



**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**

March 30, 2010

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:
  - A. Adopt a Pet – Department of Animal Services
  - B. Animal Advisory Board Annual Report
  - C. Employee Service Award and Retirement Resolution for David Ingersoll, Director of Child Support Services

III. Public Comment Period

IV. Consent Calendar

V. Agenda Items

A. Miscellaneous

- \* 1. Approval of the Minutes for March 16, 2010 ([View Item](#))
- \* 2. Approval to Adopt and Waive the Second Reading of Ordinance C.S. 1079 to Amend Section 11.08.110 of the Stanislaus County Code to Repeal Blue Curb Markings on Lapham Drive (South Modesto Area), Atlantic Drive (South Modesto Area) and Magnolia Street (Salida Area) ([View Item](#))
- \* 3. Approval to Set a Public Hearing on April 20, 2010, at 6:50 p.m., to Consider an Appeal of the Planning Commission’s Denial of Use Permit Application No. 2009-10 – Catholic Cemetery Dakota Avenue ([View Item](#))
- \* 4. Approval of Appointment of:
  - a. Jose Aldaco, Rich Holmer, Farrell Jackson, Bob Martina, Sam Cuellar and Mary Mendoza to the Stanislaus Economic Development and Workforce Alliance ([View Item](#))
  - b. Steve Boyd to the Stanislaus County Planning Commission ([View Item](#))
  - c. Ritta Sudnikoff to the Stanislaus County Mental Health Board ([View Item](#))
  - d. Dr. Mark Fahlen to the Stanislaus County Community Health Center Board ([View Item](#))
  - e. George Boodrookas to the Economic Development Action Committee ([View Item](#))
- \* 5. Approval to Commend Sharon Cummings Upon her Retirement from the Stanislaus County Office of County Counsel ([View Item](#))
- \* 6. Approval to Proclaim:
  - a. April 7, 2010, as “National Start! Walking Day” in Stanislaus County ([View Item](#))
  - b. April 11-17, 2010 as “Safety Seat Checkup Week” in Stanislaus County ([View Item](#))
  - c. April 2010, as Child Abuse Prevention Month and April 23, 2010 as Children’s Memorial Day in Stanislaus County ([View Item](#))
  - d. March 30, 2010, as “Welcome Home Vietnam Veterans Day” in Stanislaus County ([View Item](#))
- 7. Acceptance of the Resignation of George Gaekle and Approval of the Appointment of Matthew Machado to the San Joaquin Valley Rail Committee ([View Item](#))

B. Chief Executive Office

- \* 1. Approval and Adoption of Proposed Amendment to the Mental Health Board Bylaws – Behavioral Health and Recovery Services ([View Item](#))
- \* 2. Approval to Accept the American Recovery and Reinvestment Act Justice Assistance Grant – Offender Treatment Recovery Act Program Funds Effective October 1, 2009 through March 31, 2011 and Implement the Offender Treatment Recovery Act Program – Behavioral Health and Recovery Services ([View Item](#))

- \* 3. Approval of Medi-Cal Provider Panel Member for Credentialing by Stanislaus County Behavioral Health and Recovery Services Managed Care Division ([View Item](#))
- \* 4. Approval to Purchase an Explosive Ordinance Disposal (EOD) Robot from iRobot Corporation with Funding through the Fiscal Year 2008 Homeland Security Grant – Office of Emergency Services/Fire Warden ([View Item](#))
- \* 5. Approval of an Amended Joint Exercise of Powers Agreement and New Memorandum of Understanding Between the California Statewide Automated Welfare System Consortium IV and the County of Stanislaus, and Approval to Purchase Scanners Funded by the Project – Community Services Agency ([View Item](#))
- \* 6. Approval to Accept Used Oil Recycling Block Grant Funds from the Department of Resources Recycling and Recovery for Fiscal Years 2009-2010 to 2011-2012 – Environmental Resources ([View Item](#))
- \* 7. Approval to Set Public Hearings on May 18, 2010 at 6:35 p.m. to Introduce and Waive the First Reading of Ordinances to:
  - a. Establish New Fees and Amend Existing Fees for Planning Services – Planning and Community Development ([View Item](#))
  - b. Establish New Fees and Amend Existing Fees for Building Permits – Planning and Community Development ([View Item](#))
- \* 8. Approval to Accept an Edward Byrne Memorial Justice Assistance Grant from the California Emergency Management Agency for \$698,884 to Provide Evidence-Based Supervision, Programs and Services to Adult Felon Probationers – Probation ([View Item](#))
- \* 9. Approval for the Sheriff to Replace One Canine in the Sheriff’s Department Canine Unit ([View Item](#))
- \* 10. Approval to Accept Annual Audited Financial Reports for Fiscal Year Ended June 30, 2009 – Auditor-Controller ([View Item](#))
- \* 11. Approval to Appoint the Chief Executive Officer as the Interim Administrator of the Department of Child Support Services – Chief Executive Office ([View Item](#))
- 12. Approval to Rescind the Reduction to the Income Limits at which Patient Cost Sharing Applies and the Increase in Patient Cost Sharing Specifically for Major Restorative Dental Services in the Medically Indigent Adult Program and Reinstate the Respective Policy that Existed Prior to the Board of Supervisor Action on September 1, 2009 – Health Services Agency ([View Item](#))

