

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

Regular Session

Tuesday

July 21, 2009

All Supervisors Present

Pledge of Allegiance to the Flag

Diane Haugh, Chair of the Earl Pride Scholarship Committee, presented the 2009 Earl Pride Scholarship Awards to recipients Nora Cassidy, Catherine Malone and Lauren McDermott.

Susan Enz gave an update regarding Project X and asked the Board to reconsider the plans to include a spay and neuter clinic in the new Animal Shelter. The CEO thanked Project X participants for the excellent work they are doing and noted that County staff plans to meet with representatives from Project X in the next few weeks.

Joseph W. Carcione, Jr. spoke regarding an accident involving a vehicle and a train on 05/08/2007 and voiced concerns regarding the intersection of Claribel Road and Terminal Avenue.

Monteith/Chiesa unan. Adopted the consent calendar

*A1 Approved the minutes of 07/14/2009

*A2a Appointed Phillip Larson to the Turlock Rural Fire Protection District Board of Directors

2009-489

*A2b Appointed Roy Wasden to the Emergency Medical Services Committee

2009-490

*A3 Accepted a vacancy and appointed Patrick Cerutti to the Newman Drainage District Board of Directors pursuant to Government Code §1780(h)

2009-491

*A4 Proclaimed August 2009 as Child Support Awareness Month

2009-492

*B1 Authorized the provider contracts for the Older American Act (OAA) and Community-Based Service Programs (CBSP) Services for FY 2009-2010; authorized the Director of the Department of Aging and Veterans Services (Area Agency on Aging) to sign grant agreements and any subsequent amendments for OAA and CBSP Services with contracting service providers for FY 2009-2010 – Aging and Veterans Services

2009-493

*B2 Approved the renewal of two contracts with the California Department of Education (CDE) for administration of Child Care and Development Block Grants; and, authorized the CSA Director, or her Assistant Director Designee, to sign the contracts and any subsequent amendments to add services and payments for services, up to \$100,000 per agreement – CSA

2009-494

*B3 Adopted a resolution authorizing the Director of DER, or her Designee, to apply for the 15th Cycle Used Oil Recycling Block Grant from the California Integrated Waste Management Board; authorized the Director of DER, or her Designee, to apply for the 15th Cycle Used Oil Recycling Block Grant from the California Integrated Waste Management Board, for FY 2009-2010 through 2011-2012, to promote used oil and used oil filter recycling; and, authorized the submittal of a joint funding request to the California Integrated Waste Management Board for the 15th Cycle Used Oil Recycling Block Grant on behalf of the cities of Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford, and the unincorporated areas of Stanislaus County – DER

2009-495

- *B4 Approved the two-day closure of the Women, Infants, and Children (WIC) Program Offices in Ceres, Turlock and Patterson and the partial two-day closure of the Modesto WIC Office on 09/29/2009 and 09/30/2009 in preparation of the Implementation of New WIC Food Packages on 10/01/2009 – HSA 2009-496
- *B5 Authorized the CEO to issue a request for proposals (RFP) for design and engineering services for the repairs and upgrades for the Stanislaus County Honor Farm Waste Water Treatment Facility; authorized the Project Manager to issue a notice inviting proposals on 07/22/2009 for design and engineering services for the repairs and upgrades for the Stanislaus County Honor Farm Waste Water Treatment Facility, and for the Project Manager to modify the proposal date if necessary; and, authorized the Project Manager to accept and open proposals on 08/26/2009, immediately after 4:00 p.m., and return to the Board to recommend an award – CEO 2009-497
- *C1 Finds that Ordinance C.S. 1065 is not subject to CEQA (Public Resources Code, §2100 et. seq.); and, introduced and waived the first reading of Ordinance C.S. 1065 amending Chapter 11.08.020 of the Stanislaus County Code Title 11, amending No Parking Zones on Service Road, Riverside Drive, Fox Road, California Avenue, and Lester Road in the Stanislaus County unincorporated areas – PW ORD-55-K-3 2009-498
- *C2 Finds that Ordinance C.S. 1066 is not subject to CEQA (Public Resources Code, §2100 et. seq.); and, introduced and waived the first reading of Ordinance C.S. 1066 amending Title 11, Chapter 11.04.060 of the Stanislaus County Code, adding speed zones on Tuolumne Road in the Denair area and Frontage Road in the Valley Home area – PW ORD-55-K-4 2009-499
- *C3 Approved the purchase agreements to acquire road right-of-way easement for the Las Palmas Avenue at Elm Avenue Intersection Project (Parcel Owner Dixie Juanita Reichmuth, APN: 047-037-025); authorized the Chairman of the Board to execute the agreements; directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet; and, directed the Auditor-Controller to issue a warrant in the total amount of \$6,180, payable to Chicago Title Company, for the purchase amount of \$4,680 and \$1,500 for estimated escrow fees and title insurance – PW 2009-500
- *C4 Pursuant to the Street and Highway Codes 8334, 8335 and 8355: adopted a resolution summarily vacating that portion of Cloutier Drive, as described in and delineated in Exhibit “A” and Exhibit “B”; finds based on the reasons stated in the report that the northerly portion of Cloutier Drive, in the town of Salida, described herein is not required for street or highway purposes; finds that easements for the existing in-place public utilities will be retained; authorized the Chairman of the Board of Supervisors to sign with notary, the Grant Deeds as submitted, conveying the fee title portion to the adjoining landowners for the appraised fair market value of \$0.45 per square foot as determined by the Appraisal and Valuation Analysis performed by W. G. Bartha and Associates per Exhibit “C”; directed staff to provide a certified copy of the resolution and exhibits to the Department of Public Works for recording; and, directed staff to provide copies of the signed Grant Deeds conveying fee title to the adjacent landowners as submitted to the Department of Public Works for recording and indexing – PW 2009-501
- *D1 Set a public hearing on 08/11/2009, at 9:15 a.m., to consider the Planning Commission's recommendation of approval for General Plan Amendment Application #2008-06, Rezone Application #2008-06, Use Permit Application #2008-27 and Vesting Tentative Parcel Map Application #2008-15, O'Brien Veterinary Hospital, a four-part request to consider: 1) approval of a Use Permit to allow a large animal veterinary hospital to be established; 2) approval of a Vesting Tentative Parcel Map to subdivide 24.36 acres into a 2.22-acre parcel and a 22.14-acre “remainder” parcel; 3) approval to amend the 2.22-acre parcel's General Plan designation from Agriculture to P-D (Planned Development); and, 4)

