

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

Regular Session

Tuesday

December 11, 2001

All Supervisors Present

Pledge of Allegiance to the Flag

Employee Service Awards for those honored for thirty years of service were presented to Janice Reinking – Assessor’s Office; Charles Nichols – Auditor Controller’s Office; and, Dennis Louis and Susan Wollesen Foster – Behavioral Health and Recovery Services. Employee Service Awards for those honored for twenty-five years of service were presented to John Mataka and Ecco Stotts – Behavioral Health and Recovery Services.

Miguel Donoso spoke regarding the two recent articles in the Modesto Bee by the Chair of the SJVUAPCD, and commented on economic development and the Performing Arts Center.

S/B unan. Adopted the consent calendar

*A1 Approved the minutes of 12/04/01

*A2 Accepted the resignation of Dr. Saldana from the Stanislaus County Children’s Council

2001-958

*A3 Approved consolidation of the Paradise Elementary School District Bond Election with the 3/5/02 Primary Election

2001-959

*B1 Authorized the Chair and the Sheriff to sign an agreement with Superior Court for the Sheriff to provide Court Security Services; directed the Auditor to make the necessary changes in appropriations; amended the Salary and Position Allocation Resolution to transfer one Deputy Sheriff from Sheriff’s Detention Division-Civil to Court Security; and, authorized the Chair and Sheriff to sign any and all additional documents to implement this agreement – Sheriff

2001-960

*B2 Approved a Change Order in the amount of \$94,607 with a 21-day time extension for the General Contractor, Flintco, Inc., to construct a larger storage area and connecting corridor for the Juvenile Hall Special Needs Housing Unit Project – CEO

2001-961

*B3 Received a status update on the emergency repair of water damage at the former Modesto City Hall Building, 801 11th Street – CEO

2001-962

*B4 Amended the Salary and Position Allocation Resolution to reflect an organizational change within the CEO’s Office

2001-963

*C1 Approved the Master Agreement and Project Agreement #2000-01 with CH2MHILL of Sacramento, CA, for the Engineering Design Services for the Hickman Road Seismic Bridge Retrofit or Replacement Project; authorized the Chair to execute the Master Agreement and Project Agreement #2001-01; and, directed the Auditor-Controller to increase appropriations by \$155,000 and to increase anticipated revenue by \$155,000 – Public Works

2001-964

*D1 Adopted the Comprehensive Economic Development Strategy as required by the federal Economic Development Administration (EDA); increased the EDAC membership from 19 to 21; and, authorized the submittal of the strategy to the EDA – Planning and Community Development

BD-18-B-2 2001-965

*D2 Rescinded all or portions of Williamson Act Contracts #72-0827, #82-3789 and approved new contracts - pursuant to Minor Lot Line Adjustment #2001-50, and authorized the Planning Director to execute new contracts; finds that 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 that 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 that at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; finds that after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in GC §51222; finds that 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 that the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; and, finds that 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 and Community Development 2001-966

S/C unan. **B5** Approved an MOU for the development of an Integrated County Justice Information System and authorized the CEO and County Department Heads to sign the Integrated County Justice Information System MOU, including the associated Master Project Charter and Data Standards – CEO 2001-967

Recessed at 10: 56 a.m.

Reconvened at 11:05 a.m.