C. Department of Public Works

- \* 1. Approval to Set a Public Hearing on May 4, 2010, at 9:10 a.m. to Introduce and Waive the First Reading of the Subdivision Ordinance Amendment Changing Subsection "A" of Section 20.52.200, Dedications, and Subsection “A” of Section 20.16.090, Improvements Required, of the Stanislaus County Code ([View Item](#))
- \* 2. Approval to Consider and Adopt a Resolution of Necessity to Acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 Widening Project, Parcel Owner Joseph K. Fluence, Trustees, et ux., APN: 004-057-004, 10-Sta-219-KP 6.90, Parcel 15338 ([View Item](#))
- \* 3. Approval of Purchase Agreement to Acquire Road Right-of-Way for the Hatch Road at Santa Fe Avenue Intersection Improvement Project, Parcel Owners Nino and Grace Masellis, APN: 018-065-006 ([View Item](#))

D. Department of Planning and Community Development

- \* 1. Approval to Rescind Portions of Williamson Act Contracts No. 1974-1555 and 1978-3535 (Located on the North and South Sides of Yosemite Boulevard, in the La Grange Area), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2009-15, Houret and Radovich, and Authorization for the Director of Planning and Community Development to Execute New Contracts ([View Item](#))
- \* 2. Approval to Set a Public Hearing for April 20, 2010 at 6:45 p.m. to Consider Planning Commission's Recommendation for Approval of Rezone Application No. 2009-04, Bronco Wine Co. ([View Item](#))

E. County Counsel

VI. Scheduled Matters

- 9:05 a.m. Public Hearing to Consider Adoption of Revised Public Facilities Impact Fees and Related Matters ([View Item](#))

VII. Correspondence

1. This Board has received a letter from the U.S. Surface Transportation Board regarding the reopening of the proceedings for the abandonment of the 5.18-mile line of railroad known as the McHenry Industrial Lead. ([View Item](#))  
(Recommendation: Refer to the Department of Public Works.)
2. This Board has received two notices of proposed regulatory actions from the State Fish and Game Commission concerning the finding that the California tiger salamander warrants listing to threatened species status, and the requirement for houndsmen who use GPS and radio telemetry on their dog collars to register their frequencies with the Department of Fish and Game. ([View Item](#))  
(Recommendation: Refer to the Department of Planning and Community Development, the Department of Parks and Recreation and the Fish and Wildlife Committee.)
3. This Board has received a notice from the U.S. Fish and Wildlife Service regarding the designation of 1.6 million acres as critical habitat for the federally protected California red-legged frog within 27 California counties. ([View Item](#))  
(Recommendation: Refer to the Department of Planning and Community Development and Fish and Wildlife Committee.)
4. This Board has received a letter from the California Department of Toxic Substances Control regarding an environmental investigation and cleanup of the Proposed Alternative Education School located at 1013 S. Yosemite Avenue in Oakdale, CA; and, also included is a Community Survey. ([View Item](#))  
(Recommendation: Refer to the Department of Environmental Resources.)
5. This Board has received the following claims: Miguel Gonzalez; Gonzalo Vega; Henry Telles; Henry Telles, Sr. and, Israel Valadez Mendez.  
(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 Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organizations: California Nurses' Association (CNA); Stanislaus County Employees Association (SCEA)/AFSCME Local 10; Service Employees' International Union (SEIU), Local 521; Committee of Interns and Residents (CAIR/CIR); County Attorneys' Association (CAA); Deputy Sheriffs' Association (DSA); Stanislaus County Sheriffs Supervisors' Association (SCSSA); Stanislaus County Deputy Probation Officers' Association (SCDPOA); Stanislaus Regional Emergency Dispatchers' Association (SREDA); Stanislaus County Group Supervisors' Association (SCGSA); Stanislaus County Sheriff Management Association (SCSMA); Stanislaus County District Attorney Investigators' Association (SCDAIA); and, Stanislaus Sworn Deputy Association (SSDA). Government Code Section 54957.6.