



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

April 21, 2009

Special Meeting
5:30 P.M.

Regular Meeting
6:30 P.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.

Special Meeting
5:30 P.M.

- I. Closed Session: Conference with Legal Counsel - Anticipated Litigation - One Case. Government Code Section 54956.9(c).

Regular Meeting
6:30 P.M.

- II. Pledge of Allegiance to the Flag
- III. Presentation: April 2009 as Child Abuse Prevention Month and Art Contest Winners in Stanislaus County
- IV. Public Comment Period
- V. Consent Calendar
- VI. Agenda Items
- A. Miscellaneous
- * 1. Approval of the Minutes for April 14, 2009 ([View Item](#))
 - * 2. Approval of Appointment of Yamilet Valladorid to the Stanislaus County Children's Council ([View Item](#))
 - * 3. Approval of the Reappointment of Chris Savage and Andrew Van Allen to the San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee ([View Item](#))
 - * 4. Approval to Commend Everett Johnson, M.D. Upon Receiving the 2008 John Darroch Memorial Award ([View Item](#))
 - * 5. Approval to Proclaim May 2009 as Older Americans Month and Elder and Dependent Adult Abuse Awareness Month in Stanislaus County ([View Item](#))
 - * 6. Acceptance of the Resignation of Cheryl Heppner from the Stanislaus County Children's Council ([View Item](#))
 - * 7. Approval to Commend James E. Silveira Upon being Honored Posthumously as the Newman Rotary Citizen of the Year 2009 ([View Item](#))
- B. Chief Executive Office
- * 1. Approval to Accept Annual Audited Financial Reports for Fiscal Year Ended June 30, 2008 – Auditor-Controller ([View Item](#))
 - * 2. Approval of the Use of Community Development Funds to Fund a Portion of the Costs for the Development of a Countywide Growth Management Strategy – Chief Executive Office ([View Item](#))
 - * 3. Approval to Set a Public Hearing on May 19, 2009 at 6:40 p.m. to Introduce and Waive the First Reading of an Ordinance to Amend Existing Fees for the Department of Public Works Engineering Division ([View Item](#))
 - * 4. Approval for the Christian Service Brigade at Big Valley Grace Community Church to Have Exclusive Use of the Kiwanis Camp from April 24, 2009 to April 26, 2009, for their Annual Camporall and Waiver of Fees for Exclusive Use – Parks and Recreation ([View Item](#))
 - * 5. Approval to Set a Public Hearing on May 19, 2009 at 6:45 p.m. Pursuant to Section 1442.5 of the Health and Safety Code to Consider the Behavioral Health and Recovery Services Restructuring Plan, Including Reductions-in-Force, and Potential Service Level Changes

for Outpatient Psychiatric and Substance Abuse Services – Behavioral Health & Recovery Services ([View Item](#))

C. Department of Public Works

- * 1. Approval to Summarily Vacate the Western Portion of the 20' Alley Located Adjacent to Lots 9-12 of Block 4903 East of Carpenter Road in Stanislaus County ([View Item](#))
- * 2. Approval of Purchase Agreement to Acquire Road Right-of-Way for the Hatch Road at Santa Fe Avenue Intersection Improvement Project, Parcel Owners Duarte Properties, Inc., APN: 018-065-007 ([View Item](#))
- * 3. Approval to Adopt Plans and Specifications for the Ladd Road at McHenry Avenue Intersection Improvement Project and Set the Bid Opening Date and Time for May 20, 2009, 2:00 p.m. ([View Item](#))

D. Department of Planning and Community Development

E. County Counsel

VII. Scheduled Matters

6:40 p.m. Public Hearings to Consider the Adjustment of Fees as Follows:

- a. Approval 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](#))
- b. Approval to Introduce and Waive the First Reading of an Ordinance to Amend Existing Fees for the Department of Environmental Resources ([View Item](#))

6:45 p.m. Public Hearing to Consider Planning Commission's Recommendation for Approval of General Plan Amendment Application No. 2007-08, Rezone Application No. 2007-11, and Vesting Tentative Parcel Map Application #2007-32, Kiernan Court Office Park, a Request to Amend the General Plan Designation from Highway Commercial Planned Development to Planned Development, and Rezone from A-2-40 (General Agriculture) to PD (Planned Development) and Create Three (3) Parcels Measuring 1.07, 1.01 and 0.98 Acres from a 3.06 Acre Parcel. The Project Proposes Development of a Three (3) Story, 69,531 Square Foot Office Building. The Property Is Located at 5049 Kiernan Court, Northeast of Kiernan Avenue, East of State Highway 99, in the Salida Area. APN: 136-017-017 ([View Item](#))

6:50 p.m. Public Hearing to Consider Planning Commission's Recommendation for Approval of General Plan Amendment Application 2007-04, Rezone Application 2007-04, and Parcel Map 2008-11, Williamson Act Cancellation No. 2007-03 - Sun Dry Products, a Request To Amend the General Plan and Rezone 114.8 Acres of a 200± Acre Parcel From Agriculture/A-2-40 (General Agriculture) to P-D (Planned Development) to Allow the Continued Operation of the Reclamation and Recycling of Agricultural Products and Add an Industrial Hauler, Processing of Commercial Feed Products and Construction Debris (Such as Pallets and Sulfur and Gypsum Wall Board). A Parcel Map Is Being Requested to Subdivide the Total 200± Acre Parcel into Four Parcels (63.69, 51.11, 42.87, and 42 Acres Respectively). The Two Larger Parcels Require a Williamson Act Cancellation. The Two Proposed Smaller Parcels Would Continue in Agricultural Uses. The Project Is Located at 3401 Gaffery Road, on the North Side of Gaffery Road, East of Koster Road,

Adjacent to the Delta Mendota Canal, in the Westley Area. The Project Is Also Located in San Joaquin County, Which Splits the Property Leaving a Small Amount in San Joaquin County ([View Item](#))

VIII. Correspondence

1. This Board has received two letters from Gottschalks regarding their plans to close their stores on June 1, 2009, or within 14 days, and layoff their employees at 3401 Dale Road, Ste. 200 and at 2401 E. Orangeburg Avenue in Modesto, CA, per the Worker Adjustment and Retraining Notification (WARN) Act. ([View Item](#))
(Recommendation: Refer to the Alliance Worknet and the Stanislaus Economic Development and Workforce Alliance.)
2. This Board has received a copy of a Petition for Temporary Transfer of Water/Water Rights for the South Sutter Water District from MBK Engineers. ([View Item](#))
(Recommendation: Refer to the Agricultural Commissioner and Sealer of Weight and Measures.)
3. This Board has received the following claims: Marcus Raymond, Edward and Linda Brungelson; Nicholous Kiele; Sonya Gilbert; and, Derrick Anderson.
(Recommendation: Acknowledge receipt of claims and refer to the Chief Executive Office - Risk Management Division.)

IX. Board of Supervisors' Reports

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

XI. Adjournment