M/B unan. **B6** Amended the item to correct Staff Recommendation #1 as follows: Approved consolidation request of the City of Modesto to conduct the previously scheduled 12/11/01 City Council Runoff Election with the 3/5/02 local, State and Federal Primary Election; directed the CEO to request the Secretary of State to assist and oversee the conduct of the 3/5/02 Primary; requested the Secretary of State to conduct an immediate independent investigation of the failed election; directed the CEO to conduct an investigation and report back to the Board with findings and recommendations no later than the first Board Meeting in CY 2002, scheduled for 1/8/02; directed the County Counsel to pursue, as appropriate, any legal redress against any of the vendors whose delay or failure to perform resulted in the failed election; in addition to the oversight and investigation requested of the Secretary of State, the Board approved the establishment of a committee of citizen volunteers of up to 15 persons including representation from the City of Modesto to do the following: a.) review the report and recommendations of the CEO being provided to the Board on 12/11/01 and the follow-up report to be provided on 1/8/02, and provide the Board with any further new recommendations they deem appropriate; b.) oversee the preparations for the 3/5/02 Primary Election and to observe its conduct on Election Day; and, c.) work with the Interim Clerk-Recorder in these processes; ordered that a committee be formed by requesting volunteers to apply with the Clerk of the Board up through 1/2/02 with the intention of making the appointments on 1/8/02, as part of the report; authorized the transfer of \$18,000 from the Special Projects Budget to the Elections Budget in order to purchase two additional printers; amended the item to change the date in the last sentence of paragraph #1 in the discussion section from 11/26/01 to 11/23/01 and to change the date in the first sentence in paragraph #9 of the discussion section from Wednesday, 11/28/01 to Thursday, 11/29/01 and to include the following Board requests: 1.) Have the Secretary of State provide immediate oversight of the 3/5/02 Primary Election, 2.) the County and Clerk's Office conduct a thorough evaluation of the abilities of the personnel in terms of their job performance and functions, 3.) the County and Clerk's Office conduct an evaluation of all the Clerk-Recorder's equipment as well as the need for changes in the processing equipment, 4.) the County and Clerk's Office conduct an evaluation with the Statewide Clerks' Association of all phases of the election process, procedures and overall

operations, 5.) the Board address the structural needs of the citizen committee, 6.) that the Board provide immediate funding for more equipment changes, 7.) the County and Clerk's Office conduct a thorough review of all the vendors and all their contracts relating to the mail services, printing of ballots, and the envelope service, 8.) the Clerk's Office conduct a thorough review of all the security measures that take place in the Clerk-Recorder's Office and maintain a log of who has access to the Clerk and the Clerk's area, as well as the counting and movement of the ballots, and 9.) the Clerk's Office conduct a review of the mechanisms employed that would provide fail safe accountability of the incoming and outgoing ballots – CEO

C-6-H-15 2001-968

Recessed to sit as the Stanislaus County Redevelopment Agency at 11:30 a.m.

B/S unan. Approved the Consent Calendar

Approved the minutes of 10/02/01

9:25 a.m., *VI-A, Accepted the Financial Report of the Stanislaus County Redevelopment Agency as required by Health and Safety Code §33080.1 2001-970

B/C unan. **9:25 a.m., VI-B,** Accepted the 2000-01 Redevelopment Agency Activities Report 2001-971

C/S unan. **9:25 a.m., VI-C,** Authorized the commitment of \$200,000 from Housing Set-Aside to Stanislaus County Housing Authority \$1.3 million Grant Application for rehabilitation of farmworker housing 2001-972

Reconvened to sit as the Stanislaus County Board of Supervisors at 11:41 a.m.

B/S unan. **9:30 a.m.** Finds the project regarding Rezone Application #2001-18 – Cecil Shatswell, 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; finds that the Mitigated Negative Declaration adopted for Rezone 99-08 and PM 99-20 pursuant to California Code of Regulations §15074(b), finds that on the basis of the whole record, including the Initial Study and any comments received, that there was no substantial evidence the project would have a significant effect on the environment constitutes full and appropriate CEQA compliance for this current project involving no new construction; finds that specifically the project is exempt under provisions of §15301 of the California CEQA Guidelines; finds the project to be consistent with the provisions of the Stanislaus County General Plan; approved Rezone Application #2001-18, Cecil Shatswell, to amend the zoning designation from PI (Planned Industrial) to PD (Planned Development) on 2.49 acres to allow all Planned Industrial uses and low intensity commercial uses on the east side of Highway 99 at the intersection of Pirrone Road and Pirrone Court in Salida, subject to the attached Development Standards, and to the Development Standards of existing PI #12; and, introduced, adopted and waived the reading of Ordinance C.S. 780 for the approved Rezone #2001-18 – Planning and Community Development

ORD-54-I-14 2001-973 & 2001-974

B/C unan. **9:35 a.m.** Finds the project regarding Rezone Application #2001-06 - Cecil Shatswell/A & L Pirrone, 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 order the filing of the Certificate of Fee Exemption with the Stanislaus County Clerk-Recorder's Office; 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 judgement and analysis; adopted the Mitigation Monitoring Plan pursuant to California Code of Regulations §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 California Code of Regulations §15075; finds that the project is consistent with the overall goals and policies of the County General Plan; finds that the proposed PD zoning is consistent with the Planned Development General Plan description; determined that none of the findings precluding parcel map approval can be made; finds that the project will increase activity in and around the project area, and increase demands for roads and services, thereby requiring dedications and improvements; approved Rezone Application #2001-06 and Parcel Map Application #2001-06 - Cecil Shatswell/A & L Pirrone, to rezone from A-2-40 (General Agriculture) to PD (Planned Development) to allow PI (Planned Industrial) uses and low intensity commercial uses and to create parcels of 1.23±, 1.23±, and a 5.5± acre remainder, located east of Highway 99 at the intersection of Pirrone Road and Pirrone Court in Salida; and, introduced, adopted and waived the reading of Ordinance C.S. 781 for the approved Rezone #2001-06 – Planning and Community Development

