

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

August 19, 2008

Special Session convened at 5:15 p.m.

Recessed to Closed Session at 5:15 p.m. for Conference with Legal Counsel - Anticipated Litigation: One Case. Government Code §54956.9 (c). Conference with Legal Counsel: Existing Litigation: Clark & Sullivan Builders, Inc. vs. County of Stanislaus, Stanislaus County Superior Court Case No. 612057. Government Code §54956.9. Conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organizations: California Nurses' Association (CNA); Stanislaus County Employees Association (SCEA)/AFSCME Local 10; Service Employees' International Union (SEIU), Local 535; Committee of Interns and Residents (CAIR/CIR); County Attorneys' Association (CAA); Deputy Sheriffs' Association (DSA); Stanislaus County Sheriffs Supervisors' Association (SCSSA); Stanislaus County Deputy Probation Officers' Association; Stanislaus Regional Emergency Dispatchers' Association; Stanislaus County Group Supervisors' Association; Stanislaus County Sheriff Management Association; and, Stanislaus County District Attorney Investigators' Association. Government Code §54957.6.

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

A moment of silence was held in memory of Thomas Hawkins, Jr. an employee from the Department of Animal Services.

David Ingersoll, Director of Child Support Services, accepted the resolution proclaiming August 2008 as Child Support Awareness Month.

Steve Madison, Chair of the Salvation Army Shelter Committee, spoke regarding the current renovation that is happening at the shelter facility located at 329 B Street, Modesto which will reopen in November 2008. They have received \$1 million from the State, \$500,000 from the Veterans Administration, and CDBG funding from both the City of Modesto and Stanislaus County for this project.

DeMartini/Grover unan. Adopted the consent calendar

- *A1 Approved the minutes of 08/05/08
- *A2 Approved the vacancy on the Parks and Recreation Commission due to the death Warren Brumley 2008-578
- *A3a Appointed Tim McKinsey to the Knights Ferry Community Services District Board of Directors 2008-579
- *A3b Appointed Casey Chadwick to the Keyes Community Services District Board of Directors 2008-580
- *A3c Appointed Aaron King to the Mountain-Valley Emergency Medical Services Regional Advisory Board 2008-581
- *A4 Consolidated the Ceres Unified School District Bond Election with the Presidential General Election to be held on Tuesday, 11/04/08 2008-582

- *A4b Consolidated the Stanislaus Union Elementary School District Bond Measure Election with the Presidential General Election to be held on Tuesday, 11/04/08 2008-583
- *A4c Consolidated the Patterson Joint Unified School District General Obligation Bond Election with the Presidential General Election to be held on Tuesday, 11/04/08 2008-584
- *A5 Proclaimed, in conjunction with National and Statewide Events 10/12/08-10/18/08, as “Second Chance Week” – DER 2008-585
- *A6 Proclaimed September 2008 as Alcohol and Drug Addiction Recovery Month – BHRS 2008-586
- *B1a Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 109 Lita Court, Modesto, CA (CE No. 08-0012) – DER 2008-587
- *B1b Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 418 Santa Rita Avenue, Modesto, CA (CE No. 08-0191) – DER 2008-588
- *B2 Approved the Internal Audit Division’s Audit Schedule for the period July 2008 to June 2009 – Auditor-Controller 2008-589
- *B3 Approved a resolution to levy FY 2008-2009 benefit assessment rates for following Lighting Assessment Districts: Airport Neighborhood, Almond Wood, Country Club – Zone A, Country Club – Zone B, Crows Land, Deo Gloria, Denair, Empire, Fairview, Gibbs Ranch, Gilbert Road, Golden State, Hillcrest, Mancini Parks Homes, Monterey, North Oaks, North McHenry, Olympic, Peach Blossom, Richland, Salida, Schwartz Baize, Sunset Oaks, Sylvan Village and Tempo Park; and, authorized the Auditor-Controller to add the assessments to the 2008-2009 tax roll – Auditor-Controller 2008-590
- *B4 Approved a contract for services with Environmental Science Associates (ESA) to provide Staff Support for the preparation of a Redevelopment Plan for the County owned property at the former Crows Landing Air Facility site and to provide on-call technical support to the Environmental Impact Review and analysis process; and, authorized the CEO, or his Designee, to sign the contract for services – CEO 2008-591
- *B5 Approved Amendment No. 1 to Farm Lease Agreement to authorize continuation of the existing Farm Lease with Pride of San Juan Foods for approximately 1,112 acres of County-owned property at the Crows Landing Air Facility for a one year lease extension with an option to extend the lease for additional one-year terms upon mutual agreement; and, authorized the CEO to execute Amendment No. 1 to Farm Lease Agreement on behalf of the County – CEO 2008-592
- *B6 Approved the Stanislaus County California Children’s Services (CCS) and Child Health and Disability Prevention (CHDP) Plans for 2008-2009; and, authorized the Chairman to sign the Certification Statements for California Children’s Services and Child Health and Disability Prevention programs – HAS 2008-593
- *B7 Approved request from the Salida Civic Association to have exclusive use of Salida Park for the 9th Annual “Salida Town & Country Parade & Festival” to be held on 08/23/08, from 8:00a.m. to 4:00 p.m.; directed the Salida Civic Association to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for the exclusive use – Parks and Recreation 2008-594
- *C1 Awarded the Senior/Person with a Disability Transit Needs Assessment Study contract to HDR Engineering, Inc. in the amount not to exceed \$175,000; and, authorized the Director of Public Works to sign and execute all necessary documents – PW 2008-595
- *D1 Rescinded all or a portion of Williamson Act Contract #1976-2317 (Valley Home Road, in Valley Home) and approved a new contract pursuant to Minor Lot Line Adjustment 2008-15, Alan Patrick, and authorized the Planning Director to execute a new contract; 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 2008-596

