

THE BOARD OF SUPERVISORS  
OF THE COUNTY OF STANISLAUS  
STATE OF CALIFORNIA

Special and Regular Sessions  
All Supervisors Present  
Pledge of Allegiance to the Flag

Tuesday

January 15, 2008

Special Session convened at 5:30 p.m.

**Recessed to Closed Session at 5:31 p.m.** for conference with Legal Counsel: Existing Litigation: County of San Diego vs. Debra Bowen, Secretary of State. San Diego Superior Court Case No. 37-2007-00084017-CU-WM-CTL. Government Code §54956.9.

**Reconvened at 6:30 p.m.** for Regular Session

**Closed Session Announcement:** Monteith/DeMartini unan. The Board approved supporting the lawsuit brought by San Diego County and other counties against Debra Bowen, Secretary of State (San Diego Superior Court Case No. 37-2007-00084017-CU-WM-CTL); and, directed County Counsel to monitor the Writ of Mandate hearing on Thursday 1/17/08 and to consider future actions as necessary 2008-51

Dale Butler gave an update regarding the Latino Emergency Communication Project. Chairman Mayfield presented a Certificate of Appreciation to Dale Butler and David Jones, Director of Communication and Legislative Affairs, for their work on this important project.

Monteith/Grover unan. Adopted the consent calendar after removing from consent item **\*B12** Approval to Adopt a Resolution Supporting the Development of a University of California School of Medicine in the San Joaquin Valley at UC Merced

**\*A1** Approved the minutes of 1/8/08

**\*A2a** Adopted and waived the second reading of Ordinance C.S. 1024 to Eliminate Requiring Department of Environmental Resources Approval for Reduced Service in the Exempt Collection Service Area ORD-55-F-3 2008-24

**\*A2b** Adopted and waived the second reading of Ordinance C.S. 1019 Amending Stanislaus County Code §2.06.210 to Eliminate and Amend Certain Time Limitations with Respect to the Redevelopment Plan for the Modesto Redevelopment Project ORD-55-F-1 2008-25

**\*A3** Appointed Karl von Spreckelsen to the Mental Health Board 2008-26

**\*A4a** Approved a commendation for Jim Nelson upon his retirement from the Stanislaus County General Services Agency 2008-27

**\*A4b** Approved a commendation for Don Lundy upon his retirement from the Stanislaus County Superior Court 2008-28

**\*A5** Accepted the resignation of David Lopez from the Stanislaus County Free Library Advisory Board 2008-29

**\*A6** Approved the 2008 Stanislaus County Board of Supervisors Committee Assignments 2008-30

**\*B1** Approved and authorized the Chairman to sign the amended Glassy-Winged Sharpshooter program contract with the California Department of Food and Agriculture for FYs 2007/2008, 2008/2009 and 2009/2010; and, directed the Auditor-Controller to increase

