



BOARD OF SUPERVISORS

William O'Brien, 1st District
Vito Chiesa, 2nd District
Jeff Grover, 3rd District
Dick Monteith, 4th District
Jim DeMartini, 5th District

1010 Tenth Street, Suite 6500, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4420

AGENDA

March 24, 2009

9:00 A.M.

Chambers – Basement Level
1010 10th Street
Modesto, California

www.stancounty.com/board/index.shtm

The Board of Supervisors welcomes you to its meetings which are regularly held each Tuesday, and your interest is encouraged and appreciated.

PUBLIC COMMENT PERIOD: Matters under the jurisdiction of the Board, and not on the posted agenda, may be addressed by the general public at the beginning of the regular agenda and any off-agenda matters before the Board for consideration. However, California law prohibits the Board from taking action on any matter which is not on the posted agenda unless it is determined to be an emergency by the Board of Supervisors. Any member of the public wishing to address the Board during the “Public Comment” period shall be permitted to be heard once for up to 5 minutes. Please complete a Public Comment Form and give it to the Clerk of the Board.

The agenda is divided into two sections:

CONSENT CALENDAR: These matters include routine financial and administrative actions and are identified with an asterisk (*). All items on the consent calendar will be voted on as a single action at the beginning of the meeting under the section titled “Consent Calendar” without discussion. If you wish to discuss an item on the Consent Calendar, please notify the Clerk of the Board prior to the beginning of the meeting or you may speak about the item during Public Comment Period.

REGULAR CALENDAR: These items will be individually discussed and include all items not on the consent calendar, all public hearings and correspondence.

ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: Please raise your hand or step to the podium at the time the item is announced by the Board Chairperson. In order that interested parties have an opportunity to speak, any person addressing the Board will be limited to a maximum of 5 minutes unless the Chairperson of the Board grants a longer period of time.

BOARD AGENDAS AND MINUTES: Board agendas, Minutes, and copies of items to be considered by the Board of Supervisors are typically posted on the Internet on Friday afternoons preceding a Tuesday meeting at the following website: www.stancounty.com/bos/agenda-minutes.shtm.

Materials related to an item on this Agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the Clerk’s office at 1010 10th Street, Suite 6700, Modesto, CA during normal business hours. Such documents are also available online, subject to staff’s ability to post the documents before the meeting, at the following website www.stancounty.com/bos/agenda-minutes.shtm.

AUDIO/VIDEO BROADCAST: All Board meetings are normally broadcast live and replayed on local cable television. A list of cable channels and broadcast times are available at the following website: www.stancounty.com/board/broadcasting-schedule.shtm. In addition, a live audio/video broadcast of this meeting can be heard/seen via the World Wide Web at: www.stancounty.com/bos/board-video.shtm.

NOTICE REGARDING NON-ENGLISH SPEAKERS: Board of Supervisors meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

REASONABLE ACCOMMODATIONS: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board at (209) 525-4494. Notification 72 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting.

I. Pledge of Allegiance to the Flag

II. Public Comment Period

III. Consent Calendar

IV. Agenda Items

A. Miscellaneous

- * 1. Approval of the Minutes for March 10, 2009 ([View Item](#))
- * 2. Approval of the Reappointment of Nancy Fisher, Carol Shipley, Belinda Rollicheck, Rachelle Currie, Valrie Thompson, Colleen Garcia and John Palombi to the Stanislaus County Child Abuse Prevention Council ([View Item](#))
- * 3. Approval of Appointment of Henry Galvan to the Westley Community Services District Board of Directors ([View Item](#))
- * 4. Acceptance of the Resignations of:
 - a. Arsenio Mataka from the Stanislaus County Planning Commission ([View Item](#))
 - b. Robert A. Angell from the Stanislaus County Mental Health Board ([View Item](#))
 - c. Dwain Sanders from the Western Hills Water District Board of Directors ([View Item](#))
 - d. Laura Ochoa-Sanchez from the Stanislaus County Children's Council ([View Item](#))
- * 5. Approval of Appointment of Carmen G. Millan to the Western Hills Water District Board of Directors ([View Item](#))

B. Chief Executive Office

- * 1. Approval of Fiscal Year 2008-2009 Contracts with the California Department of Food and Agriculture: Light Brown Apple Moth Contract and Amended Nematode Inspection Contract – Agricultural Commissioner ([View Item](#))
- * 2. Approval to Set a Public Hearing for April 21, 2009 at 6:40 p.m. to Introduce and Waive the First Reading of an Ordinance to Establish and Amend Agricultural Registration Fees for the Department of Agriculture and Weights and Measures ([View Item](#))
- * 3. Approval to Amend the South Modesto Municipal Advisory Council Bylaws Making Minor Administrative Changes – Chief Executive Office ([View Item](#))
- * 4. Approval to Convey a Grant Deed to the Keyes Fire Station Property at 5629 Seventh Street in Keyes to the Keyes Fire Protection District – Chief Executive Office ([View Item](#))
- * 5. Approval to Issue an Invitation to Bid for Mobile Data Terminals to Support Local Ambulance Providers, Funded through Homeland Security Grant Funds – Office of Emergency Services ([View Item](#))
- * 6. Approval for Boy Scout Troup No. 119 to Have Exclusive Use of the Kiwanis Camp from March 27, 2009 to March 29, 2009 for Overnight Camping Activities and Waiver of Fees for the Exclusive Use – Parks and Recreation ([View Item](#))
- * 7. Approval to Use Community Development Funds for the North Martin Luther King Jr. Drive Sidewalk Project – Public Works ([View Item](#))
- * 8. Acceptance of the Stanislaus County Treasury Pool's February 2009 Monthly Investment Report – Treasurer-Tax Collector ([View Item](#))
- * 9. Approval to Set a Public Hearing on April 28, 2009 at 9:15 a.m. to Introduce and Waive the First Reading of an Ordinance to Amend Existing Fees in the Probation Department ([View Item](#))
- * 10. Approval to Set a Public Hearing on April 21, 2009 at 6:40 p.m. to Introduce and Waive the First Reading of an Ordinance to Amend Existing Fees for the Department of Environmental Resources ([View Item](#))

