



**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**

October 6, 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. Presentation: October 2009 as Arts and Humanities Month in Stanislaus County**

### III. Public Comment Period

### IV. Consent Calendar

### V. Agenda Items

#### A. Miscellaneous

- \* 1. Approval of the Minutes for September 29, 2009 ([View Item](#))
- \* 2. Acceptance of the Resignation of Betty Carlson and the Appointment of Ed Maring to the Del Puerto Health Care District Board of Directors ([View Item](#))
- \* 3. Acceptance of the Resignation of Sebastian Jones from the Monterey Park Tract Community Services District Board of Directors ([View Item](#))

#### B. Chief Executive Office

- \* 1. Approval for the District Attorney's Office to Enter Into an Agreement With the Office of Emergency Services, Federal Excess Property 1033 Program to Become Certified to Screen and Receive Excess Federal Property – District Attorney ([View Item](#))
- \* 2. Approval of Matters Related to Sheriff's Public Safety Center Emergency Power and Fire Suppression System Improvements Project; A One-Time 30-Day Non-Compensable Time Extension to Greg Opinski Contract and Amendment to the Contract with Miller Pezzoni to Perform an Arc Flash Study of the High Voltage Electrical Panels – Chief Executive Office ([View Item](#))
- \* 3. Approval to Amend the Contract for Stanislaus County Refuse Removal in Franchise Area No. 3 with Turlock Scavenger Company and Set a Public Hearing for October 27, 2009 at 9:20 a.m., to Consider Adjustments to Stanislaus County Franchise Maximum Rates for Franchise Area No. 3 – Environmental Resources ([View Item](#))
- \* 4. Approval to Fund the Turlock Groundwater Basin Association's Preparation of a Grant Application Under the California Local Groundwater Assistance Grant Program – Environmental Resources ([View Item](#))
- \* 5. Approval to Accept Funding in the Amount of \$374,000 for Fiscal Year 2009-2010 from the California State Parks Off-Highway Vehicle (OHV) Recreation Division Grant Program for Ground Operations at La Grange and Frank Raines Off-Highway Vehicle Areas – Parks and Recreation ([View Item](#))
- \* 6. Approval of Requests from the:
  - a. Boy Scouts of America, Greater Yosemite Council, Latter Day Saints Units to Have Exclusive Use of Woodward Reservoir, Areas S and T on October 16 and 17, 2009, for their Annual Scout Camporee – Parks and Recreation ([View Item](#))
  - b. Oakdale High School to Have Exclusive Use of Woodward Reservoir Areas Designated for Cross Country Trails on October 14, 2009, for their Valley Oak League Cross Country Cluster Meet No. 2 – Parks and Recreation ([View Item](#))
  - c. National Retriever Club, Inc. to Have Exclusive Use of the North Side of Woodward Reservoir from the Dam to the Go-Kart Track on November 6th through November 19th, 2011 for the National Open Field Trial – Parks and Recreation ([View Item](#))
- \* 7. Approval to Amend the Agreement with the Stanislaus County Superior Court for Court Security Services – Sheriff ([View Item](#))
- \* 8. Approval to Issue a Request for Proposal for Design and Specifications for the Strategic Business Technology Data Center Improvements – Chief Executive Office ([View Item](#))
- \* 9. Request for Authorization for the Chief Executive Officer to Sign an Agreement to Annex with the City of Ceres for the Animal Shelter located on Cornicopia Way in the Ceres Area – Chief Executive Office ([View Item](#))

10. Acceptance of the Comprehensive Economic Development Strategy (CEDS) Document as submitted by the Stanislaus Economic Development Action Committee (EDAC) as Part of the Federal Economic Development Agency (EDA) Requirement for Applying for Federal EDA Grant Funding – Chief Executive Office ([View Item](#))

C. Department of Public Works

- \* 1. Approval of Purchase Agreement to Acquire Road Right-of-Way Easement for the Hatch Road Channelization Project, Parcel Owner Harold O. Miller & Sons, a California Limited Partnership, APN: 018-062-002 ([View Item](#))