- appropriations and estimated revenue in the amount of \$24,313 as detailed in the Budget Journal Form – Agricultural Commissioner 2008-31
- \*B2** Approved and authorized the Chairman to sign the FY 2006/2007 Light Brown Apple Moth contract with the California Department of Food and Agriculture – Agricultural Commissioner 2008-32
  - \*B3** Authorized the Behavioral Health Director to accept Mental Health Services Act Community Services and Support One-Time Program Expansion funds; authorized the Behavioral Health Director, or her Designee, to sign the subsequent amendment to the agreement with the State Department of Mental Health for the provision of mental health services pursuant to the Mental Health Services Act Community Services and Supports Plan; and, authorized the Behavioral Health Director, or her Designee, to negotiate and sign the subsequent amendments to agreements with Telecare Corporation and Turning Point Community Programs, Inc. pursuant to this allocation – BHRS 2008-33
  - \*B4** Approved the agreement with the State Department of Mental Health for State Hospital bed usage during FY 2007/2008; approved an amendment to the agreement with Sodexho Operations, LLC to extend the agreement for food services for Stanislaus Recovery Services through FY 2007/2008; and, authorized the Behavioral Health Director, or her Designee, to sign the agreement with the State Department of Mental Health and any subsequent amendments to the agreement that do not impact the approved budget during FY 2007/2008; authorized the Behavioral Health Director, or her Designee, to sign the amendment to the agreement with Sodexho Operations, LLC – BHRS 2008-34
  - \*B5** Authorized the Behavioral Health Director, or her Designee, to execute a sub-lease with Telecare Corporation for space at 500 N. Ninth Street, Modesto, CA – BHRS 2008-35
  - \*B6** Amended the Salary and Position Allocation Resolution to include the addition of a new classification of Behavioral Health Medical Director at a new salary band of \$184,995.20 to \$277,472.00 annually effective the start of the first pay period after Board approval; and, amended the Salary and Position Allocation Resolution to add one new Behavioral Health Medical Director position assigned to Behavioral Health and Recovery Services budget unit – CEO 2008-36
  - \*B7** Approved entering into an agreement with California Motorcycle Association for exclusive promoter use of the La Grange Off-Highway Vehicle Park Motocross Track for a specified period annually from 2008 through 2013; and, authorized the Director of Parks and Recreation to sign the agreement with the race promoter – Parks and Recreation 2008-37
  - \*B8** Adopted a resolution to authorize the Director of DER, or her Designee, to apply for, administer and receive the FY 2007/2008 Waste Tire Enforcement Grant TEA-15; authorized the submittal of a joint funding request to the California Integrated Waste Management Board for a Waste Tire Enforcement Grant TEA-15 on behalf of the cities of Ceres, Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock, Waterford, and the unincorporated areas of Stanislaus County; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$127,829 as detailed in the Budget Journal Form when the grant is awarded – DER 2008-38
  - \*B9** Approved request from the City of Modesto for the use of the 10th and I Street Parking Lot and the I Street Plaza in front of the Gallo Center for the Arts on Tuesday and Wednesday, 2/19/08 and 2/20/08 for the Stage Three Start of the Amgen Tour of California Bicycle Race in accordance with all conditions and requirements – CEO 2008-39
  - \*B10** Authorized the appointment of Chris Brady to the position of Associate Civil Engineer at Step Five of the position, at an annual salary of \$83,307.42 – PW 2008-40

- \*B11 Approved the awarding of agreements by CSA for Welfare to Work Services with Stanislaus County Alliance Worknet; Arbor E&T, LLC; Central Valley Opportunity Center, Inc.; Computer Tutor Business and Technical Institute; and Kelly Services, Inc.; agreements are not to exceed a total of \$3,750,000; authorized the Interim Director of CSA, or her Designee, to finalize and execute the agreements and any amendments, not to exceed the agreement amounts detailed in the Fiscal Impact; and, directed the Auditor Controller to increase appropriations and estimated revenues in the amount of \$541,700 as detailed in the Alliance Worknet Budget Journal – CSA 2008-41
- \*C1 Finds that Ordinance C.S. 1027 is not subject to CEQA (Public Resources Code, §2100 et. seq.); and, introduced and waived the first reading of Ordinance C.S. 1027 amending §11.08.020 of the Stanislaus County Code, amending a No Parking Zone on Sonora Road in the Knights Ferry Area – PW ORD-55-F-6 2008-42
- \*C2 Approved the purchase agreement to acquire road right-of-way for the Geer Road at Whitmore Avenue Intersection Project, Parcel Owners Ronald M. and Jane C. Martella, APN: 018-010-023; authorized the Chairman to execute the agreement; directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet; and, directed the Auditor-Controller to issue a warrant in the total amount of \$9,400, payable to Fidelity National Title Company, for the purchase amount of \$7,900 and \$1,500 for estimated escrow fees and title insurance – PW 2008-43
- \*C3 Set a public hearing to conduct a ballot procedure in compliance with Proposition 218 on 3/4/08, at 9:15 a.m., or as soon thereafter as the matter may be heard, regarding the formation of the Salida Boulevard Landscape and Lighting District and the levy of an annual assessment; approved the Engineer's Report for the Salida Boulevard Landscape and Lighting District; authorized an assessment ballot procedure in conformance with Proposition 218 for the formation of the Salida Boulevard Landscape and Lighting District; and, ordered that notice of the public hearing be given pursuant to Government Code §53753(b), Streets and Highways Code §22552, and Streets and Highways Code §22588 – PW DLA-4-2 2008-44
- \*C4 Approved the joint powers agreement with the City of Modesto for planning and construction of Pelandale Avenue at Sisk Road/State Route 99 Improvement Project; authorized the CEO to sign the agreement; and, authorized the Auditor-Controller to issue a warrant to the City of Modesto in the amount of \$467,250 from the Pelandale/Sisk and Pelandale/Highway 99 Ramps Improvement Fund, Index No. 17156, within thirty (30) days after the City awards a construction contract and issues a Notice to Proceed – PW 2008-45
- \*C5 Pursuant to Street and Highway Codes §8331, 8334 and 8335, the Board finds that based on the reasons stated in the staff report to the Board, that the portion of Codoni Avenue located south of Finch Road in the Beard Industrial Area is not required for street and highway purposes; finds the in-place public utility facilities will be protected by an easement retained for their benefit; and, adopted the resolution vacating a portion of Codoni Avenue located South of Finch Avenue – PW 2008-46
- \*D1 Set a public hearing on 2/5/08, at 9:15 a.m., to consider Rezone Application #2007-05, Denair Lumber, a request to change the zoning designation of a 1.75 acre parcel from H-1 (Highway Frontage) to a P-D (Planned Development) zone to allow a lumber yard to be developed in two phases (Phase 1 consists of a 15,400 square foot pole shed and a 300 square foot temporary office, and Phase 2 consists of 4,000 square foot retail sales and home center building), located on Fresno Avenue, south of Main Street and north of Village Avenue, in Denair, APN: 024-032-017; and, a Negative Declaration will be considered for this project – Planning ORD-55-F-5 2008-47

