

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 27, 2009

Chairman DeMartini gave the 2009 State of the County Address.

Robert Stanford, advocate for the airport neighborhood, asked the Board to take a closer look at the Sheriff's expenditures for horse trailers and trucks.

Monteith/Grover unan. Adopted the consent calendar after removing from consent item ***B2** Approval to Adopt a Revised Board of Supervisors Resolution for the Application to the State of California for the 2007 Local Youthful Offender Rehabilitative Facility Construction Funding Program for the Stanislaus County Juvenile Justice Center Expansion Project

***A1** Approved the minutes of 1/13/09

***A2** Adopted and waived the second 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 2009-62

***A3a** Accepted the resignation of Lisa Alamo from the Agricultural Advisory Board

2009-63

***A3b** Accepted the resignation of Mary Burch from the In-Home Supportive Services Advisory Committee

2009-64

***A3c** Accepted the resignation of Don Grischott from the Westley Community Services District Board of Directors

2009-65

***A4a** Appointed Kevin Shatswell to the Oakdale Rural Fire Protection District Board of Directors

2009-66

***A4b** Appointed Ramon Bawanan and Ed Katen to the Economic Development Action Committee

2009-67

***A4c** Appointed Nick Candea to the Stanislaus County Local Task Force on Solid Waste Management

2009-68

***A4d** Appointed Cynthia Borges-O'Dell to the Stanislaus Child Development Local Planning Council

2009-69

***A5** Adopted the amendment to the Conflict of Interest Code for the Patterson Cemetery District

DC-3-25 2009-70

***B1** Approved the request from the City of Modesto for use of the 10th & I Street parking lot, the I Street Plaza in front of the Gallo Center for the Arts, the Courthouse Lawn at I Street and 12th Street, and the Modesto Main Library lawn at 1500 I Street in Modesto for the Stage Three Finish of the Amgen Tour of California Bicycle Race on 2/16/2009 and 2/17/2009 in accordance with all conditions and requirements– CEO

2009-71

***B3** Approved the award of agreement for employment services with ASPIRAnet for the provision of employment services to former foster youth participating in the Transitional Housing Program-Plus (THP-Plus) Program not to exceed \$216,000; and, authorized the Director of CSA, or her Designee, to finalize and execute the agreement and any amendments, not to exceed the agreement amount of \$216,000 – CSA

2009-72

- *B4 Authorized the acceptance of a grant from the National Children’s Alliance for the Child Abuse Interview, Referral and Evaluation (CAIRE) Center; and, authorized the Director of CSA, or her Assistant Director Designee, to sign the agreement, not to exceed the total contract amount of \$10,000 for the period of 1/01/2009 through 12/31/2009 – CSA
2009-73
- *B5 Authorized GSA Purchasing Division to issue a RFP on behalf of CSA in collaboration with the Children and Families Commission for the provision of Services to Children by Family Resource Centers for the contract period of 7/01/2009 through 6/30/2012 – CSA
2009-74
- *B6 Approved a contract with Telcion Communications Group (a.k.a. Netlogic, Inc.) to provide Voice Over Internet Protocol telephony solution equipment, licenses, and support for the 12th Street Office Building for the District Attorney’s Office not to exceed \$119,470.35; and, authorized the Purchasing Agent to sign the contract with Telcion – DA
2009-75
- *B7 Accepted the Stanislaus County Treasury Pool’s December 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
2009-76
- *B8 Awarded a contract to Behavioral Interventions, Inc. for Electronic Monitoring Services at the Probation and Sheriff’s Department; and, authorized the Purchasing Agent to sign a contract with Behavioral Interventions, Inc. – Probation/Sheriff
2009-77
- *C1 Adopted the Plans and Specifications for Federal Aid Project STPL-5938(152) Titled “RSTP Roadway Resurfacing Phase B” which is part of the Federal Regional Surface Transportation Program and set the bid opening date and time for 03/18/2009 at 2:00 p.m.; directed the Clerk of the Board to publish notice inviting bids for the project as required by law and set 3/18/2009 at 2:00 p.m. as the deadline for submission of bids; directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet; and, directed the Public Works Department staff to mail the notice inviting bids to trade journals as required by law – PW
2009-78
- *C2 Adopted the addendum to the Adopted Mitigated Negative Declaration for the Stanislaus County Ladd Road/McHenry Avenue Intersection Operational Improvement Project pursuant to CEQA Guidelines §15164 that the minor technical changes or modifications to the project description do not result in any new significant impacts or a substantial increase in the severity of the previously identified significant impacts – PW
2009-79
- *C3 Approved the purchase agreement to acquire road right-of-way through a roadway easement for the Ladd Road at McHenry Avenue Intersection Project, parcel owner Steven F. Sbragia and Charlotte D. Sbragia (APN: 074-002-021 and 074-002-031); authorized the Chairman of the Board 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 \$72,500, payable to Fidelity National Title Company, for the purchase amount of \$71,000 and \$1,500 for estimated escrow fees and title insurance – PW
2009-80
- *C4 Authorized the Director of Public Works to negotiate and execute an agreement with Rajappan & Meyer Consulting Engineers for professional services for the preparation of the Project Approval and Environmental Document (PA&ED) phase of the State Highway 99 at Kiernan Avenue Interchange Project; and, authorized the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet – PW
2009-81
- *C5 Authorized the Director of Public Works to negotiate and execute an agreement with Rajappan & Meyer Consulting Engineers for professional services for the preparation of the Project

