

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

Regular Session  
All Supervisors Present  
Pledge of Allegiance to the Flag

Tuesday

January 6, 2009

The Swearing-In Ceremony for Supervisors O'Brien, Chiesa and DeMartini was officiated by Assistant Presiding Judge Cordova at 8:30 a.m. 2009-01

Regular Session was convened at 9:02 a.m.

O'Brien/Monteith unan. **II.** Elected Supervisor DeMartini as the Chairman of the Board of Supervisors and Supervisor Jeff Grover as the Vice-Chairman of the Board of Supervisors

Debra Harper commented that she hopes 2009 will be a progressive and respectful year.

Grover/O'Brien unan. Adopted the consent calendar after removing from the agenda item **\*A-5h**  
Approval of Reappointment of Kay Dunkel, Michael Franck, Mark MacKenzie and Dennis Shuler to the Stanislaus County Local Task Force on Solid Waste Management 2009-44

**\*A1** Approved the minutes of 12/16/08

**\*A2a** Adopted and waived the second reading of Ordinance C.S.1048 to Amend Sections 11.08.040 and 11.08.110 of the Stanislaus County Code, Amending Green Curb Markings on Maud Avenue in the Keyes Area; and, Amending Blue Curb Markings on Elm Street in the Denair Area ORD-55-I-4 2009-02

**\*A2b** Adopted and waived the second reading of Ordinance C.S. 1049 to Amend Sections 11.08.020 and 11.08.120 of the Stanislaus County Code, Amending No Parking Anytime Zones on Rodden Road and Rancheria Drive in the Northeast Oakdale Area; and, Amending No Truck Parking Zones on Seventh Street in the Keyes Area and Paradise Road and Florette Avenue in the West Modesto Area ORD-55-I-5 2009-03

**\*A2c** Adopted and waived the second reading of Ordinance C.S. 1050 to approve the Amended Modesto Redevelopment Plan Clarifying that the Land Uses Described in the Plan Match the City of Modesto General Plan and the Redevelopment Agency's Master Plan ORD-55-I-6 2009-04

**\*A3** Accepted the resignation of Douglas Humphreys from the Hughson Fire Protection District Board of Directors 2009-05

**\*A4a** Appointed Vanessa Czopek to the Earl Pride Scholarship Committee 2009-06

**\*A4b** Appointed James Barron McKay to the Airport Advisory Committee 2009-07

**\*A4c** Appointed Tom DeLaMare to the Stanislaus County Planning Commission 2009-08

**\*A4d** Appointed Monica Sandoval to the Stanislaus County Local Task Force on Solid Waste Management 2009-09

**\*A4e** Appointed Councilman Brad Hawn to the Economic Development Action Committee 2009-10

**\*A5a** Reappointed Gabe Juarez, Angelo Clay and Leticia Ruano to the Youth Advisory Council of the Stanislaus Economic Development and Workforce Alliance 2009-11

