

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

Regular Session  
All Supervisors Present  
Pledge of Allegiance to the Flag

Tuesday

August 11, 2009

Chiesa/Grover unan. Adopted the consent calendar after removing from the consent calendar **\*B8**  
Approval of an Agreement with the Modesto Irrigation District to Lease Modesto Reservoir for  
Recreational Purposes – Parks and Recreation and **\*C1** Approval of the Termination of the Gomes Lake  
Joint Powers Agreement – PW

- \*A1** Approved the minutes of 08/04/2009
- \*A2a** Accepted the resignation of Kassandra Ingram from the Knights Ferry MAC 2009-525
- \*A2b** Accepted the resignation of Eric Hirst from the 49-99 Library System Advisory Board 2009-526
- \*A3** Appointed Tom Orvis to the Agricultural Advisory Board 2009-527
- \*A4a** Approved 09/08/2009 as International Literacy Day 2009-528
- \*A4b** Approved 10/18-24/2009, as “Second Chance Week” 2009-529
- \*B1** Directed County staff to establish the Keyes Sidewalk Incentive Program and all applicable components including guidelines, eligibility and related actions; approved the use of \$60,000 of the Community Development Funds to establish the Keyes Sidewalk Incentive Program; and, directed the Auditor-Controller to increase appropriations in the amount of \$60,000 as detailed in the budget journal form – CEO 2009-530
- \*B2** Authorized the Auditor-Controller to establish a revolving fund, per Government Code §25214.5, in an amount not to exceed \$50,000 to be used by County Service Areas (CSAs) 16 through 26 during temporary periods of negative cash flow; and, approved the interest rate to be charged for the use of revolving funds at the Stanislaus County’s Treasury pooled rate – PW 2009-531
- \*B3** Authorized the Auditor-Controller to establish interest-bearing funds for the Public Works-Lake Road Mitigation and Public Works-Gaffery Road Mitigation – PW 2009-532
- \*B4** Accepted the Annual Reports for the County of Stanislaus Tobacco Endowment Funds - Series 2002 and Series 2006 for fiscal year ending 06/30/2009; and, authorized the Chairman to sign on behalf of the Board that the reports have been reviewed and accepted – T/TC 2009-533
- \*B5** Approved the MOU for FY 2009-2010 between Stanislaus County and the Stanislaus Economic Development and Workforce Alliance regarding the implementation of countywide economic development activities; and, authorized the CEO, or his designee, to sign the MOU with Stanislaus Economic Development and Workforce Alliance in the amount of \$109,674 for FY 2009-2010 – CEO 2009-534
- \*B6** Approved the Chief Probation Officer to apply for and accept a Probation Specialized Units Program Grant of \$45,667 from the California Emergency Management Agency to provide Intensive Supervision Services to Repeat Domestic Violence Offenders – Probation 2009-535
- \*B7** Approved the Chief Probation Officer to apply for and accept a California Risk Assessment Pilot Project Grant from the Judicial Council of California Administrative Office of the Courts for the use of Actuarial Risk-Needs Assessment Information in State Sentencing and Probation Supervision – Probation 2009-536

**\*B9** Approved request from Soul Harvest Worship Center to have exclusive use of Salida Park on Saturday, 08/29/2009, beginning at 9:00 a.m. and ending no later than 6:00 p.m. for their community event; directed Soul Harvest Worship Center to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for reservation and exclusive use – Parks and Recreation 2009-537

O'Brien/Monteith unan. **\*B8** Approved a **modified** agreement with the MID to lease Modesto Reservoir for recreational purposes as presented at the Board meeting; and, authorized the Chairman to sign the 25-year modified agreement with MID to lease Modesto Reservoir for recreational purposes – Parks and Recreation 2009-538

Chiesa/Grover unan. **B10** Accepted the 2008 Stanislaus County Agricultural Crop Report – Ag Com

**Supervisor O'Brien left the Chambers at 9:16 a.m.**

Grover/Chiesa (Supervisor O'Brien abstained) **9:15 a.m.** Conducted the public hearing to consider Planning Commission's recommendation for approval of General Plan Amendment Application No. 2008-06, Rezone Application No. 2008-06, Use Permit Application No. 2008-27 and Vesting Tentative Parcel Map Application No. 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 parcels General Plan designation from Agriculture to P-D (Planned Development); and, 4) approval to amend the 2.22-acre parcels 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; (1) adopted the 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 Negative Declaration reflects Stanislaus County's independent judgment and analysis; (2) ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code §21152 and CEQA Guidelines §15075; (3) In relation to the Use Permit request, finds: 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, B. the use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity, C. the establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity, D. it is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage; (4) In relation to the Parcel Map request, finds: A. the proposed map is consistent with applicable general and specific plans as specified in §65451, B. the design or improvement of the proposed subdivision is consistent with applicable general and specific plans, C. the site is physically suitable for the type of development, D. the site is physically suitable for the proposed density of development, E. the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, F. the design of the subdivision or type of improvements is not likely to cause serious public health problems, G. the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or

