

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

Regular Session

Tuesday

January 14, 2003

All Supervisors Present

Pledge of Allegiance to the Flag

The CEO presented Supervisor Mayfield with an Employee Ten-Year Service Award.

The proclamation for Family Services Specialist Recognition Week was presented to Lori Gray, President of the Local Chapter of the National Eligibility Workers Association.

P/C unan. Adopted the consent calendar

- *A1 Approved the minutes of 1/7/03
- *A2 Adopted and waived the second reading of Ordinance C.S. 817 amending Title 11 of the Stanislaus County Code, pertaining to traffic control establishing speed zones on various county roads ORD-54-L-10 2003-43
- *A3a Appointed Anthony B. Riley to the Stanislaus County Equal Rights Commission 2003-44
- *A3b Appointed Kay Dunkel to the Stanislaus County Local Task Force on Solid Waste Management 2003-45
- *A4 Approved amendments to the Conflict of Interest Codes for the Stanislaus County Redevelopment Agency, Modesto City Schools and the Empire Sanitary District 2003-46
- *A5 Proclaimed 2/14/03 as "A Day for Hearts: Congenital Heart Defect Awareness Day" 2003-47
- *A6 Reappointed Anthony J. Cusenza to the Stanislaus County Planning Commission 2003-48
- *B1 Awarded construction contract to Silveira General Construction for tenant improvements at 1021 I St., 3rd Floor, for the Grand Jury, and authorized the Project Manager to issue a Notice to Proceed pursuant to the approval of required bonds and insurance 2003-49
- *B2 Approved the CSA to charge a fee of \$630 for each stepparent adoption processed effective 2/1/03, in accordance with Family Code §9002; and, approved the recommended budget adjustments 2003-50
- *B3 Accepted the FY02/03 grant from the DOJ for the DA's Spousal Abuser Prosecution Program totaling \$95,033; authorized the DA to approve grant award agreement including any extensions, augmentations or amendments; and, directed the Auditor-Controller to make the recommended budget adjustments 2003-51
- *B4a Adopted the decision of the Nuisance Abatement Hearing Board, Hearing # CE01-945, regarding nuisances at 2101 Robertson Rd., Modesto – DER 2003-52
- *B4b Adopted the decision of the Nuisance Abatement Hearing Board, Hearing # CE01-1242, regarding nuisances at 201 Carpenter Rd., Modesto – DER 2003-53
- *B4c Adopted the decision of the Nuisance Abatement Hearing Board, Hearing # CE02-168, regarding nuisances at 800 East Hatch Rd., Modesto – DER 2003-54
- *B4d Adopted the decision of the Nuisance Abatement Hearing Board, Hearing # CE02-1608, regarding nuisances at 4512 Finney Rd., Salida – DER 2003-55
- *B4e Adopted the decision of the Nuisance Abatement Hearing Board, Hearing # CE02-1863, regarding nuisances at 434 Empire Ave., Modesto – DER 2003-56
- *B4f Adopted the decision of the Nuisance Abatement Hearing Board, Hearing # CE02-1080, regarding nuisances at 2345 Ridge Rd., Modesto – DER 2003-57

