

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

July 9, 2002

Libby Lane, PIO, introduced the County's student intern, Emmanuelle Briot, from our Sister County, Mayenne, France.

C/B unan. Adopted the consent calendar after removing from the consent calendar item ***B1** - Approval to Adopt Recommendations of the Nuisance Abatement Hearing Board Regarding 4333 Claus Road, Modesto, California Hearing No. CE02-82 – Environmental Resources

- *A1** Approved the minutes of 7/02/02
- *A2** Adopted and waived the second reading of Ordinance C.S. 802 adding Chapter 10.44 related to prohibited acts of solicitation ORD-54-K-4 2002-537
- *A3** Commended Gerald Robinson upon his retirement from the Stanislaus County Probation Department 2002-538
- *A4** Reappointed Robert Kimball to the West Stanislaus County Fire Protection District Board 2002-539
- *A5** Set the public meeting date of 8/13/02 for the Board to consider purchasing real property for a Park at 5990 Pirrone Road in Salida, CA – Parks and Recreation Department 2002-540
- *B2** Approved the HSA to enter into an agreement with the California Department of Health Services (CDHS) and accept an allocation of funds in the amount of \$654,268 to prepare for and respond to bioterrorism, infectious disease outbreaks and other public health threats and emergencies; authorized the HSA Interim Managing Director, or her Designee, to sign the agreement and accept these funds 2002-541
- *B3** Authorized the Sheriff to accept funding in the amount of \$50,000 from Stanislaus County Children and Families Commission for the provision of a Specialized Drug Endangered Children Program; and, authorized the Auditor-Controller to establish appropriations and estimated revenues 2002-542
- *B4** Approved the \$1.4 million increase in appropriations and estimated revenues for FY 2001/02 Public Economic Assistance Budget Unit Fund 1632; and, authorized the Auditor-Controller to make the appropriate budget adjustments – CSA 2002-543
- *B5** Adopted the retirement contribution rates and rate of interest posting for FY 2002/03 as recommended by the Board of Retirement; directed the Auditor-Controller to change the employer and employee retirement contribution rates for FY 2002/03 on the 7/24/02 payroll check, in accordance with the actuarial valuation of 6/30/01; and, authorized the CEO to negotiate a discounted prepayment of these costs before 7/30/02 2002-544
- *C1** Approved a Purchase Agreement for the acquisition of property for a storm drainage basin site as part of the Abbie Street and South Avenue Curb and Gutter Project; authorized the Chairman to execute the agreement; directed the Auditor-Controller to increase appropriations by \$24,000.00 in the project account; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$21,770.40, payable to Fidelity National Title Company – PW 2002-545
- *C2** Finds that all improvements required for Del Rio West by the Subdivision Improvement Agreement, executed by Paramount, LLC, and adopted by the Board on 3/14/00, have been completed to the satisfaction of Stanislaus County; pursuant to Section 66499.7(A) of the Subdivision Map Act, authorized the release of the Performance Bond #3SM98116300,

that was issued by American Motorists Insurance Company in the amount of \$1,000,000.00 for faithful performance of the Subdivision Improvement Agreement; and, pursuant to Section 66499.7(B) of the Subdivision Map Act, upon receipt of a Mechanic's Lien Guarantee, authorized the release of the Labor and Materials Bond #3SM98116300, that was issued by American Motorists Insurance Company in the amount of \$500,000.00 for payment of labor and materials – PW 2002-546

- *C3 Rejected all bids received for the Shackelford Neighborhood Improvement Project; authorized the Department of Public Works to solicit new bids using an alternative bid process; set the deadline for submission of bids as 8/12/02, prior to 2:30 p.m.; directed Public Works' staff to mail the Notice Inviting Bids to Trade Journals as required by law; and, directed the Auditor-Controller to increase appropriations by \$5,000 in the project account to cover the costs of advertising and publishing - PW 2002-547
- *C4 Authorized the Chairman to vote in Support of the increased assessments in CSA #10 for each of the fifteen parcels owned by Stanislaus County – PW CSA-10-A-5 2002-548
- *D1 Set a public hearing for 8/6/02, at 9:35 a.m., for Rezone Application #2001-21 - Crossroads Feed and Ranch – Planning and Community Development Department ORD-54-K-6 2002-549
- *D2 Set a public hearing for 8/6/02, at 9:40 a.m., for Rezone Application #2001-12, Tentative Map Application #2001-03, and Exception Application #2001-06 - Cote Di Or – Planning and Community Development Department ORD-54-K-7 2002-550