- \***A5b** Reappointed Lynn S. Goldstein, Jeffery McCardia, Jeff Gullo, Lenore Maurice and Michael Shinkel to the Advisory Board on Substance Abuse Programs 2009-12
- \***A5c** Reappointed Annabel Gammon to the Stanislaus County Planning Commission 2009-13
- \***A5d** Reappointed David Duran, Michael Lynch, Charles Stone and Ron West to the Tuolumne River Regional Park Citizens Advisory Committee 2009-14
- \***A5e** Reappointed Jim Hughes and Ron Macedo to the Turlock Rural Fire Protection District Board 2009-15
- \***A5f** Reappointed Augusta Farley and Andrea Lotz to the Stanislaus County Animal Advisory Board 2009-16
- \***A5g** Reappointed Vee Hooper and Ronald Swift to the Patterson Cemetery District Board 2009-17
- \***A5i** Reappointed Robert Brooks, Norman Crow and Anthony Durao to the West Stanislaus Resource Conservation District Board 2009-18
- \***A5j** Reappointed Terrance Withrow to the Assessment Appeals Board 2009-19
- \***A5k** Reappointed Robert Nickerson, Timothy Ragsdale, Felix Reichmuth, James Shade and D.C. Vient to the Building Code Appeals Board 2009-20
- \***A5l** Reappointed Ron Greenwood and Neil Van Duyn to the East Side Mosquito Abatement District Board 2009-21
- \***A5m** Reappointed Gary Hinshaw to the Emergency Medical Services Committee 2009-22
- \***A5n** Reappointed Charlotte Kollmeyer to the Housing Authority of the County of Stanislaus 2009-23
- \***A5o** Reappointed Mary Burch, Jose Cisneros and Connie Mueller to the In-Home Supportive Services Advisory Committee 2009-24
- \***A5p** Reappointed John Doering, Jeffrey Olson and Bruce Ramsey to the Law Library Board of Trustees 2009-25
- \***A5q** Reappointed Mike Lucas to the Mountain View Volunteer Fire Protection District Board 2009-26
- \***A5r** Reappointed Betty Parker to the Parks and Recreation Commission 2009-27
- \***A5s** Reappointed Jan Gauthier to the Earl Pride Scholarship Committee 2009-28
- \***A6** Approved the 2009 Stanislaus County Board of Supervisors Committee Assignments 2009-29
- \***B1** Approved the allocation for Highway Property Rental Revenue of \$27,212.17; allocated \$7,855.11 for the payment of possessory interest tax bill (ASMT 860-000-576) in accordance with §104.13(C) of the California Streets and Highways Code; allocated \$2,613.60 of lease revenue to the City of Modesto in accordance with §104.10 of the California Streets and Highways Code; allocated \$636.00 of lease revenue to the City of Ceres in accordance with §104.10 of the California Streets and Highways Code; and, allocated \$16,107.46 of lease revenue to the County Road Fund in accordance with the provision in §104.10 of the California Streets and Highways Code that its spending be limited to mass transit or streets and highways purposes – Auditor-Controller 2009-30
- \***B2** Approved and adopted the proposed amendments to the Advisory Board on Substance Abuse Programs Bylaws – BHRS BD-66-26 2009-31
- \***B3** Appointed for the 2009 term of the Stanislaus County Discipline/Equal Employment Opportunity (EEO) Grievance Appeals Board: Matt Machado, Director of Public Works as the Department Head Member; Brenda Avilla, Service Employees International Union (SEIU) as the Employee Member; and Local Attorney Darrell Champion to serve as the Chairperson; appointed local attorneys Dave Walker and Jeffery R. Olson to serve as Alternate Chairpersons; appointed Jeffrey Rowe, Director of the Alliance Worknet as the

Department Head Alternate; and, appointed Steve Jackson, Stanislaus County Deputy Probation Officers Association (SCDPO) as the First Alternate Employee Member; Christina Chavez, Stanislaus Regional Emergency Dispatchers Association (SREDA) as the Second Alternate Employee Member; Jonnie York, California Nurses Association (CNA) as Third Alternate Employee Member, and Gary Vernon, Deputy Sheriff's Association (DSA) as Fourth Alternate – CEO 2009-32

- \*B4** Authorized the CEO to execute an extension of the lease dated 12/31/2006 for office space at 1010 Tenth Street, Suite 5800, to Congressman Dennis Cardoza at the same terms through 1/2/2011 – CEO 2009-33
- \*B5** Authorized the expenditure of \$27,000 of Emergency Services Public Facility Fees for the purchase and installation of audio-visual office equipment for the Logistics Room of the Emergency Operations Center; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$27,000 in the OES Budget Unit consistent with the budget journal – OES/Fire Warden 2009-34
- \*B6** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 508 Imperial Avenue, Modesto, CA (CE No. 08-0338) – DER 2009-35
- \*B7** Adopted a resolution to authorize the Director of DER, or her Designee, to apply for a Waste Tire Clean-up and Amnesty Event Grant from the California Integrated Waste Management Board, and if awarded, to sign an agreement to accept and administer the grant; and, authorized the submittal of a joint funding request to the California Integrated Waste Management Board for the Waste Tire Clean-up and Amnesty Event Grant on behalf of the cities of Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock, Waterford, and the unincorporated areas of Stanislaus County – DER 2009-36
- \*B8** Approved funding, not to exceed \$21,000 for the development of the Phase VI Groundwater Models for the Stanislaus and Tuolumne Rivers Groundwater Basin Association – DER 2009-37
- \*B9** Approved request from Boy Scout Troop No. 9 to have exclusive use of the Kiwanis Camp from Friday, 1/9/2009, beginning at 10:00 a.m. to Sunday, 1/11/2009, ending at 5:00 p.m. for overnight camping activities; directed Boy Scout Troop No. 9 to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for the exclusive use and reservation of the Kiwanis Camp – Parks and Recreation 2009-38
- \*B10** Accepted the Stanislaus County Treasury Pool's November 2008 Monthly Investment Report as prepared by the Stanislaus County Treasurer-Tax Collector's Office and reviewed for conformity with the Stanislaus County Treasury Pool Investment Policy by the Treasurer-Tax Collector and has been distributed to the Stanislaus County Treasury Pool Oversight Committee; and, authorized the Chairman of the Board to sign on behalf of the Board of Supervisors that the report has been reviewed and accepted – T/TC 2009-39
- \*B11** Approved a resolution to increase the fee collected under Government Code §27388, concerning real estate fraud, from the current fee of two dollars (\$2.00) to three dollars (\$3.00) for virtually all real estate transactions filed in Stanislaus County – DA 2009-40
- \*C1** Approved Cooperative Agreement No. 10-337, with the State of California, Department of Transportation for the installation of emergency vehicle signal pre-emption equipment at the Carver Road, Tully Road and State Route 108 (McHenry Ave) intersections for the State Route (SR) 219 Widening Project, Phase 2; and, authorized the Chairman to execute a contract with the State of California, Department of Transportation, not to exceed \$41,000 – PW 2009-41

