

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 17, 2007

Special Session convened at 5:30 p.m.

Recessed to closed session at 5:31 p.m. for conference with Labor Negotiator - Agency Negotiator:
Richard Robinson. Labor Organization: United Domestic Workers. Government Code §54957.6

Reconvened at 6:30 p.m. for Regular Session

A moment of silence was observed in memory of those who lost their lives in the Virginia Tech shootings on 4/16/07.

The Child Abuse Prevention Council Art Contest Winners were recognized by the Board, and the resolution proclaiming April 2007 as Child Abuse Prevention Month and 04/27/07 as Children's Memorial Day in Stanislaus County was presented.

The Chairman presented a resolution proclaiming 04/15-21/07 as the National Library Week.

Mayfield/Grover unan. Adopted the consent calendar after removing from the agenda item ***B1c**
Approval to Adopt the Recommendations of the Nuisance Abatement Hearing Board (Environmental Resources) Regarding Property Located at 8511 Highway 33, Westley, CA, CE No. 07-14

- *A1 Approved the minutes of 04/03/07
- *A2 Adopted and waived the second reading of Ordinance C.S. 996 amending Chapter 11.28 of the Stanislaus County Code pertaining to the County's Abandoned Vehicle Abatement Program and updating all referenced responsibility to the Director of Environmental Resources or her Designee ORD-55-B-12 2007-245
- *A3a Accepted the resignation of Constance Gustafson from the Stanislaus County Child Abuse Prevention Council 2007-246
- *A3b Accepted the resignation of Caroline Mitton from the Stanislaus County Local Task Force on Solid Waste Management 2007-247
- *A4a Appointed Kurt Spycher to the Stanislaus Economic Development and Workforce Alliance 2007-248
- *A4b Appointed Charles Turner to the Stanislaus Consolidated Fire Protection District Board 2007-249
- *A4c Appointed Charlotte Kollmeyer to the Housing Authority of Stanislaus County 2007-250
- *A5 Proclaimed the week of 4/22/07 – 4/28/07 as Safety Seat Checkup Week 2007-251
- *A6 Authorized the Chairman to sign the Salida Fire Protection District Property Owner Assessment Ballots in support of the Fire Suppression Assessment for those properties owned by Stanislaus County 2007-252
- *A7a Approved request from HobieCat Division 3 for use of Woodward Reservoir on 5/19/07-5/20/07 for their 16th Annual Regatta 2007-253

- ***A7b** Approved request from Chris Ricci Presents, Inc. for use of the Courthouse lawn for the Xclamation Festival on Saturday, 7/21/07 2007-254
- ***A7c** Approved request from Stanislaus County Superior Court for use of the Courthouse lawn for “Law Day on the Lawn” on Tuesday, 5/1/07 2007-255
- ***B1a** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property located at 117 Church Street, Empire, CA (CE No. 06-763) – DER 2007-256
- ***B1b** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property located at 5328 7th Street, Keyes, CA (CE No. 06-837) – DER 2007-257
- ***B1d** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property located at 1513 El Dorado Avenue, Modesto, CA (CE No. 06-752) – DER 2007-258
- ***B1e** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property located at 411 Kerr Avenue, Modesto, CA (CE No. 06-447) – DER 2007-259
- ***B1f** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property located at 1513 Modoc Avenue, Modesto, CA (CE No. 06-680) – DER 2007-260
- ***B2** Authorized the Stanislaus County Department of Parks and Recreation to hold the Twelfth Annual Fireworks Celebration on 7/4/07 at Woodward Reservoir Regional Park; and, authorized the Director of Parks and Recreation to support the event and promote related activities – Parks and Recreation 2007-261
- ***B3** Approved the right-of-way contract with the State of California for the purchase of 0.12 acres of right-of-way at 4835 Sisk Road, the Salida Library, for the sum of \$197,000; authorized the Chairman to sign and execute all documents necessary to effect the transfer of the right-of-way; and, authorized the proceeds of the sale to be deposited into the Salida Library Capital Project fund – CEO 2007-262
- ***B4** Authorized the appointment of Michael Wilkinson to the position of Deputy Fire Warden/Deputy Director of the OES above the midpoint of Salary Band D (\$91,034.22 annually) – OES 2007-263
- ***B5** Authorized the Animal Services Director to appoint Mike Steine to the position of Part-Time County Veterinarian at Animal Services at a salary of \$51.20 per hour, which exceeds the mid-point of Band E 2007-264
- ***C1** Approved the request from the Stanislaus Hispanic Chamber of Commerce to hold a parade on portions of Crows Landing Road, El Paso Avenue and Whitmore Avenue on 5/5/07; and, authorized the Director of Public Works to issue a permit for said event – PW 2007-265
- ***C2** Approved Agreement #A00291 between Stanislaus County and McClatchy Newspapers, Inc., for the distribution of the Modesto Bee on the buses of Stanislaus County’s Intercity Public Transit Operation, Stanislaus Regional Transit (“StaRT”); and, authorized the County’s Transit Manager to execute and implement the agreement – PW 2007-266

Mayfield/Monteith (4-0)(Grover abstained) **6:35pm** Conducted the public hearing to consider Rezone Application #2006-07, Golden State Commercial Center, a request to rezone a 2.55 acre site from A-2-10 (General Agriculture) to a Planned Development to allow for a variety of commercial businesses on property located east of the Highway 99 on-ramp and west of N. Golden State Boulevard, in the Turlock area; adopted a 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 designation, and (C) the proposed project will increase activity in the vicinity, thereby necessitating dedications and improvements; approved Rezone Application #2006-07,

