:35 p.m., to consider a request to rezone a 2.55 acre site from A-2-10 (General Agriculture) to Planned Development to allow for a variety of commercial type businesses, the site will be served by a well and septic system, there are five proposed buildings, a landscape plan which provides adequate screening and landscaping, and two large signs, and the project is located east of the Highway 99 on-ramp and west of N. Golden State Boulevard, in the Turlock area – Planning
- *D2 Set a public hearing on 04/17/07, at 6:40 p.m., to consider Rezone Application #2004-11 and Parcel Map Application #2004-30, Valley Lexus, a request to rezone 9.07 acres from A-2-10 (General Agriculture) to PD (Planned Development) to allow a new automobile dealership, and as yet unspecified commercial uses at the rear of the property, located at

4701 McHenry Avenue (State Route 108), south of Kiernan Avenue (State Route 219), Modesto, and the property is to be split into four parcels sized from 0.18 to 4.67 acres with the auto dealership occupying the largest parcel – Planning

Removed from the Agenda item *C3 Approval of the Transportation Development Act Claim for Fiscal Year 2006/2007 - PW

DeMartini/Mayfield unan. ***C7** Set a public hearing on 04/17/07, at 6:50 p.m., to introduce, waive the first reading, and adopt as an urgency measure, an ordinance adding Chapter 6.74 “Junk Dealers and Scrap Metal Recyclers” to the Stanislaus County Code and to approve the required application fee for junk dealer or recycler’s business license in the amount of \$250, the annual renewal fee in the amount of \$150, and the fee to appeal denial of the license application of \$50 as set forth in the proposed ordinance - PW

Grover/Monteith unan. **B5** Accepted the Sheriff’s Report to the Community on the first 250 days in office

Grover/Mayfield (4-0)(DeMartini abstained) **9:20am** Approved the appeal of Planning Commission’s decision of denial, thereby approving Vesting Tentative Parcel Map Application #2006-02, Furtado Family Trust, a request to create 13 parcels of 80± acres, one 70± acre parcel, and one 117± acre remainder parcel from two existing parcels totaling 1,147 acres in the A-2-40 (General Agriculture) zoning district, located southeast of the intersection of Tim Bell and Warnerville Roads, northeast of the Waterford area (APN: 011-005-007 and 011-005-021); the Board approved Staff Recommendations Nos. 1-6, as listed on pages 4 and 5 of the staff report to the Board as follows: 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-Recorders Office pursuant to Public Resources Code §21152 and CEQA Guidelines §15075; finds that: (a) the proposed map is consistent with applicable general and specific plans as specified in §65451, (b) the design or improvement of the proposed subdivision is consistent with applicable general and specific plans, (c) the site is physically suitable for the type of development, (d) the site is physically suitable for the proposed density of development, (e) the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, (f) the design of the subdivision or type of improvements is not likely to cause serious public health problems, (g) the design of the subdivision or the type of improvements will not 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; finds that the proposed parcels are of a size suitable to sustain agricultural uses and that the proposed parcel map will not result in residential development not incidental to the commercial agricultural use of the land; approved Vesting Tentative Parcel Map Application No. 2006-02 - Furtado Family Trust, subject to the attached Conditions of Approval and Mitigation Measures, including a modified Condition Number 7 as defined in the Department of Public Works memo dated 1/30/07; and, **amended** the Conditions of Approval to add Condition No.31 to read as follows: “No residential structures shall be constructed on any parcel until either tree crops or vines have been planted on the parcel.” – Planning

Recessed at 10:10 a.m.