***D2** Rescinded all or a portion of Williamson Act Contract #1997-4351 (Jackson and Beckwith Roads, West of Modesto) and approved a new contract pursuant to Minor Lot Line Adjustment 2008-18, Bowman, and authorized the Planning Director to execute a new contract; 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 2008-597

O'Brien/DeMartini (4-1)(Mayfield opposed) **6:40 pm** Conducted a required public hearing to consider Planning Commission's Recommendation for Approval of General Plan Amendment Application #2007-03 and Rezone Application #2007-03, The Fruit Yard, a request to amend the General Plan designation from Agriculture to Planned Development and to rezone the property from A-2-40 (General Agriculture) to PD (Planned Development) on a 45+/- acre site; this would authorize a Development Plan for the Fruit Yard which would include a 9,000 square foot banquet facility, relocation of the existing fueling facilities, construction of a 3,000 square foot retail shell building, a 322 space RV/boat storage, a 66 space travel trailer park, a new facility for fruit packing, and a 2.00 acre site for retail tractor sales; outdoor events and entertainment are proposed to be held on the park site; the project is located at 7948 Yosemite Boulevard/Highway 132 east of the community of Empire and west of the City of Waterford (APN: 009-027-004); adopted the Mitigated Negative Declaration pursuant to California Code of Regulations §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; finds that the substitute language for Mitigation Measure 3 identified as Development Standard No. 71 is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not

cause any potentially significant effect on the environment; adopted the Mitigation Monitoring Plan, with the substitute language for Mitigation Measure No. 3, 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) Overall, the proposal is consistent with the goals and policies of the General Plan, (E) There is evidence on the record to show a demonstrated need for the proposed project based on population projections, past growth rates, and other pertinent data, (F) No feasible alternative site exists in areas already designated or planned for the proposed uses, (G) Approval of the proposal will not constitute part of, or encourage piecemeal conversion of a larger agricultural area to non-agricultural uses, and will not be growth-inducing (as used in the California Environmental Quality Act), (H) The proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural lands or adversely affect agricultural water supplies, (I) Adequate and necessary public services and facilities are available or will be made available as a result of the development, (J) The design of the proposed project has incorporated all reasonable measures, as determined during the CEQA review process, to mitigate impacts to fish and wildlife resources, air quality, water quality and quantity, or other natural resources, (K) The proposed Planned Development zoning is consistent with the proposed Planned Development General Plan designation, (L) The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements, and, (M) Development Standard No. 71 is more effective than the noise mitigation measure circulated with the initial study and mitigation monitoring plan; finds that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation; and, approved General Plan Amendment #2007-03, and Rezone Application #2007-03, including Phases 1, 2, and 3, subject to the modifications to the Development Standards and Development Schedule as recommended by the Planning Commission; **amended** Development Standard No. 55 to read as follows: "Concurrent with the development of either the RV/Boat Storage or the RV Park parcels, a six-foot high masonry wall, or an MID approved equal, is required along the south line of applicant's property adjacent to MID Lateral 1. This fence shall extend from Geer Road to a point 10 feet west of the proposed "E" Drive right-of-way . If "F" Way is constructed from "E" Street to Triangle Ranch Road or the Agricultural parcel is developed, then the wall must be extended the full length of that development."; amended the Development Standards to add Development Standard No. 69 to read as follows: "No individual "RV Park" space shall be occupied by the same individual, trailer, recreational vehicle, or movable sleeping quarter of any kind for a period exceeding (14) fourteen consecutive days within a one month period. This applies to owner/operator of the RV/camper/trailer, all occupants, and the RV/camper/trailer itself."; and, introduced and waived the reading and adopted Ordinance C.S. 1033 for the approved Rezone Application #2007-03 – Planning