Approval and Environmental Document (PA&ED) phase of the State Highway 99 at Hammett Road Interchange Project; and, authorized the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet – PW 2009-82

O'Brien/Chiesa unan. ***B2** Approved the revision of the formal resolution as required by the State for submission of the application for funding under the Department of Corrections 2007 Local Youthful Offender Rehabilitative Facility Construction Funding Program (SB-81) for the Stanislaus County Juvenile Justice Center Expansion Project – CEO 2009-83

Chiesa/Grover unan. **B9** Accepted a donation from Rick Donker and David Benn, private citizens, in the form of two personal watercraft and accompanying trailer for the purpose of law enforcement service in Stanislaus County; authorized the Sheriff-Coroner to transfer title and accept the donation from Rick Donker and David Benn; and, recognize and direct staff to send a letter of appreciation to Rick Donker and David Benn for their generous donation– Sherif 2009-84

O'Brien/Monteith unan. **B10** Authorized the Sheriff to purchase a surplus 1992 Ford F700 Truck, VIN 1FDWK74P9NVA07829, and transfer title from the Salida Fire Protection District; and, recognized and directed staff to send a letter of appreciation to Salida Fire Protection District – Sheriff 2009-85

O'Brien/Grover (2-3)(Chiesa, Monteith and DeMartini opposed) **B11** The **motion failed** to approve a new policy regarding County Department Head and Assistant Department Head vacation schedules – CEO 2009-86

Corr 1 Referred to the Department of Public Works, a letter from the State of California Business, Transportation and Housing Agency requesting support of the California Consensus Principles on Federal Transportation Authorization for 2009.

Corr 2 Referred to the CEO-OES, a notice from the California Public Utilities Commission regarding the initiation of a rulemaking proceeding to consider regulations to reduce potential fire hazards associated with electric utility facilities and communication facilities in close proximity to electric transmission and distribution lines.

Corr 3 Referred to the CEO, a Press Release from the California State Auditor announcing the Voters First Act, Proposition 11, regional public meeting schedule relating to the State Auditor's application and selection process for the Citizens Redistricting Commission.

Corr 4 Referred to the Alliance Worknet and the Stanislaus Economic Development and Workforce Alliance, a letter from Circuit City Stores, Inc., regarding their plans to close their store at 3401 Dale Road in Modesto, CA and anticipate that 53 employee positions will be terminated on March 21, 2009, or within the fourteen days thereafter, per the Worker Adjustment and Retraining Notification (WARN) Act.

Corr 5 Referred to the Department of Planning and Community Development, Department of Environmental Resources, Agricultural Commissioner and Sealer of Weights and Measures and CEO-OES, a letter from the California Board of Forestry and Fire Protection regarding a new policy titled, "Board of Forestry and Fire Protection Policy Number 12 for Professional Foresters Registration: Guidance on the Certified Range and Manager Program".

