



**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**

April 20, 2010

**Special Meeting**  
**5:30 P.M.**

**Regular Meeting**  
**6:30 P.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.

**Special Meeting**  
**5:30 P.M.**

- I. Closed Session: Conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organizations: Committee of Interns and Residents (CAIR/CIR) and Deputy Sheriffs' Association (DSA). Government Code Section 54957.6.

**Regular Meeting**  
**6:30 P.M.**

- II. Pledge of Allegiance to the Flag
- III. Moment of Silence for Stanislaus County Community Services Agency Employee Chue Yang
- IV. Presentation: April 2010 as Child Abuse Prevention Month and Child Abuse Prevention Council Art Contest Winners
- V. Public Comment Period
- VI. Consent Calendar
- VII. Agenda Items
- A. Miscellaneous
- \* 1. Approval of the Minutes for April 6, 2010 ([View Item](#))
  - \* 2. Approval to Set a Public Hearing on May 4, 2010, at 9:15 a.m., to Consider an Appeal of the Planning Commission's Denial of Use Permit Application No. 2009-06 - Los Artistas Night Club ([View Item](#))
  - \* 3. Acceptance of the Resignation of Charles Grom from the Stanislaus County Mental Health Board ([View Item](#))
  - \* 4. Approval to Proclaim:
    - a. May 2010 as Asthma Awareness Month in Stanislaus County ([View Item](#))
    - b. May 2010 as Older Americans Month in Stanislaus County ([View Item](#))
    - c. April 18-24, 2010 as Stanislaus County Volunteer Week ([View Item](#))
- B. Chief Executive Office
- \* 1. Approval to Adopt the Recommendation of the Nuisance Abatement Hearing Board Regarding Case No. 782009-ABT at 6155 Foote Road, Ceres, California and Barnhart Road, Ceres, California – Agricultural Commissioner ([View Item](#))
  - \* 2. Approval of Area Agency on Aging Fiscal Year 2010-2011 Planning and Service Area (PSA) Plan Update – Aging and Veterans Services ([View Item](#))
  - \* 3. Approval of the Allocation for Highway Property Rental Revenue of \$16,168.56 – Auditor-Controller ([View Item](#))
  - \* 4. Approval of a 60 Day Non-Compensable Time Extension to Premises System, Inc. for the Improvements and Upgrades to the Electronic Security and Fire Alarm Systems at the Juvenile Justice Center – Chief Executive Office ([View Item](#))
  - \* 5. Approval to Proceed with the Non-Potable Water Well Project at Wincanton, Segesta, and Murphy Parks Located Within County Service Area 10 in Salida and Related Actions – Parks and Recreation ([View Item](#))

- \* 6. Approval for the Christian Service Brigade and Calvary Baptist Church to Have Exclusive Use of the Kiwanis Camp for Their Father/Son Overnight Camp-Out Beginning April 23, 2010, and Ending April 25, 2010 and Waiver of Fees for Exclusive Use – Parks and Recreation ([View Item](#))
- \* 7. Approval of Stanislaus County Deferred Compensation Committee Charter and Investment Policy Statement – Chief Executive Office-Risk Management ([View Item](#))
- \* 8. Approval to Purchase Equipment for the New Animal Services Facility as a Result of the Request for Proposal Process for Veterinary Services Equipment for the Exclusive Use of the County Veterinarian Treating Animals in the New Shelter Consistent with the Previously Adopted and Approved Project Budget and Related Actions – Chief Executive Office ([View Item](#))
- \* 9. Approval of the Agreement for the Sheriff to Retire One Canine from the Sheriff's Department Narcotics Canine Unit – Sheriff ([View Item](#))
- \* 10. Authorization for the Sheriff to Apply for and Accept California Department of Boating and Waterways Boat Grant Funding – Sheriff ([View Item](#))
- \* 11. Approval to Submit and Adopt a Resolution for a Law Enforcement Grant from the California State Parks Off-Highway Vehicle (OHV) Grant Program to Enhance Emergency Response and Safety for the County's Off-Highway Vehicle Parks – Sheriff ([View Item](#))