- ***B4g** Adopted the decision of the Nuisance Abatement Hearing Board, Hearing # CE02-1610, regarding nuisances at 531 Maze Blvd., Modesto – DER 2003-58
- ***B4h** Adopted the decision of the Nuisance Abatement Hearing Board, Hearing # CE01-2143, regarding nuisances at 1534 Imperial Ave., Modesto – DER 2003-59
- ***B4i** Adopted the decision of the Nuisance Abatement Hearing Board, Hearing # CE02-1978, regarding nuisances at 11707 Yosemite Blvd., Waterford – DER 2003-60
- ***B4j** Adopted the decision of the Nuisance Abatement Hearing Board, Hearing # CE02-820, regarding nuisances at 5816 Central Ave., Ceres – DER 2003-61
- ***B5** Approved the renewal of the agreement between the County and SFMG to provide both administrative and teaching related services to the Family Practice Residency Program at the HSA; and, authorized the HSA Managing Director, or her Designee, to sign the agreement for the period of 7/1/02 through 6/30/04 2003-62
- ***B6** Authorized the Sheriff to enter into negotiations and to sign a contract with Wenzlau Engineering for the manufacture of a Stanislaus Anti-Terrorist Chemical Detection Unit (SAT CAD); and, authorized the use of appropriations for contingencies to fund up to \$50,000 of the costs, if they occur, above the \$650,000 project cost associated with the completion of the SAT CAD 2003-63
- ***C1** Approved increasing appropriations and estimated revenue for environmental studies for the 2001-2002 A.C. Overly Program Project and directed the Auditor-Controller to increase appropriations by \$3,000 and estimated revenue by \$2,894.10 – PW 2003-64
- ***C2** Approved the agreement for road right-of-way acquisition at the northwest corner of Glenn Ave. and Dallas St. in the south Modesto area for the School Sidewalk Program; authorized the Chairman to execute the agreement; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$400 payable to Murel D. Barnes and Cathlene J. Barnes – PW 2003-65
- ***C3** Finds that all subdivision improvements required for Rode Industrial Park by the Conditions of Approval for Tentative Parcel Map No. 98-26 have been constructed to the satisfaction of Stanislaus County; accepted all streets, avenues, roads, courts and the street drainage system excluding the storm drain basin within Rode Industrial Park for maintenance by Stanislaus County; and, waived the one year maintenance period for the developer, since the developer has maintained the improvements for a one year period from the time the Department of Public Works staff acknowledged the improvements were completed – PW 2003-66
- ***C4** Approved the payment for piping and pump equipment rental in the amount of \$30,274.05 for CSA No. 10 – Salida – PW 2003-67
- ***D1** Rescinded a portion of Williamson Act Contract No. 0466/1969 and 1144/1972 (State Route 4, Farmington, District 1) and approved new contract pursuant to Minor Lot Line Adjustment Application 2002-32, 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 and Community Development 2003-68

***D2** Rescinded a portion of Williamson Act Contract No. 0845/1972 (Magnolia Ave., Patterson, District 5) and approved new contract pursuant to Minor Lot Line Adjustment Application 2002-45, 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 and Community Development 2003-69

***D3** Rescinded a portion of Williamson Act Contract No. 2144/1976 (Loquat Ave., Patterson, District 5) and approved new contract pursuant to Minor Lot Line Adjustment Application 2002-46, 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 and Community Development 2003-70

***D4** Rescinded a portion of Williamson Act Contract No. 0301/1971 (E. Grayson Rd., Denair, District 2) and approved new contract pursuant to Minor Lot Line Adjustment Application 2002-44, 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 and Community Development

2003-71

- *D5** Approved Salida Road Account expenditures to O’Dell Engineering and authorized the Auditor-Controller to issue a warrant in the amount of \$3,456.43 to O’Dell Engineering – Planning and Community Development

2003-72

G/M unan. **A7** Approved the 2003 Stanislaus County Board of Supervisors Committee Assignments

2003-73

M/P unan. **B7** Approved the Employee Mentor Program Progress Report and proclaimed the month of January 2003 as Mentoring Month in Stanislaus County, consistent with the National Mentoring Month distinction

2003-74

M/C unan. **D6** Approved the amendment to the Stanislaus County Program Income Reuse Plan to include housing and assistance services for the homeless; approved the expenditure of \$13,000 to assist in the provision of housing for the homeless in the City and surrounds of Turlock; and, authorized the Director of Planning and Community Development to execute the appropriate contract with the service provider

2003-75

M/C unan. **9:25am** Finds that notice of the public hearing was published in compliance with GC §6066; conducted a public hearing to receive comments regarding the formation of CSA #17 - Sunray Estates and the proposed formula for calculation and levy of annual assessment to pay for services provided by CSA No. 17; conducted a ballot procedure by authorizing the Clerk of the Board to open the sealed ballots, tabulate, and immediately submit the results to the Board of Supervisors; the Clerk announced that the ballot passed by the landowners with a vote of 3-0 in support of the formation of CSA #17 and the assessment formula for calculating the annual assessments, and that a majority protest had not been filed regarding the proposed assessment formula; approved the formation of CSA #17, subject to the approval of LAFCO as conducting authority; and, made the Engineer’s Report a part of the record of this proceeding – PW

