

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

March 25, 2003

A moment of silence was observed in memory of those who have lost their lives in the Gulf War, and in honor of their families.

Grover McCoy spoke regarding the water issue in La Grange. He stated that the town of La Grange is not within the TID or MID District boundaries, and mentioned that La Grange was placed on a water conservation program by the TID.

Allen Zanker also spoke regarding the water issue in La Grange and the boundaries of the TID.

C/P unan. Adopted the consent calendar after removing from the consent calendar items *B6a-k Approval to Adopt the Recommendations of the Nuisance Abatement Hearing Board (DER) Regarding the Following Properties: a) 4804 Corona Way, Denair, California (CE No. 02-2041); b) 955 Elma Street, Hickman, California (CE No. 02-1744); c) 8260 Keyes Road, Hughson, California (CE No. 02-913); d) 4220 Warda Avenue, Keyes, California (CE No. 02-1000); e) 1741 Dallas Street, Modesto, California (CE No. 02-2307); f) 430 Thrasher Avenue, Modesto, California (CE No. 01-2005); g) 1005 Atlantic Drive, Modesto, California (CE No. 01-1336); h) 1055 Paradise Road, Modesto, California (CE No. 02-1062); i) 815 River Road, Modesto, California (CE No. 02-289); j) 1521 Imperial Avenue, Modesto, California (CE No. 02-961); and, k) 2212 Twildo Avenue, Oakdale, California (CE No. 02-2214)

- *A1 Approved the minutes of 3/18/03
- *A2 Proclaimed 5/1/03 as Law Day 2003-263
- *A3a Appointed Dave Landers to the Keyes MAC 2003-264
- *A3b Appointed Ismael Saldana to the Stanislaus County Parks Commission 2003-265
- *A3c Appointed John Fantazia to the Stanislaus County Task Force on Solid Waste Management 2003-266
- *B1 Approved an amendment to the agreement with Seventh Avenue for psychiatric services in a locked facility; approved amendments to agreements with Davis Guest Home and Mar Ric Jones Care Home for board and care services; approved an amendment to the agreement with Syed Kazmi, M.D. for psychiatric services; and, authorized the Director of BHRS, or his Designee, to sign the amended agreements – BHRS 2003-267
- *B2 Approved adopting the business standard mileage rate established by the IRS as the County mileage rate for the affected bargaining units; authorized the Auditor-Controller to adjust the County mileage rate each July 1, the beginning of the FY for the County; and, authorized retroactive payment to 1/1/03 for the difference between the IRS rate and the County rate which is ½ cent 2003-268
- *B3 Approved the partnership with Empire Baseball/Softball for Youth for repair and upgrade of the fields in Empire; approved the transfer of \$3,000 from Special Projects to Empire Baseball/Softball for Youth; authorized the CEO and Auditor-Controller to make the necessary transfer and adjustments; and, authorized the CEO to enter into the joint use agreement with Empire Baseball/Softball for Youth 2003-269