C. Department of Public Works

- \* 1. 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 M & B Bruno Family, L.P., a California Limited Partnership, APN: 046-006-004, 10-Sta-219-KP 7.8, Parcel 15657 ([View Item](#))
- \* 2. Approval to Award the Construction Contract for the Modesto & Empire Traction Co. (ME&T) Railroad Crossing at Mariposa Road Improvement Project, Federal Aid Project STPLR-7500 (078) and Federal Service Contract No: 75LX078 to George Reed, Inc. of Modesto, California ([View Item](#))

D. Department of Planning and Community Development

E. County Counsel

VIII.Scheduled Matters

- 6:35 p.m. Public Hearing to Consider Planning Commission's Recommendation for Approval of General Plan Amendment No. 2009-04, Housing Element - Planning and Community Development ([View Item](#))
- 6:40 p.m. Public Hearing to Consider Planning Commission's Recommendation for Approval of General Plan Amendment No. 2009-01 and Rezone Application No. 2009-02, Derrel's Mini Storage, a Request to Amend the General Plan Designation of a 7.37 Acre Parcel from Agriculture to Planned Development and Rezone from A-2-40 (General Agriculture) to PD (Planned Development) on Property Located at 5019 Tunson Road, near the northwest corner of Kiernan Avenue and Tunson Road, in the Modesto Area - Planning and Community Development ([View Item](#))

- 6:45 p.m. Public Hearing to Consider Planning Commission's Recommendation for Approval of Rezone Application No. 2009-04, Bronco Wine Co., a Request to Rezone a Parcel from A-2-40 (General Agriculture) to PD (Planned Development) on Property Located at 800 E. Keyes Road, at the Southeast Corner of E. Keyes and Bystrum Roads, in the Ceres Area - Planning and Community Development ([View Item](#))
- 6:50 p.m. Public Hearing to Consider an Appeal of the Stanislaus County Planning Commission's Decision of Denial for Use Permit Application No. 2009-10, Catholic Cemetery Dakota Avenue, a Request to Develop a Cemetery in 4 Phases on a 25.33-Acre Parcel in the A-2-40 (General Agriculture) Zoning District, Located on the East Side of Dakota Avenue, West of Highway 99, North of Beckwith Road, in the Northwest Modesto Area - Planning and Community Development ([View Item](#))

## IX. Correspondence

1. This Board has received a letter from Western Center on Law and Poverty regarding proposed interim return to pre-September 2009 funding levels for Stanislaus County's Medically Indigent Adults Program (MIA). ([View Item](#))  
(Recommendation: Refer to County Counsel.)
2. This Board has received a letter from Stellar Relay regarding their plans to layoff 147 employees effective June 1, 2010, at its Salida facility on 5226 Pirrone Court in Salida, 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.)
3. This Board has received a letter from the California Department of Toxic Substances Control regarding an environmental investigation and cleanup of the Proposed Special Education and Alternative Education School located at 513 and 673 Walnut Avenue in Patterson, CA; and, also included is a Community Survey. ([View Item](#))  
(Recommendation: Refer to the Department of Environmental Resources.)
4. This Board has received a letter from the U.S. Department of Housing and Urban Development regarding the use of Neighborhood Stabilization Program formula funds. ([View Item](#))  
(Recommendation: Refer to the Department of Planning and Community Development.)
5. This Board has received a letter from the City of Newman regarding 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.)
6. This Board has received two letters from the State Water Resources Control Board, Division of Water Rights, regarding Petition for Temporary Transfer of Water/Water Rights from Garden Highway Mutual Water Company and South Sutter Water District to eight water agencies including Oak Flat Water District in Stanislaus County. ([View Item](#))  
(Recommendation: Refer to the Department of Planning and Community Development.)
7. This Board has received a letter from the California Department of Toxic Substances Control regarding an environmental investigation that will be conducted at current and former dry cleaners in Modesto; and, also included is a Community Survey. ([View Item](#))  
(Recommendation: Refer to the Department of Environmental Resources.)

8. This Board has received the following claims: Ralph B. Keith; Milissa Mondragon; Jose Garcia; Teresa Rogers; Maria Garcia; Debra Harper (2); Charlotte Duran; and, United Site Services. (Recommendation: Acknowledge receipt of claims and refer to the Chief Executive Office - Risk Management Division.)

X. Board of Supervisors' Reports

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

XII. Adjournment