CSA-17-1 2003-76

G/M unan. **9:30am** Finds that notice of the public hearing was published in compliance with GC §6066; conducted a public hearing to receive comments regarding the formation of CSA #20 - Summit, and the proposed formula for calculation and levy of annual assessment to pay for services provided by CSA #20; conduct a ballot procedure by authorizing the Clerk of the Board to open the sealed ballots, tabulate, and immediately submit the results to the Board of Supervisors; the Clerk announced that the ballot passed by the landowners with a vote of 1-0 in support of the formation of CSA #20 and the assessment formula for calculating the annual assessments, and that a majority protest had not been filed regarding the proposed assessment formula; approved the formation of CSA #20, subject to the approval of LAFCO as conducting authority; and, made the Engineer’s Report a part of the record of this proceeding - PW

CSA-20-1 2003-77

Corr 1 Referred to the Agricultural Commissioner, OES, and the CEO-Risk Management Division, a letter from the Governor's Office of Emergency Services regarding the U.S. Small Business Administration's declaration of Stanislaus County as a disaster area due to damages caused by drought conditions beginning January 1, 2002.

Corr 2 Acknowledged receipt of claim and referred to the CEO-Risk Management Division the following claim: James Pullin.

Supervisor Caruso noted that he attended the former Assessor Mike De Ferrari's retirement dinner. He also visited Frank Raines Park to see the extensive improvements made to the clubhouse there.

Supervisor Paul mentioned that she attended the Sheriff's Mounted Posse Dinner in Oakdale. She wanted to say a special thank you to Sheriff Weidman and the Sheriff's Mounted Posse for their leadership and community service.

Chairman Simon announced that Stanislaus County has been invited to their Sister County of Mayenne, France for the week of 1/26/03. Chairman Simon and his wife, Supervisor Grover and his wife, and the Clerk, Christine Ferraro Tallman and her husband, will be going to France to represent the County at their own expense.

M/C unan. **9:35am** Continued public hearing to Consider the Approval of Rezone Application No. 2002-07 - Valley Peterbilt, Inc., a request to rezone from A-2-40 (General Agriculture) to Planned Development on 11.7 acres for construction of a truck sales and service facility on Golden State Blvd. at Barnhart Rd. in the Turlock/Keyes area, to 2/4/03 at 9:20 a.m. ORD-54-L-9 2003-78

M/P unan. **9:40am** Denied without prejudice the Appeal of the Planning Commission's Decision of Denial for Vesting Tentative Subdivision Map #2001-01 - Del Rio Vista.

2003-79

Recessed at 10:24 a.m.

Reconvened at 10:32 a.m.

Legislative A. The CEO gave a verbal report on the Governor's 03/04 Budget Proposal, and a discussion ensued regarding the County's potential plans for addressing the issues. The CEO stated that there is a County hiring freeze in place for the next two weeks, and that he has asked to all Departments to cut their travel budgets in half for the remainder of the FY. 2003-80

The Chairman announced that the Board of Supervisors will continue this Board meeting tonight for a Joint Meeting between the Stanislaus County Board of Supervisors and the Turlock Irrigation District at 6:30 p.m., Turlock Irrigation District Office, Upstairs Lunch Room, 333 E. Canal Avenue, Turlock.

Recessed to closed session between 11:03 a.m. and 11:40 a.m. for conference with legal counsel on existing litigation: Protect Our Water vs. County of Stanislaus. Stanislaus County Superior Court Case #273599. Pursuant to GC §5954.5(c).

Recessed at 11:40 a.m.

Reconvened with all Supervisors present at 6:36 p.m., for a Joint Meeting with the TID

Randy Fiorini, from the TID welcomed the Board of Supervisors and introduced the TID Board of Directors. Ray Simon, Chairman, introduced the Board of Supervisors. Larry Weis, TID CEO, introduced the TID Staff, and Reagan Wilson, County CEO, introduced the County staff.

Joint Board of Supervisors and TID Discussion Topics:

- A. Walnut Avenue Energy Center
- B. Transmission Projects
- C. Fiber Optic and Communications Project
- D. Westside Power Authority
- E. Waste-to-Energy Facility
- F. Groundwater Basin Study
- G. Drinking Water
- H. Tuolumne River Study
- I. Tuolumne River Restoration Project

Adjourned at 8:15 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.)