ORD-54-I-15 2001-975 & 2001-976

S/B unan. **9:40 a.m.** Finds that Ordinance Amendment (OA) #2001-02 is exempt from CEQA; approved OA #2001-02, amending the County Code relating to swimming pools and swimming pool setbacks; and, introduced, waived the reading, and adopted Ordinance C.S. 778, regarding swimming pool setbacks - Planning and Community Development

ORD-54-I-13 2001-977 & 2001-978

C/B unan. **9:50 a.m.** Finds that the environmental review for Diablo Grande is adequate and complete and supports modifying Conditions #51 and #57 - this finding is based on all available and previous CEQA documentation and findings prepared and/or certified by Stanislaus County, Kern County Water Agency and its subcontractors, and Western Hills Water District, in regards to the Diablo Grande project, and this finding takes into consideration actions taken by these agencies and the judgement and writ issued by the Stanislaus County Superior Court in 1999, and is also based on the information presented in this report and the attachments to this report, including the attached Addendum to the Final EIR pursuant to CEQA Guidelines §15164; modified Condition of Approval #57 for Vesting Tentative Map #97-01 as follows: prior to recording any final map for Phase 1 development that has anticipated water needs beyond that supplied by on-site wells, Diablo Grande and/or Western Hills Water District shall obtain all required governmental approvals necessary for supplying all anticipated water needs of Phase 1 from the Berrenda Mesa or Kern County Water Agency (KCWA) supply options; modified Condition of Approval #51 for Vesting Tentative Map #97-01 as follows: prior to final inspection of any dwelling, Diablo Grande shall provide an approved, all-weather road for emergency vehicle access or adequate on-site public safety facilities. If an emergency access road is constructed, this road shall be built and maintained to provide year-round access by a two-wheel drive Sheriff's cruiser and by a standard firefighting water-tender; ordered that the department of public works will assist in making certain that the emergency access road, if constructed, is designed and constructed to adequate standards; and, the Board denied the appeal by Mr. Steve Burke and adopted the Planning Commission's recommendations

2001-979

M/B unan. **E-1** Introduced and waived the first reading of Ordinance C.S. 779, regarding campaign reform – County Counsel

ORD-54-J-2 2001-969

Corr 1 Referred to County Counsel a letter from Timothy Stoen, Attorney at Law, requesting the partial release of lien for property in Riverbank and requested that Counsel write a summary of events and return to the Board of Supervisors.

Corr 2 Referred to DET a letter from Barsamian, Saqui & Moody, Attorneys at Law regarding the closing of the Turlock Fruit Company in June of 2002.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Salvador Garcia; Nica Dalmaceda, a minor, by and through her mother, Majorie Dalmaceda; and, Jerry Z. Kemp, Venetia Kemp, and Mark A. Kemp.

Supervisor Caruso attended the retirement dinner for Richard G. Geiser, Fire Chief of the West Stanislaus Fire Protection District and Patterson City Fire Department. He also attended the County's Best Practices Retreat on 12/7/01. He reported on the new LAFCO policies that were approved by LAFCO at their meeting on 12/5/01, and noted that there was a request that County projects be brought before LAFCO.

The CEO noted that Jack Roddy was the keynote speaker at the Best Practices Retreat. The Department of Motor Vehicles will be holding a meeting at the Tenth Street Chambers on Thursday, 12/13/01.

The Chair announced that the Stanislaus County Board of Supervisors will be holding a Special Board of Supervisors Meeting on Wednesday, 12/12/01, at 5:00 p.m. in the Centre Plaza Arbor Theatre, Modesto.

Adjourned at 1:03 p.m.

ATTESTED: CHRISTINE FERRARO TALLMAN, Clerk
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: LILLIE L. FARRIESTER, 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.)