



**BOARD OF SUPERVISORS**

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

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

**AGENDA**

August 11, 2009

9:00 A.M.

Chambers – Basement Level  
1010 10<sup>th</sup> Street  
Modesto, California  
[www.stancounty.com/board/index.shtm](http://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](http://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 10<sup>th</sup> 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](http://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](http://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](http://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 August 4, 2009 ([View Item](#))
- \* 2. Acceptance of the Resignation of:
  - a. Kassandra Ingram from Knights Ferry Municipal Advisory Council ([View Item](#))
  - b. Eric Hirst from the 49-99 Library System Advisory Board ([View Item](#))
- \* 3. Approval of Appointment of Tom Orvis to the Agricultural Advisory Board ([View Item](#))
- \* 4. Approval to Proclaim:
  - a. September 8, 2009 as International Literacy Day in Stanislaus County ([View Item](#))
  - b. October 18 through October 24, 2009, as “Second Chance Week” in Stanislaus County, in Conjunction with National and Statewide Events ([View Item](#))

#### B. Chief Executive Office

- \* 1. Approval to Use Community Development Funds to Establish the Keyes Sidewalk Incentive Program and Related Actions – Chief Executive Office ([View Item](#))
- \* 2. Approval to Authorize the Auditor-Controller to Establish a Revolving Fund in an Amount Not to Exceed \$50,000 to be Used by County Service Areas 16 through 26 During Temporary Periods of Negative Cash Flow – Public Works ([View Item](#))
- \* 3. Approval to Authorize the Auditor-Controller to Establish Interest-Bearing Funds for the Public Works-Lake Road Mitigation and Public Works-Gaffery Road Mitigation – Public Works ([View Item](#))
- \* 4. Acceptance of the Annual Reports for the County of Stanislaus Tobacco Endowment Funds – Series 2002 and Series 2006 for Fiscal Year Ending June 30, 2009 – Treasurer-Tax Collector ([View Item](#))
- \* 5. Approval of Memorandum of Understanding for Fiscal Year 2009-2010 with the Stanislaus Economic Development and Workforce Alliance Regarding the Implementation of Countywide Economic Development Activities – Chief Executive Office ([View Item](#))
- \* 6. Approval for 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 ([View Item](#))
- \* 7. Approval for 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 ([View Item](#))
- \* 8. Approval of an Agreement with the Modesto Irrigation District to Lease Modesto Reservoir for Recreational Purposes – Parks and Recreation ([View Item](#))
- \* 9. Approval for Soul Harvest Worship Center to Have Exclusive Use of Salida Park on August 29, 2009, for their Community Event – Parks and Recreation ([View Item](#))
- 10. Acceptance of a Presentation of the 2008 Stanislaus County Agricultural Crop Report ([View Item](#))
- 11. Approval to Accept the Third Annual Report on Efficient Delivery of Public Services Priority Goals and Performance Measures – Chief Executive Office ([View Item](#))
- 12. Approval to Accept the Third Annual Report on A Strong Local Economy Priority Goals and Performance Measures – Chief Executive Office ([View Item](#))
- 13. Approval to Accept the Third Annual Report on A Well Planned Infrastructure Priority Goals and Performance Measures – Chief Executive Office ([View Item](#))

14. Approval to Award the Contract for Stanislaus County Refuse Removal in Franchise Area No. 3 to Turlock Scavenger Company and Related Actions – Environmental Resources ([View Item](#))

C. Department of Public Works

- \* 1. Approval of the Termination of the Gomes Lake Joint Powers Agreement ([View Item](#))

D. Department of Planning and Community Development

E. County Counsel

V. Scheduled Matters

- 9:15 a.m. 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 Parcel’s General Plan Designation from Agriculture to P D (Planned Development); and, 4) Approval to Amend the 2.22 acre Parcel’s 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. A Negative Declaration Will Be Considered – Planning ([View Item](#))

VI. Correspondence

1. This Board has received the Stanislaus County Grand Jury Final Report 2008-2009. (Recommendation: Acknowledge receipt of the report.) ([View Item](#))
2. This Board has received the Treasurer’s Statement of Assets with the Accountant’s Report for March 26, 2009 from the Auditor-Controller. (Recommendation: Acknowledge receipt of the report.) ([View Item](#))
3. This Board has received 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. ([View Item](#)) (Recommendation: Refer to the Agricultural Commission/Sealer of Weights and Measures.)
4. This Board has received 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. ([View Item](#)) (Recommendation: Refer to the Department of Planning and Community Development.)
5. This Board has received 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. (Recommendation: Refer to the Department of Public Works.) ([View Item](#))

6. This Board has received 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). ([View Item](#))  
(Recommendation: Refer to the Department of Planning and Community Development)
7. This Board has received a copy of the West Side Community Healthcare District Basic Financial Statements for June 30, 2008.  
(Recommendation: Acknowledge receipt of the report.) ([View Item](#))
8. This Board has received the following claims: Chandra Clinton; Buren and Karen Boone; and, Jason Kent.  
(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. Announcements:

- A. Rededication Ceremony for Keyes Community Center - Eddie Best Hall  
August 15, 2009 - 10:00am  
5506 Jennie Avenue  
Keyes, CA
- B. Special Joint Board of Supervisors / City of Patterson Council Meeting  
August 18, 2009 at 6:00 p.m.  
Patterson City Council Chambers  
1 Plaza, Patterson, CA

## X. Adjournment

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