**\*D1** Accepted the Stanislaus County Redevelopment Agency Fiscal Year 2007/08 Financial Report and Annual Audit; accepted the 2007/08 Redevelopment Agency Activities Report; and, authorized submittal to the California State Department of Housing and Community Development (HCD) – Planning 2009-42

Chiesa/Grover (4-0)(O'Brien abstained) **B12** Approved Contract No 08-85477 A00 with the California Department of Public Health for the Women, Infants, and Children (WIC) Supplemental Nutrition Program, from 10/1/2008 through 9/30/2011 and any amendments thereafter; authorized the HSA Managing Director, or her Designee, to sign and execute the contract; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$306,000 as detailed in the Budget Journal form – HSA 2009-43

**Corr 1** Referred to the Department of Planning and Community Development, copies from the Department of Transportation of their video “California’s General Aviation Airports: Link to Vitality” and brochure “Airport Land Use Compatibility Planning in California.

**Corr 2** Referred to the Department of Planning and Community Development, a notice from the San Francisco Planning Department regarding a Public Hearing on their Draft Environmental Impact Report for the San Joaquin Pipeline System Project to be held at Thomas Downey High School in Modesto on Tuesday, 01/13/09.

**Corr 3** Referred to the Department of Planning and Community Development, a letter from the National Fair Housing Alliance regarding fair housing as it pertains to Community Development Block Grants (CDBG).

**Corr 4** Referred to the Fish and Wildlife Committee, a notice of the first County Fish and Game Commissioners of California Association meeting to be held on 02/04/09, in Sacramento, CA.

**Corr 5** Referred to the Department of Planning and Community Development, a copy of the River Partners Journal.

**Corr 6** Referred to the Department of Public Works and County Counsel, a letter from the law offices of Griswold, Lasalle, Cobb, Dowd & Gin, L.L.P representing Wood Brothers, Inc. regarding the Fink Road Landfill, LF-2, Cell No. 5, Excavation Project.

**Corr 7** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Steven Cooper; Lizbette Castro; Brian Petersen; Maritza DeLaHoya; Della Baldonado; Jeremiah J. Long; Paul / Ashlee Brum; Oscar Contreras; Renee Crawford; and, Schwanda Campbell.

Supervisor O'Brien congratulated Supervisor Chiesa and welcomed him to the dais. He noted that during the recent holidays some County Department Heads and their Assistant Department Heads took vacation at the same time which caused frustration in getting problems solved. He asked for a policy to be drafted and brought before the Board regarding this issue.

Chairman DeMartini welcomed Supervisor Chiesa to the Board and noted that he looks forward to working with him over the next four years.

The CEO reported that County staff is working diligently to prepare the 2008/09 Mid-Year Budget Report, and that he has implemented some budget saving processes including a soft hiring freeze and a limit on travel for the balance of the fiscal year. He noted that he will discuss the issue of Department

Heads and Assistant Department Heads taking time off at the same time at the next Department Head meeting, and that this issue will be brought to the Board in the future for consideration.

Adjourned to closed session at 9:25 a.m. for conference with Legal Counsel - Anticipated Litigation - One Case. Government Code §54956.9(c). Conference with Legal Counsel - Existing Litigation - One Case: People of the State of California v. Frank Mendes Silva, et al, Stanislaus County Superior Court Case No. 379561. Government Code §54956.9(a).

Adjourned at 10:44 a.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.)