ORD-55-H-8 2008-600
2008-601

Monteith/O'Brien unan. **B8** Accepted the second annual report on the Effective Partnerships Goals and Performance Measures 2008-598

Corr 1 Referred to the Department of Planning and Community Development, Department of Public Works and the Fish and Wildlife Committee a notice from the State of California Fish and Game Commission regarding a proposed emergency regulatory action designating the longfin smelt as a threatened or endangered species.

Corr 2 Referred to the Agricultural Commissioner-Sealer of Weights and Measures and the Stanislaus Economic Development and Workforce Alliance letters from the Governor's Office of Emergency Services regarding the U.S. Department of Agriculture and the U.S. Small Business Administration's declaration of Stanislaus County as a contiguous to Alameda County as a disaster area due to the agricultural losses caused by drought and abnormal cold weather that occurred March 8, 2008, through June 17, 2008.

Corr 3 Referred to the Department of Public Works, the CEO and StanCOG received a letter from Congressmen Nunes and Costa regarding a meeting on Thursday, 08/21/08, in Fresno on the topic of the need to improve State Route 99.

Corr 4 Referred to DER a letter from the State Department of Toxic Substances Control requesting input on an environmental investigation at the Modesto Junior College, West Campus on 2201 Blue Gum Avenue in Modesto, CA, on a former military installation known as Hammond General Hospital.

Corr 5 Referred to the CEO a letter from Senator Cogdill clarifying his position on borrowing from Proposition 1A and Proposition 42.

Corr 6 Referred to the Agricultural Commissioner and Sealer of Weights and Measures a notice from the State Water Resources Control Board regarding the temporary transfer of water from the San Luis Reservoir to Fresno County due to the severe water shortages in the Central Valley.

Corr 7 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Touch Siv; Simontha Ngeth; Jesus Lopez; Christina Underwood; Chares Reyes and Julia Reyes ; Patton Souphaphone; Debra Harper; Teresa Rodriguez; Sean Howard; and, Maximilano Nanez

Supervisor Monteith attended a National Night Out Celebration at Oregon Park on 08/05/08 which was hosted by the Airport Neighborhood United. He was pleased to see the participation of the neighborhood, as well as a mounted Sheriff's Deputy in attendance. He noted that Deputy Sheriff Tom Moebs was praised for not just serving the community but for being part of the community. He thanked Deputy Tom Moebs for the good job that he is doing.

Supervisor DeMartini reported that the West Side Health Care Task Force has been meeting for over a year and that they continue to make steady progress on trying to bring medical services to the West Side community. He noted that the task force is a collaborative effort between Stanislaus and Merced Counties, cities of Newman, Patterson and Gustine, and all the healthcare providers in the District. He reported that last week, he along with staff from the CEO's office and County Counsel had a meeting with Emmanuel Hospital and that they offered their assistance. This Friday they will have a meeting with DMC to see if they can get their support as well.

The CEO announced that there will be a historic groundbreaking of the SR 219/Kiernan Project on 08/29/08. He reported that the State Assembly did vote on the budget over the weekend, and that it is expected the that the Senate will take up the vote tomorrow. He spoke regarding the alternative proposal "Plan B", which would take funds from Prop 1A, Prop 10, Prop 42, Prop 63 in order to balance the State Budget.

Adjourned at 7:56 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.)