DeMartini/Monteith unan. **\*B12 Amended** a resolution supporting the development of a University of California School of Medicine in the San Joaquin Valley at UC Merced to add the resolve that the State provide full funding to UC Merced for the establishment of a University of California School of Medicine in the San Joaquin Valley; and, approved the resolution as amended – CEO 2008-48

Grover/O'Brien unan. **B13** Authorized the Registrar of Voters to receive and spend Federal Help America Vote Act (HAVA) Section 301 Grant funds for the following: (a) voter and poll worker outreach and training; (b) funding for salaries, wages, costs and benefits for staff, consultants or contractors involved in the election process; (c) the purchase, lease or rental of additional certified voting systems or components of voting systems, including transportation costs; and, (d) reimbursement of HAVA costs incurred by the County and not otherwise reimbursed pursuant to Proposition 41 or any other State or Federal Program; authorized the Registrar of Voters to expend funds and seek reimbursement from the Federal Help America Vote Act Section 301 Grant; authorized the Registrar of Voters to negotiate, award and execute all corresponding contracts; and, authorized the Auditor-Controller and the CEO to increase appropriations and estimated revenue \$1,769,211.92 – Clerk Recorder 2008-49

Grover/DeMartini unan. **C6** Initiated proceedings for the Formation of County Service Area (CSA) No. 26 - Keyes and the Dissolution of CSA No. 6 - Raymond Tract, CSA No. 13 - La Jolla, and CSA No. 17 - Sunray Estates; and, directed the Department of Public Works to prepare and file the required engineer's report – PW CSA-26-1; CSA-6-11; CSA-13-9; CSA-17-3 2008-50

**Corr 1** Referred to Public Works, a copy of the “California Infrastructure Report Card 2006” prepared by the American Society of Civil Engineers (ASCE) in California.

**Corr 2** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Eddie T. Cortez; Dwayne Cummings; Anthony Borrego; Chris N. Domnick; and, Shelby Zaragoza, Minor.

Adjourned at 7:01 p.m.

ATTESTED: CHRISTINE FERRARO TALLMAN, Clerk  
of the Board of Supervisors  
of the County of Stanislaus  
State of California

BY: ELIZABETH A. KING, Assistant Clerk of the Board of Supervisors  
(The above is a summary of the minutes of the Board of Supervisors. Complete minutes are available from the Clerk of the Board's Office.)