B/P unan. *B1 Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 4333 Claus Road, Modesto, CA, Hearing #CE02-82; motion as read into the record by County Counsel: Based upon staff report, testimony of staff and witnesses to the Board, staff report to the Planning Commission, including photographs and staff presentation ordered Robert N. Frobose, Robert E. Frobose, et al to discontinue the commercial trucking business at the location of 4333 Claus Road site which is an agricultural zone without obtaining a Use Permit; ordered said persons to obtain the proper business license; remove all but two inoperable, unregistered vehicles from the property, as defined by the California Vehicle Code; and, cleaning, collecting and removing all of the accumulated junk, tires, debris, equipment, vehicles, pallets, and refuse to an approved disposal site – DER 2002-551

Recessed at 10:25 a.m.

Reconvened at 10:37 a.m.

C/P unan. B6 Authorized the HSA to contract with Mountain Valley Emergency Medical Services Agency for 2002/03 to administer local emergency services; and, authorized the Chairman to sign the contract 2002-552

B/S unan. B7 Accepted Phase One of the First Comprehensive Community Health Assessment for Stanislaus County – HSA 2002-553

B/C (4-1) (Paul opposed) 9:25am Denied the appeal of the Planning Commission decision regarding Use Permit Application #2002-01 - Sargenti Kennels, to Operate a Dog Kennel on 57.88 Acres in the A-2-40 (General Agriculture) Zoning District located on 28-Mile Road, in the Oakdale Area, the Board finds that: A) The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "General Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County - certain conditions have been added to ensure that the impact from this project is minimal; B) The establishment

as proposed will not be substantially detrimental to or in conflict with agricultural uses of other property in the vicinity, and the parcel on which such use is requested is of diminished agricultural importance because of size, shape, location orientation, soil type or relationship to existing adjacent usage or the character of the use which is requested is such that the land may reasonably be returned to agricultural use in the future; C) The project is not likely to cause substantial environmental damage, because this site is not identified as having endangered plant or animal habitat as noted on the Natural Diversity Data Base Maps of the Stanislaus County General Plan Support Documentation; finds the project is categorically exempt from the CEQA and ordered the filing of the Notice of Exemption; approved Use Permit Application #2002-01 - Sargenti Kennels subject to Conditions of Approval; limited kennel to 50 dogs for boarding and training; amended Condition #5 that a caretaker be on the premises; added Condition #21 which modified site plan as presented at the Board meeting to move the kennel 800 feet west of 28 mile Road; and, added Condition # 19 that designates the hours of operations from 8:00 a.m. to 5:00 p.m., Monday through Saturday – Planning and Community Development 2002-554

Corr 1 Acknowledged receipt of MID’s 2001 Annual Report.

Corr 2 Acknowledged receipt of the Final Report, Part Two, from the 2001-2002 Stanislaus County Civil Grand Jury regarding the Empire Sanitary District Board of Directors.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Gina Tate; State Farm on behalf of their insured Rosemary Kelly; David L. Phelps; Lynda Perino; Jennifer Terrazas; Roy Jones; John J. McCarthy; Joshua Pickerel; and, Bernice Darneille.

Supervisor Blom recently visited our Sister County in Mayenne, France. He noted that the Euro currency is gaining strength as more countries join.

Supervisor Caruso told the Board that during his meeting with the Assistant to the Governor’s office this week, he reminded the Assistant of the Governor’s promise to support Negative Bailout legislation for the County.

The CEO reported on the State Budget and that he would continue to work to get Negative Bailout legislation approved. He noted that the weather will be very hot for the next few days and that people should take extra precautions.

Chairman Mayfield announced that there will be a Board of Supervisors’ Planning Workshop on Tuesday, 7/9/02, at 1:30 p.m., located at 1010 10th Street, 6th Floor Tower Conference Room, Modesto, CA; and, he announced that there will be a second Board of Supervisors’ Planning Workshop for Health Services Agency’s Strategic Plan on Tuesday, 7/30/02, at 11:30 a.m., located at 401 E. Paradise Road, West Modesto Community Center, Multipurpose Room, Modesto, CA

Adjourned to closed session at 12:30 p.m. for conference with legal counsel on anticipated litigation - significant exposure to litigation, pursuant to GC §54956.9(b) on two potential cases.

Adjourned at 1:45 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.)