- *B4 Approved the Status Report of Emergency Action on Courts Elevator Modification Project
2003-270
- *B5 Approved Supplemental Agreement between Covanta Stanislaus, Inc., County of Stanislaus, City of Modesto and PG&E Electric Company; approved Settlement Agreement and General Release of Claims between Covanta Stanislaus, Inc., County of Stanislaus, City of Modesto and PG&E Electric Company; and, authorized the Chairman to sign both agreements – DER
2003-271
- *B7 Authorized an application for “Proposition 12 –Tree Planting Program” grant, available from the California Department of Forestry and Fire Protection (Urban and Community Forestry Program); authorized the Director of Parks and Recreation to sign and forward all applicable documentation to submit the application; and, authorized the Director of Parks and Recreation to sign and accept the award – Parks and Recreation
2003-272
- *B8 Approved a resolution authorizing the Registrar of Voters to apply for funds from the Voting Modernization Board approved by California voters on 3/5/02 – Clerk Recorder
2003-273
- *C1 Directed the Auditor-Controller to increase Appropriations and Estimated Revenue by \$18,772.10 to cover extra work associated with the Albers Road Widening Project – PW
2003-274
- *D1 Set a public hearing on 4/15/03, at 6:35 p.m., for GPA #2002-05 and Rezone Application #2002-14, American Chevrolet – Planning
ORD-54-M-10 2003-275
- *D2 Set a public hearing on 4/15/03, at 6:40 p.m. for GPA #2002-01 and Rezone Application #2002-05, Santa Fe Mini Storage / Robert B. Wallace – Planning
ORD-54-M-11 2003-276
- *D3 Set a public hearing on 4/15/03, at 6: 45 p.m. for GPA #2002-03 and Rezone Application #2002-09, Juan M. Garcia – Planning
ORD-54-M-12 2003-277
- *D4 Set a public hearing on 4/15/03, at 6:55 p.m. for GPA #2002-06 and Rezone Application #2002-15, John Hettinga – Planning
ORD-54-M-13 2003-278
- *D5 Set a public hearing on 4/15/03, at 7:00 p.m. for GPA #2003-02 Stanislaus County Policy - Minor Language Change regarding Parkland Acquisition – Planning
ORD-54-M-14 2003-279
- *D6 Set a public hearing on 4/15/03 at 6:50 p.m. for GPA #2002-08, Rezone Application #2002-20, Parcel Map Application #2002-30 and Ordinance Amendment Application #2002-02, West Patterson Master Development Plan and Keystone Pacific Business Park. – Planning
ORD-54-M-15 2003-280
- *D7 Approved Salida Park account expenditure to Grover Landscape Services, Inc.; approved Salida Park account expenditure to SCM Corporate Group; approved Salida park account expenditure to David F. O’Keefe Company; authorized the Auditor-Controller to issue a warrant in the amount of \$32,296.70 to Grover Landscape Services Inc.; authorized the Auditor-Controller to issue a warrant in the amount of \$1,614.84 to SCM Corporate Group; and, authorized the Auditor-Controller to issue a warrant in the amount of \$41,562.61 to David F. O’Keefe Company – Planning
2003-281

G/M unan. *B6a Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property located at 4804 Corona Way, Denair (CE No. 02-2041) – DER
2003-282

G/M unan. *B6b Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property located at 955 Elma Street, Hickman (CE No. 02-1744) – DER
2003-283

G/M unan. *B6c Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property located at 8260 Keyes Road, Hughson (CE No. 02-913) – DER
2003-284

G/M unan. ***B6d** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property located at 4220 Warda Avenue, Keyes (CE No. 02-1000) – DER 2003-285

G/M unan. ***B6e** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property located at 1741 Dallas Street, Modesto (CE No. 02-2307) – DER 2003-286

G/M unan. ***B6f** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property located at 430 Thrasher Avenue, Modesto (CE No. 01-2005) – DER 2003-287

G/M unan. ***B6g** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property located at 1005 Atlantic Drive, Modesto (CE No. 01-1336) – DER 2003-288

G/M unan. ***B6h** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property located at 1055 Paradise Road, Modesto (CE No. 02-1062) – DER 2003-289

G/M unan. ***B6i** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property located at 815 River Road, Modesto (CE No. 02-289) – DER 2003-290

G/M unan. ***B6j** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property located at 1521 Imperial Avenue, Modesto (CE No. 02-961) – DER 2003-291

G/M unan. ***B6k** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property located at 2212 Twildo Avenue, Oakdale (CE No. 02-2214) – DER 2003-292

C/M unan. **B9** Accepted the update on the Westley Tire Fire Site – DER 2003-293

S/C unan. **B11** Authorized the CEO to proceed with the next phase of the Gallo Arts Center Project; approved the final design for the project; authorized the CEO to issue a notice inviting bids to prequalified contractors; set 5/7/03 at 2:30 p.m. as the bid opening date and time; and, authorized the CEO to issue a RFP for testing services for the Gallo Arts Center 2003-294

Recessed at 10:07 a.m.

Reconvened at 10:12 a.m.