for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public, H. finds the project will increase activity in and around the project area, thereby increasing demands for roads and services, thereby requiring dedications and improvements; (5) In relation to the request for a General Plan Amendment and Rezone, finds: A. the General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses, B. the County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service, C. the amendment is consistent with the General Plan goals and policies, D. overall, the proposal is consistent with the goals and policies of the General Plan, E. there is evidence on the record to show a demonstrated need for the proposed project based on population projections, past growth rates, and other pertinent data, F. no feasible alternative site exists in areas already designated or planned for the proposed uses, G. approval of the proposal will not constitute part of, or encourage piecemeal conversion of a larger agricultural area to non-agricultural uses, and will not be growth-inducing (as used in the California Environmental Quality Act), H. the proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural lands or adversely affect agricultural water supplies, I. adequate and necessary public services and facilities are available or will be made available as a result of the development, J. the design of the proposed project has incorporated all reasonable measures, as determined during the CEQA review process, to mitigate impacts to fish and wildlife resources, air quality, water quality and quantity, or other natural resources, K. the proposed Planned Development zoning is consistent with the proposed Planned Development General Plan designation, L. the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; (6) finds that the proposed alternative buffer is found to provide equal or greater protection to surrounding agricultural uses; (7) approved Use Permit Application No. 2008-27, subject to the attached Development Standards/Conditions of Approval; (8) approved Vesting Tentative Parcel Map Application No. 2008-15 subject to the attached Development Standards/Conditions of Approval; (9) approved General Plan Amendment No. 2008-06; (10) finds that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation; (11) approved Rezone Application No. 2008-06, subject to the attached Development Standards/Conditions of Approval and Development Schedule; and, introduced and waived the reading and adopted Ordinance C.S. 1064 for the approved Rezone Application #2008-06 – Planning and Community Development

ORD-55-K-2 2009-545  
2009-546

**Supervisor O'Brien returned to the Chambers at 9:27 a.m.**

O'Brien/Monteith unan. **B11** Accepted the Third Annual Report on the Efficient Delivery of Public Services Priority Goals and Performance Measures – CEO 2009-541

Monteith/Grover unan. **B12** Accepted the Third Annual Report on A Strong Local Economy Priority Goals and Performance Measures – CEO 2009-542

Chiesa/Grover unan. **B13** Accepted the Third Annual Report on A Well Planned Infrastructure Priority Goals and Performance Measures – CEO 2009-543

Chiesa/Monteith unan. **B14** Awarded the contract for Stanislaus County Refuse Removal in Franchise Area No. 3 to Turlock Scavenger Company; authorized the CEO to execute the contract for Stanislaus County Refuse Removal in Franchise Area No. 3 with Turlock Scavenger Company; approved the Base Service as the selected refuse collection system for the residential sector for Franchise Area No. 3; approved incorporating the five to seven day commercial bin rental “specials” into the annual refuse rate-setting process; and, approved the concept of Waste Management, Inc., voluntarily terminating their Franchise Agreement after 10/31/2009 vs. 11/05/2009 – DER 2009-544

Grover/Monteith unan. \*C1 Approved the termination of the Gomes Lake Joint Powers Agreement, effective 08-01-2010 – PW 2009-539

**Corr 1** Acknowledged receipt of the Stanislaus County Grand Jury Final Report 2008-2009.

**Corr 2** Acknowledged receipt of the Treasurer’s Statement of Assets with the Accountant’s Report for 03/26/2009 from the Auditor-Controller. S-25-S-7

**Corr 3** Referred to the Agricultural Commission/Sealer of Weights and Measures a letter from the State Water Resources Control Board regarding petitions for temporary change to transfer water from Placer County Water Agency and Sacramento Suburban Water District to the 2009 Drought Water Bank.

**Corr 4** Referred to the Department of Planning and Community Development a letter from the Community Redevelopment Agency of the City of Newman, giving notice that they are preparing the proposed “2010 Amendment” to the redevelopment plan for the Newman Redevelopment Project.

**Corr 5** Referred to the Department of Public Works a letter from the U.S. Surface Transportation Board regarding the abandonment of the 5.18-mile line of railroad known as the McHenry Industrial Lead.

**Corr 6** Referred to the Department of Planning and Community Development a letter from the California Energy Commission regarding the availability of funds from the American Recovery and Reinvestment Act (ARRA) through the Energy Efficiency and Conservation Block Grant Program (EECBG).

**Corr 7** Acknowledged receipt of a copy of the West Side Community Healthcare District Basic Financial Statements for 06/30/2008.

**Corr 8** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Chandra Clinton; Buren and Karen Boone; and, Jason Kent.

Supervisor DeMartini commented on the good attendance and city representation at the recent West Side Healthcare Task Force Healthy Lifestyle Summit. He thanked Keith Boggs for his assistance in getting the summit arranged and thanked County Counsel for their assistance with legal matters pertaining to creating the West Side Healthcare Task Force.

The CEO reported that both the State and Federal legislatures are on recess. He noted that the County is in the process of preparing the Legislative Platform for the 2010 legislative sessions. He also informed the Board of State bill SB 716 regarding the restriction on the use of leftover transit funds for other transit needs. This bill would limit Stanislaus County’s ability to use remaining funds for other road needs. The CEO will prepare a letter opposing this legislation.

Supervisor Chiesa invited all to attend the Rededication Ceremony for Keyes Community Center - Eddie Best Hall on 08/15/2009 at 10:00 a.m. at 5506 Jennie Avenue in Keyes, CA.

The Chairman announced the Special Joint Board of Supervisors/City of Patterson Council Meeting on 08/18/2009 at 5:30 p.m. (instead of 6:00 p.m.) at the Patterson City Council Chambers, 1 Plaza, Patterson, CA.

Adjourned to closed session at 11:31 a.m. for Conference with Legal Counsel - Anticipated Litigation - One Case. Government Code §54956.9(c). Conference with Legal Counsel - Existing Litigation: One Case: Sue McClelland vs. City of Modesto, et al., United States District Court, Eastern District California, Case No. 1:09-CV-01031-AWI-DLB. Government Code §54956.9(a).

Adjourned at 12:19 p.m.

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

BY: CHRISTINE FERRARO TALLMAN, 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.)