- * 11. Approval to Set a Public Hearing on April 28, 2009 at 9:15 a.m. to Introduce and Waive the First Reading of an Ordinance to Amend Section 7.32.110 Voluntary Surrender and to Adopt 2009 Fee Schedule in Accordance with Chapter 7.50 Animal Services Fees ([View Item](#))
- * 12. Approval to Award the Construction Contract to Improve and Upgrade the Electronic Security and Fire Alarm Systems at the Juvenile Justice Center to the Lowest Responsible Bidder, Premises Systems, Inc. – Chief Executive Office ([View Item](#))
- 13. Approval of a Loan Secured by the Tobacco Securitization Fund Not to Exceed \$11,140,050 for the Payment to Doctors Medical Center of the County’s Share of Funds Recently Recouped by the Centers for Medicare and Medicaid Services (CMS) Pursuant to the Amended and Restated Affiliation Agreement for Reimbursement of Family Practice Residency Costs from 2001 to 2008, and Including the Estimated County’s Cost Through June 30, 2010 and Continuation of Master Planning Efforts for Graduate Medical Education Programs in Stanislaus County – Chief Executive Office ([View Item](#))

C. Department of Public Works

- * 1. Approval to Enter into a Contract with Papé Machinery, Inc. for the Purchase of One 2009 John Deere 670 G Motor Grader ([View Item](#))
- * 2. Approval of Amendment No. 1 to the Traffic Signal Agreement with Associated Engineering Group, Inc., to Add Additional Engineering Service for the Las Palmas Avenue at Elm Avenue and Las Palmas Avenue at Sycamore Avenue Improvement Projects ([View Item](#))

D. Department of Planning and Community Development

- * 1. Approval to Rescind All of Williamson Act Contract No. 77-2530 (Located on McDonald Avenue, West of Modesto), Approve New Contract Pursuant to Minor Lot Line Adjustment 2009-01, Vermeulen-Storer, and Authorize the Planning Director to Execute New Contract ([View Item](#))
- * 2. Approval to Set a Public Hearing for April 21, 2009 at 6:45 p.m. to Consider General Plan Amendment Application No. 2007-08, Rezone Application No. 2007-11, and Vesting Tentative Parcel Map Application No. 2007-32, Kiernan Court Office Park ([View Item](#))

E. County Counsel

V. Scheduled Matters

9:15 a.m. Public Hearing to Consider an Appeal of Planning Commission Decision for Vesting Tentative Subdivision Map Application No. 2006-06 and Exception Application No. 2008-02, Knights Ferry Overlook. A Request to Divide a 33.70-Acre Parcel to Create 8 Parcels Ranging in Size from 0.50 to 5.00 Acres with a 12.03-Acre “Remainder.” An Exception Is Requested on the Four 1.00-Acre Parcels Which Would Not Have Municipal Water Service/Connection from Knights Ferry Community Services District (As Required by Section 20.52.210 of the Stanislaus County Code). The Site, Designated as Both A-2-5 (General Agriculture) and H-S (Historical Site District), is Located at the Southeast Corner of Cemetery and Frymire Roads, in the Knights Ferry Area ([View Item](#))

VI. Correspondence

1. This Board has received a letter from the U.S. Department of Housing and Urban Development regarding funding available to Stanislaus County through the American Recovery and Reinvestment Act of 2009.
(Recommendation: Refer to the Department of Planning and Community Development.) ([View Item](#))
2. This Board has received a letter from the law office of Petrulakis Jensen and Friedrich, LLP protesting the Facility Fees imposed on Modesto & Empire Traction Company.
(Recommendation: Refer to the Department of Public Works and the Chief Executive Officer-Public Facility Fees Committee.) ([View Item](#))
3. This Board has received a letter from J.B. Anderson Land Use Planning regarding the Facility Fees imposed on Modesto & Empire Traction Company.
(Recommendation: Refer to the Department of Public Works and the Chief Executive Officer - Public Facility Fees Committee.) ([View Item](#))
4. This Board has received the following claims: Chris Pombo; Salvador Rodriguez; Alfred Matthews Inc.; California State Automobile Association /Sharma; Gordon & Lorraine Nicholson; Paul Brum; Kim Thor Pang; and, Thomas D. Boyle.
(Recommendation: Acknowledge receipt of claims and refer to the Chief Executive Office - Risk Management Division.)

VII. Board of Supervisors' Reports

VIII. Legislative, Fiscal and Management Report – Chief Executive Officer

IX. Adjournment

- V. Closed Session: Conference with Legal Counsel - Existing Litigation: One Case: Moscozo, C, et al. v. County of Stanislaus, et al., Stanislaus County Superior Court Case No. 623432. Government Code Section 54956.9(a). Conference with Legal Counsel - Anticipated Litigation: One Case. Government Code Section 54956.9(c). Conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organizations: Stanislaus County Sheriff's Management Association. Government Code Section 54957.6. Conference with Real Property Negotiator: Property: Stanislaus Waste-to-Energy Facility, 4040 Crows Landing Road, Crows Landing, California. Agency Negotiator: Richard Robinson. Owner Negotiator: Covanta Stanislaus, Inc. Under Negotiation: Both Lease Terms and Price. Government Code Section 54956.8.