G/C unan. **9:25am** The Board finds that the Notice of the Public Hearing to conduct an assessment ballot process in compliance with Proposition 218, regarding the proposed new formula for calculating the amount of the annual assessments for the Golden State Lighting District was published in compliance with GC §6066; conducted a public hearing to receive comments regarding the proposed formula for calculation and levy of annual assessment to pay for street lighting services; conducted a ballot procedure by authorizing the Clerk of the Board to open the sealed ballot, tabulate, and immediately submit the results to the Board; the Clerk announced that the ballot passed by the landowner with a vote of 1-0 in support of the assessment formula for calculating the annual assessments, and that a majority protest had not been filed regarding the proposed assessment; set the annual assessment as shown on Exhibit “A” for the Golden State Lighting District; authorized the Auditor-Controller to immediately turn on the street lights; authorized the Auditor-Controller to add the annual assessment to the 2003/2004 Tax Roll; and, ordered that the Engineer’s Report be made a part of the record of this proceeding – PW

DL-33-5 2003-298

C/G unan. **9:35am** Denied the appeal of the Planning Commission's approval of Use Permit Application #2002-22 – Grover Landscape Services, Inc. to expand or relocate existing aerobic compost manufacturing facility at 3432 Gaffery Road in the Vernalis area, the Board upheld the Planning Commissions' approval based on the staff report and testimony received; adopted the 5 staff recommendations presented including adopting Condition No. 28; in addition, the Board added the following conditions: the grinder used on the present site shall be moved to the new site and be operated in an enclosed facility, the applicant shall implement appropriate landscaping as specified by the Planning Director, the applicant shall make a reasonable effort to direct traffic to Koster Road; the applicant agrees to discontinue composting operation under his existing County use permit that he holds for the current location; and applicant shall relocate all current operations to his property described in this application within 18 months – Planning 2003-299

Recessed at 12:30a.m.

Reconvened at 12:39 a.m.

M/C unan. **B10** Accepted the Report “The First Anniversary of the Community Service Agency’s Turlock Office” – CSA 2003-294

P/G unan. **B12** Accepted the update on Code Enforcement and Nuisance Abatement and approved the modification of the after-hours processing of calls from the 1-877-2ASSIST Help Line – DER 2003-295

M/C unan. **B13** Approved transportation policies and funding options that will help address the County’s transportation needs and that are consistent with regional transportation objectives; directed the CEO to work with County Public Works, StanCOG, and individual cities to establish a list of projects consistent with the regional transportation plan; and, directed the CEO to deliver financing strategies for each project 2003-296

Corr 1 Referred to the DET, a letter from Valley Fresh notifying the Board of layoffs affecting the facility located at 680 D Street in Turlock, occurring on 5/16/03 and 5/30/03.

Corr 2 Referred to the CEO, a letter from Assembly Member Lou Correa requesting support of AB 1568 which will change the current property tax revenue allocation formula and bring tax dollars back to Counties.

Corr 3 Referred to the CEO, a letter from KAZV requesting a letter of support to Comcast Communication to have KAZV be placed on the Modesto/Oakdale cable line up.

Corr 4 Acknowledged receipt of the Report on the Financial Impact on Stanislaus County Created by the Construction and Operation of the Proposed Ag Pavilion Learning Center and Museum, from the Stanislaus Ag Center Foundation.

Corr 5 Acknowledged receipt of the report of the foster care system, “Still in Our Hands: a Review of Efforts to Reform Foster Care in California”, from the Little Hoover Commission.

Corr 6 Referred to the Planning and Community Development Department, a letter from the State of California Fish and Game regarding a 15-day comment period pertaining to the amendments to §354 of Title 14 of the California Code of Regulations relating to mammal hunting.

Corr 7 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Karen L. Bello; Dennis and Kelly Little; Rocky C. Sanderson; and, David Ortega.

Supervisor Grover attended the CSAC Legislative Conference where he noted that the State Legislature has not decided on how to deal with the budget issues. He does not expect any decisions to be made until October, and therefore the County needs to proceed with our budget process.

Supervisor Caruso met with neighborhood residents in the Collins area in south Ceres regarding forming a neighborhood lighting district. He requested the Boards' concurrence to bring the issue of affordable housing concepts to the General Plan Update Committee, including mobile home parks and affordable pre-fabricated housing.

The Chairman announced that at 2:00 p.m. this afternoon, there will be a "Kick Off" to Clear the Site for the Future Gallo Arts Center, between 10th and 11th Streets in Downtown Modesto.

Adjourned at 1:15 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.)