approval to amend the 2.22-acre parcel's zoning designation from A-2-40 (General Agriculture) to a P-D (Planned Development) zone to allow the large animal facility to also be used as a small animal veterinary hospital, on property located at 3254 Beckwith Court, just west of Hwy 99, in the Modesto area (APNs: 005-034-009, 010, 011), a Negative Declaration will be considered for this project – Planning ORD-55-K-2 2009-502

- *D2** Finds the Empire Improvement Project Phase 1A is exempt from CEQA pursuant to §15301 and 15302 of the California Code of Regulations; authorized staff to post a notice of exemption with the Clerk Recorder's Office; adopted the plans and specifications for the Empire Improvement Project Phase 1A; directed staff to set the bid opening date and time; and, directed staff to publish and mail a notice inviting bids to trade journals as required by law – Planning 2009-503

Grover/O'Brien unan. **6:40 pm** Finds that the notice of public hearing was published in compliance with §6066 of the Government Code; conducted a public hearing to receive comments regarding the Fiscal Year 2009/2010 annual assessments; set the Fiscal Year 2009/2010 annual assessments as shown on Exhibits "A" through "Z" for the following County Service Areas (CSA) and Landscape and Lighting Districts (LLD): CSA No. 4 - Bristol Glen (Salida), CSA No. 5 - Starlite Place (Keyes), CSA No. 7 - Modesto Auto Center (north Modesto), CSA No. 8 - Honey Bee Estates (Empire), CSA No. 9 - River/Souza (north Ceres), CSA No. 11 - Gilbert Road (Oakdale), CSA No. 12 - Peach Blossom Estates (Oakdale-Riverbank), CSA No. 14 - United Pallet (north Modesto), CSA No. 16 - Olive Ranch Estates (east Oakdale), CSA No. 18 - Atlas Park (east Oakdale), CSA No. 19 - Tuolumne-Gratton (Denair), CSA No. 20 - Summit (north Modesto), CSA No. 21 - Riopel (Denair), CSA No. 22 - Old School North (Denair), CSA No. 23 - Hillsborough-Schutz (east Oakdale), CSA No. 24 - Hideaway Terrace (Denair), CSA No. 25 - Suncrest II (Denair), CSA No. 26 – Keyes, Bret Harte LLD (south Modesto), Bystrum LLD (northwest Ceres), Howard/McCracken LLD (Westley area; I-5/McCracken interchange), Laurel LLD (south Ceres), Paradise South LLD (south Modesto), Riverdale LLD (south Modesto), Riverview LLD (south Modesto), and Shackelford LLD (south Modesto); made the Engineer's Reports a part of the record of this proceeding; and, authorized the Auditor-Controller to add the annual assessments to the 2009/2010 Tax Roll – PW 2009-505

Grover/Monteith (4-0)(O'Brien abstained) **C5** Adopted the resolutions in support of Senate Bill 532 and the realignment of State Route 108 – PW 2009-504

Corr 1 Referred to the Department of Environmental Resources, a public notice from the California Environmental Protection Agency and the Department of Toxic Substances Control regarding the Riverbank Army Ammunition Plant's implementation of a Class 1 Modification to its existing Hazardous Waste Facility Permit.

Corr 2 Referred to the Department of Public Works, an Environmental Assessment from the Federal Surface Transportation Board regarding the abandonment of a 5.18 mile line of railroad known as the McHenry Industrial Lead.

Corr 3 Referred to the Department of Planning and Community Development, and the Department of Environmental Resources, a letter from the California Energy Commission regarding the proposed Almond 2 Power Plant Project site visit and informational hearing and scoping meeting to be held on Thursday, July 30, 2009, in Ceres, California.

Corr 4 Acknowledged receipt of the Modesto Irrigation District's 2008 Annual Report.

Corr 5 Referred to the Fish and Wildlife Committee, a notice from the California Department of Fish and Game regarding the solicitation for proposals for the Bay-Delta Sport Fishing Enhancement Stamp Program.

Corr 6 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Mohinder Singh Sidhu; and, Robert Songer.

The CEO reported that the State has still not adopted a Budget, and he reviewed the potential financial impacts of the State budget situation on the following County services: Prop 1A, Williamson Act, Deferral of pre-2004 mandate payments, HUTA, Prop 42, Prop 36, CalWORKS/Healthy Families/IHSS, and the Redevelopment Agency.

Supervisor Monteith noted that it is the trailer bills that come after the State Budget is adopted that determine where the money goes.

Emerson Drake spoke regarding agenda item C5 concerning support of SB 532 and realignment of State Route 108. He noted that the public needs to be involved in this process.

Supervisor O'Brien reported that there will be an item on the North County Corridor meeting agenda in August to change the time of the meetings to allow for more public input.

Adjourned at 7:43 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.)