Golden State Commercial Center, subject to the Amended Development Standards and Development Schedule; and, introduced and waived the reading and adopted Ordinance C.S. 992 for the approved Rezone Application #2006-07 – Planning ORD-55-B-8; 2007-267 & 2007-268

Monteith/DeMartini (4-0)(Grover abstained) **6:40pm** Conducted the public hearing 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; the property is to be split into four parcels sized from 0.18 acres to 4.67 acres with the auto dealership occupying the largest parcel; 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 and zoning is consistent with the Planned Development and Planned Industrial General Plan designations, and (C) the proposed project will increase activity in the vicinity, thereby necessitating dedications and improvements; finds that: (A) the proposed map is consistent with applicable general and specific plans as specified in §15315, (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; **amended** the Development Schedule to read as follows: (1) Construction of the automobile agency portion of the project to begin construction by February 1, 2009 and be completed within one year and, (2) Construction on "Parcel "1" and "2" portion of the project to begin construction by 02/01/2010 and be completed within one year; approved Rezone Application #2004-11 and Parcel Map Application #2004-30 subject to the amended Development Standards and Schedule, with the words “and located” removed from Development Standard Number 52; and, introduced and waived the reading and adopted Ordinance C.S. 993 for the approved Rezone Application #2004-11 – Planning ORD-55-B-9; 2007-269 & 2007-270

Mayfield/DeMartini unan. **6:45pm** Conducted the public hearing and finds that Matthew Joseph Machado, P.E., certificate number 58093 meets the qualifications per Streets and Highways Code §2006; and, appointed Matthew Joseph Machado, P.E., the Stanislaus County Road Commissioner effective 4/17/07 – PW 2007-271

DeMartini/Mayfield unan. **6:50pm** Conducted a public hearing and determined and finds that the theft of metal from the County’s streets, parks, businesses, schools, farms, utilities and residents is increasing at an alarming rate causing substantial damage and costs to victims of such thefts and is an immediate threat to our residents’ health, safety and welfare which requires adoption of Ordinance C.S. 994 as an urgency measure that will take effect immediately; introduced, waived the reading and adopted as an urgency measure Ordinance C.S. 994 adding Chapter 6.74 “Junk Dealers and Scrap Metal Recyclers” to the Stanislaus County Code; and, approved the required application fee for a 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 at \$50 as set forth in the proposed ordinance as reasonably necessary to recover the cost of enforcing the proposed ordinance – County Counsel

ORD-55-B-10; 2007-272 & 2007-273

DeMartini/Grover (2-3)(O'Brien, Monteith and Mayfield opposed) **6:55pm** The **motion failed** to approve GPA #2007-01 - Update of the Stanislaus County Agricultural Element of the General Plan

O'Brien/Monteith (3-2)(Mayfield and Grover opposed) **6:55pm** The Board returned GPA #2007-01, Update of the Stanislaus County Agricultural Element of the General Plan, to staff and the Agriculture Advisory Board to address the following items: 1) development of buffer design and maintenance guidelines, (2) comprehensive update of Williamson Act Uniform Rules, (3) review and update of A-2 (General Agriculture) zoning district, (4) development and adoption of guidelines for mitigating the loss of agricultural lands, and (5) review issues relating to viability of farming operations; and, directed staff to return GPA #2007-01 to the Board of Supervisors for consideration 2007-274

Corr 1 Referred to the CEO and the Department of Public Works, a letter from E.R. Vine & Sons, Inc., regarding the effects of the CalTrans 219 Project on the existing commercial center on Kiernan Road in Salida.

Corr 2 Referred to the CEO and Department of Aging/Veteran Services, a letter from the State of California Department of Veteran Affairs regarding the funding of the County Veterans Service Office.

Corr 3 Referred to the Department of Planning and Community Development, a letter from the Crows Landing Community Services District requesting support for a loan from the Stanislaus County Redevelopment Agency to pay for repairs to their Well #4.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Esther Knobel; Brenda Russell; Allyn R. Bell; Donna Hartshorn; Margarito Mendoza; Juan Leon; Michael Pedro; Kimberly Ann Winchester; and, Robert Cathcart.

Grover/Mayfield unan. **Legislative A.** Adopted the Official County Position on pending legislative bills and/or State budget issues including the approval to: oppose AB 70 (Jones) - transfer flood control repair costs to local jurisdictions, support AB 83 (Lieber) - restores property tax administration fee program, support AB 151 (Berryhill) - authorizes custodial officers to serve as peace officers, support SB 215 (Denham) - provides negative bailout relief, support SB 217 (Cogdill) - conflict of interest - schools would track school employees, oppose SB 262 (Runner) - gives Southern California corridors preference regarding Proposition 1B funding, support SB 315 (Cogdill) - recover costs of monitoring/inspecting for schools food prep, support SB 424 (Denham) - provides funding for the Orestimba flood project, support SB 662 (Wiggins) - conflict of interest - schools would track school employees, oppose SB 893 (Cox) - transfers local Children's and Families Commission funds to the State, support budget efforts to improve funding Adult Protective Services Programs, support Federal S 524 (Boxer) - emergency agricultural disaster assistance for agricultural producers, manufacturers and workers; approved and authorized the Chairman of the Board and/or the CEO to send letters of support/opposition reflecting the Board's positions; and, **amended** the item to remove Staff Recommendation No. 4 concerning AB 1634 (Levine) – CEO 2007-275

Adjourned at 9:11 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.)