

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

Regular Session

Tuesday

January 13, 2009

All Supervisors Present

Pledge of Allegiance to the Flag

O'Brien/Grover unan. Adopted the consent calendar after removing from consent item **\*A3d** Dennis Shuler to the Stanislaus County Local Task Force on Solid Waste Management

**\*A1** Approved the minutes of 01/06/09

**\*A2a** Accepted the resignation of DixieLee Swatman from the Riverdale Park Track Community Services District Board of Directors 2009-45

**\*A2b** Accepted the resignation of Alan Patrick from the Valley Home Municipal Advisory Council 2009-46

**\*A3a** Reappointed Kay Dunkel to the Stanislaus County Local Task Force on Solid Waste Management 2009-47

**\*A3b** Reappointed Michael Franck to the Stanislaus County Local Task Force on Solid Waste Management 2009-48

**\*A3c** Reappointed Mark MacKenzie to the Stanislaus County Local Task Force on Solid Waste Management 2009-49

**\*B1** Adopted the revised Stanislaus County Economic Development Action Committee Rules and Regulations – CEO BD-18-B-4 2009-50

**\*B2** Approved the amendment to the Therapeutic Behavioral Services and Outpatient Services Program to provide for an unanticipated increase in the need for Therapeutic Behavioral Services; authorized the Director of BHRS, or her Designee, to sign the amendment with Aspiranet, dba Moss Beach Homes, Inc., Aspira Behavioral Health, a California Non-Profit Corporation for Therapeutic Behavioral Services and Outpatient Services; and, authorized the Director of BHRS, or her Designee, to sign subsequent amendments to this agreement to add services up to \$50,000 through 06-30-09 – BHRS 2009-51

**\*C1** Awarded a contract in the amount of \$241,186.10 to California Pavement Maintenance Company, Inc. of Sacramento, California, for the construction of the 2008 Slurry Seal Program (Denair); authorized the Director of Public Works to execute a contract with California Pavement Maintenance Company, Inc., for \$241,186.10 and to sign necessary documents; directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet; authorized the Director of Public Works to execute change orders in accordance with Public Contract Code, §20142; and, upon project completion, authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities – PW 2009-52

**\*C2** Approved the California Transit Security Grant Program and California Transit Assistance Fund Governing Body Resolution authorizing the Public Works Transit Manager to execute any actions necessary for the purpose of obtaining financial assistance provided by the Governor of California's Office of Homeland Security; and, authorized the Chairman to sign the resolution – PW 2009-53

**\*C3** Set a public hearing on 03/03/09, at 9:25 a.m., or as soon thereafter as the matter may be heard, regarding the formation of the Beard Industrial Lighting District and the levy of a specific benefit assessment; approved the Engineer's report for the formation of the Beard Industrial Lighting District; authorized an Assessment Ballot Procedure in conformance

with Proposition 218 for the Beard Industrial Lighting District; and, ordered that Notice of the Public Hearing be given Pursuant to Government Code §53753(B), and the Highway Lighting District Act Code §19050 – PW DL-42-2 2009-54

- \*D1 Rescinded a portion of Williamson Act Contract No. 1971-0341 (Fulkerth Road, in Turlock) & a portion of Williamson Act Contract No. 81-3777 (Fulkerth Road, in Turlock); approved new contracts pursuant to minor Lot Line Adjustment 2008–30 - Lucas, and authorized the Planning Director to execute new contracts; finds the new contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years; finds there is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts; finds at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; finds after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in §51222; finds the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts; finds the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; and, finds the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan – Planning 2009-55
- \*D2 Approved the finding that the City of Newman’s proposed sphere of influence expansion is logical and orderly; and, directed the CEO to notify the LAFCO of the County’s agreement with the expansion request – Planning 2009-56
- \*E1 Introduced and waived the first reading of Ordinance C.S. 1051 amending §10.13.010 “E” of the Stanislaus County Code regarding Cardroom Regulations – County Counsel ORD-55-I-7 2009-57

\*A3d Supervisor Monteith made a motion to deny the reappointment of Dennis Shuler to the Stanislaus County Local Task Force on Solid Waste Management, but the **motion failed** for lack of a second

O’Brien/Grover (4-1)(Monteith opposed) \*A3d Reappointed Dennis Shuler to the Stanislaus County Local Task Force on Solid Waste Management 2009-58

Grover/Chiesa unan. B3 Accepted the Annual Progress Report for the Stanislaus County Employee Mentor Program; and, proclaimed the month of January 2009 as Mentoring Awareness Month consistent with the National Mentor Month Distiction – CEO 2009-59

O’Brien/Monteith unan. 9:15 am Find that notice of public hearing was published in compliance with §6066 of the Government Code; conducted a public hearing to receive comments regarding the revision of load carrying capacity of Crabtree Road Bridge over Dry Creek (38C-0009); and, accepted the bridge modifications from the Caltrans Division of Structure Maintenance and Investigations for the Crabtree Road Bridge over Dry Creek (38C-0009) – PW 2009-61

Monteith/Grover (4-1)(DeMartini opposed) B4 Approved the Payment Agreement with PCCP West Park designating West Park’s responsibility for payment of all Supplemental Funding Requirements as set forth in the California Transportation Commission (CTC) Baseline Funding Agreement for the development of an Inland Port/ Short Haul Rail Project at the County owned Crows Landing Air Facility; authorized the Chairman, or the Vice Chairman in his absence, to sign the Payment Agreement; adopted a

Resolution whereby through the parameters of the Payment Agreement the County agrees to commit to the California Transportation Commission the availability of Supplemental Funding; and, authorized the CEO to submit all documentation and Board Resolution as part of the Project Baseline Agreement – CEO  
2009-60

**Corr 1** Acknowledged receipt of claim and referred to the CEO-Risk Management Division the following claim: Arnaldo Picazo Ramirez.

The CEO reported that there has been no action taken on the part of the State administration or legislature to address the multibillion dollar State Budget gap. He stated that the Governor's FY 2009/10 Budget Proposal will be released next Tuesday. He noted that one of the proposals is to eliminate the Williamson Act subvention, which would cost approximately \$1.5 million to Stanislaus County and \$35 million statewide. The elimination of the Williamson Act Subvention Program could lead to significant adverse consequences to agriculture in Stanislaus County and throughout the State.

Chairman DeMartini reported that he received information from CSAC yesterday regarding the State considering withholding funds for social services for the counties for seven months. The CEO responded that they are looking into this issue, but that it does not appear to be implementable, because it would essentially shut down many if not all of the social services throughout the State.

Adjourned to closed session at 9:46 a.m. for conference with Legal Counsel - Anticipated Litigation - Two Cases. Government Code §54956.9(c).

Adjourned at 10:40 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.)