D. Department of Planning and Community Development

- \* 1. Approval to Enter Into a Memorandum of Agreement with the Paradise South Weed and Seed Steering Committee to Provide Neighborhood Cleanup and Related Neighborhood Restoration Program Activities in the Targeted Weed and Seed Area During Fiscal Year 2009-2010 ([View Item](#))
- \* 2. Approval to Accept a Report and Approval of Vesting Tentative Subdivision Map Application No. 2009-01, Elm Street, a Request to Divide an 18,663 Square Foot (.42-Acre) Property into Two Parcels of 7,340± and 11,323± Square Feet in the R-2 (Medium Density Residential) Zoning District, Located at 5345 Elm Street, in the Salida Area ([View Item](#))
- \* 3. Approval to Adopt the Recommendations of the Nuisance Abatement Hearing Board Regarding the Cost Accounting to Abate the Nuisance at 508 Imperial Avenue, Modesto, CA 95354 ([View Item](#))

E. County Counsel

VI. Scheduled Matters

- 9:10 a.m. Public Hearing to Consider the Extension of Maturity Date of the California Enterprise Development Authority Variable Rate Demand Revenue Bonds, Series 2006 issued by the California Enterprise Development Authority for the benefit of Community Hospice, Inc., a Nonprofit Public Benefit Corporation – Chief Executive Office ([View Item](#))
- 9:15 a.m. Public Hearing to Consider an Appeal of the Stanislaus County Planning Commission's Decision of Denial for Use Permit Application No. 2008-26, Eastlake Baseball Complex, a Request to Convert an Existing Golf Driving Range into a Three (3) Field Baseball Complex in the A-2-40 (General Agriculture) Zoning District Located on Parker Road in the East Modesto Area – Planning ([View Item](#))

VII. Correspondence

1. This Board has received a letter from the California Department of Social Services regarding funding for fraud investigations and program integrity efforts related to the In-Home Supportive Services Program pursuant to the California State Budget Act of 2009. ([View Item](#)) (Recommendation: Refer to the Community Services Agency, the District Attorney and the Chief Executive Office.)

2. This Board has received two letters from the California Emergency Management Agency regarding the U.S. Small Business Administration declaration and U.S. Department of Agriculture granting a Secretarial disaster designation for several California counties including Stanislaus County and their contiguous counties due to agricultural losses caused by drought beginning January 1, 2009, and continuing. ([View Item](#))  
(Recommendation: Refer to the Agricultural Commissioner and Sealer of Weights and Measures, Stanislaus Economic Development and Workforce Alliance and the Office of Emergency Services-CEO.)
3. This Board has received a Public Notice from the California Environmental Protection Agency, Department of Toxic Substances Control, regarding Riverbank Oil Transfer, LLC's request for a Hazardous Waste Permit Modification. ([View Item](#))  
(Recommendation: Refer to the Department of Environmental Resources.)
4. This Board has received a letter from the California Department of Transportation regarding the availability of the Draft Environmental Impact Report and Public Hearings for the North County Corridor-Stanislaus County Connector Project. ([View Item](#))  
(Recommendation: Refer to the Department of Planning and Community Development.)
5. This Board has received the following claims: Michael R. O'Neal, as a representative claim on behalf of all retired members of the Stanislaus County Employees' Retirement Association; Debra Harper (2); Michael Piazza; David Hernandez; Barbara VanBoren; and, Samuel Rosales.  
(Recommendation: Acknowledge receipt of claims and refer to the Chief Executive Office - Risk Management Division.)

#### VIII. Board of Supervisors' Reports

#### IX. Legislative, Fiscal and Management Report – Chief Executive Officer

#### X. Adjournment

- XI. Closed Session: Conference with Legal Counsel - Existing Litigation: One Case: Arenivaz, et al. vs. County of Stanislaus, et al., Stanislaus County Superior Court Case No. 628471. Government Code Section 54956.9(a).