Corr 6 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the

following claims: Maria Mercado and Eloy Mercado; K. Darpinian & Sons, Inc.; State Farm Insurance a subrogee of Juan Lomeli; Sharon Bowers; Estate of Eulalia Garcia; Ivonne Garcia, the daughter of decedent Eulalia Garcia; Antonio De Jesus Garcia, the son of decedent Eulalia Garcia; Miguel Angel Garcia, the son of decedent Eulalia Garcia; Liliana Tapia Garcia, a minor who is the granddaughter of decedent Eulalia Garcia; Alejandro Santiago Garcia, the husband of decedent of Eulalia Garcia; Luis Garcia, the father of Adriana Garcia; Santos Martinez Vargas, the father of decedent Lucas Martinez Cruz; Ofelia Cruz, the mother of decedent Lucas Martinez Cruz; Alejandro Martinez Estrada, father of decedent Adan Martinez; Josefina Martinez Amaro, the mother of decedent, Adan Martinez; Roberta Garcia, the mother of decedent Adriana Garcia; and, Bobby Nunez.

Supervisor Monteith reported that the US Department of Veterans Affairs (VA) has agreed to place a skilled nursing unit and an outpatient health facility in the Central Valley. He reported that the VA is considering either San Joaquin or Stanislaus County, and that the selection process is getting close to the end. He is extremely pleased the VA has agreed to place these new health services in the valley and noted that for many years our local veterans have had to travel to the Bay Area to receive health services. He believes that Stanislaus County will make an excellent new home for the VA, but that in either case, our veterans and their families win because these services will be available locally. He thanked the County staff, community members and veterans who have been involved in this project and stated that their work is greatly appreciated. The CEO reported that Congressman Radanovich will write a letter of support for Stanislaus County's efforts to site the VA facility within our County.

The CEO gave an update regarding the State Budget and noted that the reduction of the Vertical Prosecution and Rural Crime Grants will significantly affect the DA's Office. He reported that County staff has done a preliminary analysis concerning the possibility of the State withholding payment on certain types of services, and found that if funding was withheld for only one month, it would impact HSA in the amount of \$2.5 – \$3.5 million, and BHRS in the amount of \$478,000. There has been a great deal of activity in Sacramento, and the County is still hopeful that the "Big 5" will develop and present a budget solution that will allow funding to continue. There will be significant long term ramifications of this short term lack of agreement between the legislature and the Governor's office.

Supervisor Grover reported that he, along with Supervisor Chiesa and Chairman DeMartini, attended the Blue Print Process meeting yesterday in Fresno. He noted that Stanislaus County had a large contingent present at that meeting. He stated that the outcome of the meeting was not completely reported in today's Modesto Bee article. He also noted that since the Blue Print Process is focused only on housing densities, the County will support what our cities want to do, and that StanCOG will continue to be involved in this effort.

Chairman DeMartini agreed with Supervisor Grover that what the cities have in their general plans is very similar to the densities in the Blue Print. Therefore, he cannot see a reason to go along with the Blue Print, when the cities have spent so much time on their general plans. He stated that the Blue Print has an unrealistic assumption that the Central Valley will triple in population and he is not sure what they are basing that on, unless they expect the Bay Area counties to not build homes, and transfer their population. He stated that Stanislaus County is looking at jobs-to-housing balance, and that the Bay Area is only looking at jobs. He believes that the bay area needs to build housing and not expect the Central Valley to provide housing for their population.

Supervisor O'Brien encouraged the Modesto Bee to take a look at the number of people per square mile and housing per square mile of all the major cities in this eight county area. He noted that the City of Modesto has the most people and housing per square mile of any major city in the Central Valley.

Supervisor Monteith spoke regarding the City of Walnut Creek which decided not to build any more homes. This is an example of a community not taking responsibility to provide housing. The only homes that were available were in the Central Valley. This is an ongoing issue for the cities and communities throughout the State, and he stated that they need to take responsibility instead of making it the Central Valley's problem.

Adjourned to closed session at 9:56 a.m. for conference with Legal Counsel - Anticipated Litigation - One Case. Government Code §54956.9(c).

Adjourned at 11:14 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.)