



**BOARD OF SUPERVISORS**

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

1010 10th Street, Suite 6500  
Modesto, CA 95354

Phone: 209.525.4494 Fax: 209.525.4420

**AGENDA**

April 23, 2013

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. A Moment of Silence for Behavioral Health and Recovery Service Employee Ruben Zuniga**

### III. Public Comment Period

### IV. Consent Calendar

### V. Agenda Items

#### A. Miscellaneous

- \* 1. Approval of the Minutes for April 16, 2013 ([View Item](#))
- \* 2. Approval of Appointment of Patrick Cerutti to the Hills Ferry Cemetery District Board of Directors ([View Item](#))
- \* 3. Approval to Proclaim:
  - a. May 1, 2013 as Law Day in Stanislaus County ([View Item](#))
  - b. May 13 through 19, 2013 as National Salvation Army Week in Stanislaus County ([View Item](#))
  - c. May 2013 as Older Americans Month in Stanislaus County ([View Item](#))
  - d. May 2013 as Elder and Dependent Adult Abuse Awareness Month in Stanislaus County ([View Item](#))
  - e. May 2013 as Foster Care Awareness Month in Stanislaus County ([View Item](#))
  - f. May 2013 as CalFresh Awareness Month in Stanislaus County ([View Item](#))

#### B. Chief Executive Office

- \* 1. Approval of Area Agency on Aging Fiscal Year 2013-2014 Planning and Service Area (PSA) Plan Update – Aging and Veterans Services ([View Item](#))
- \* 2. Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board Regarding Nuisances at:
  - a. 1405 Garden Avenue, Modesto, California (CE No. 11-0421) – Environmental Resources ([View Item](#))
  - b. 1705 Dallas Street, Modesto, California (CE No. 12-0060)– Environmental Resources ([View Item](#))
- \* 3. Approval of a Mural Review Policy and Application for Stanislaus County Park Facilities – Parks and Recreation ([View Item](#))
- \* 4. Approval to Increase Appropriations up to \$500,000 in the Public Defender – Indigent Defense Budget Funded by a Transfer from Appropriations for Contingencies – Public Defender ([View Item](#))
- \* 5. 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](#))
- \* 6. Approval to Pay Invoices for California State Association of Counties Institute for Excellence Classes Taken on November 28 and November 29, 2011 – Chief Executive Office ([View Item](#))
- \* 7. Approval of the Final Acceptance for the Strategic Business Technology Server Room, Bid Package 3, Construction Project with Barham, Inc. and Related Equipment Providers for this Project - Chief Executive Office ([View Item](#))
- \* 8. Approval to Incorporate the Emergency Power Plan into the Construction of the 192-Bed Honor Farm Replacement Project with Diede Construction, Inc. in the Amount of \$162,608 and a 7-Day Time Extension to Implement the Emergency Power Plan and Related Actions – Chief Executive Office ([View Item](#))

C. Department of Public Works

- \* 1. Approval to Award the Construction Contract for the Regional Surface Transportation Program (RSTP) Road Resurfacing Program Phase E Project, Federal Project No. STPL-5938(204) to George Reed Construction, Modesto, California ([View Item](#))
- \* 2. Approval to Authorized the Purchase of One Heavy-Duty 2013 Peterbilt Model 365 Conventional Truck with new Reliance Transfer Trailer Set ([View Item](#))
- \* 3. Approval of a Memorandum of Agreement Between the County of Stanislaus and the City of Riverbank for the Preliminary Engineering Phase of the Claribel Road at Roselle Avenue Signalization Project ([View Item](#))
- \* 4. Approval to Award the Comprehensive Operational Analysis (COA) and Transit Planning Study to Pacific Municipal Consultants (PMC) ([View Item](#))

D. Department of Planning and Community Development

- \* 1. Approval to Set a Public Hearing for May 7, 2013, at 9:05 a.m. to Consider Planning Commission's Recommendation of Approval for Use Permit Application No. PLN2012-0006, Maring Private Airport ([View Item](#))

E. County Counsel

VI. Scheduled Matters

9:05 a.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 New and Amend Existing Fees for the Department of Environmental Resources ([View Item](#))
- B. Approval to Introduce and Waive the First Reading of an Ordinance to Establish New and Amend Existing Fees for the Department of Parks and Recreation ([View Item](#))
- C. Approval to Introduce and Waive the First Reading of an Ordinance to Amend Existing Fees for the Department of Public Works Engineering Division ([View Item](#))
- D. Approval to Introduce and Waive the First Reading of an Ordinance to Amend the Current Building Permit Fees Relating to Solar Energy and Other Renewable/Alternative Energy Systems for the Department of Planning and Community Development ([View Item](#))

VII. Correspondence

- 1. This Board has received a notice regarding the Adoption Recommendation and Recirculation of Final Environmental Impact Statement for the constructing and operating a high-speed passenger train between Merced and Fresno, CA from the Federal Railroad Administration and the California High-Speed Rail Authority. ([View Item](#))  
(Recommendation: Refer to the Department of Public Works.)

2. This Board has received a letter from the State Department of Veterans Affairs regarding funding received through the Stanislaus County Area on Aging/Veterans Services Department for veterans and their families in Stanislaus County from July 1, 2011 through June 30, 2012. ([View Item](#)) (Recommendation: Refer to the Area on Aging/Veterans Services Department.)
3. This Board has received from the Gallo Center for the Arts, Inc. 2<sup>nd</sup> Quarter Financial Submission per the Operating Agreement with Stanislaus County. ([View Item](#)) (Recommendation: Refer to the Chief Executive Office.)
4. This Board has received a letter from Sutter Health regarding the termination of approximately 39 employees that is expected to be permanent and to commence on or about June 17, 2013, from their Sutter Central Valley Hospitals dba Memorial Medical Center per the Worker Adjustment and Retraining Notification (WARN Act) requirements. ([View Item](#)) (Recommendation: Refer to the Alliance WorkNet and the Stanislaus Economic Development and Workforce Alliance.)
5. This Board has received the following claims: Shaina Collins and Abel Munoz. (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: Monica Nino, Nancy Bronstein and Jody Hayes. 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; Conference with Legal Counsel - Significant Exposure to Litigation: Multiple cases related to claims filed by the Cities of Ceres, Newman, Turlock and Waterford concerning calculation of the property tax administration fee. Government Code Section 54956.9(d)(2); and, Conference with Real Property Negotiator: Property: Crows Landing Air Facility, Bell Road, Crows Landing, California. Agency Negotiator: Monica Nino and Keith Boggs. Lessee: Melvin T. Wheeler & Sons, LP. Under Negotiation: Both Terms and Price of Farm Lease Agreement. Government Code Section 54956.8.