

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

Regular Session

Tuesday

April 14, 2009

All Supervisors Present

Pledge of Allegiance to the Flag

A moment of silence was held in memory of CSA employee Bill Medeiros.

The Chairman presented a resolution proclaiming 04/12-18/2009 as National Library Week in Stanislaus County.

A presentation was made regarding 04/15/2009 as the 100th Anniversary of the Stanislaus County Probation Department.

Robert Standford spoke regarding illegal needle exchanges and give-aways taking place in the community. He requested that the County take action regarding this issue. Supervisor Chiesa and Sheriff Christianson reported that the Sheriff's office is conducting an investigation and has already made two arrests in this matter.

Debra Harper voiced her concerns regarding her suspension from the Law Library. She also spoke regarding filing claims against the County.

Monteith/Chiesa unan. Adopted the consent calendar

- *A1 Approved the minutes of 03/31/09
- *A2 Adopted and waived the second reading of Ordinance C.S. 1058 to establish a Medical Marijuana Identification Card application fee – HAS ORD-55-J-5 2009-205
- *A3 Set a public hearing on 05/05/09, at 9:15 a.m., to consider an Appeal of the Planning Commission's approval of Use Permit No. 2008-10 – Turlock Golf Center 2009-206
- *A4a Appointed Guadalupe Castillon to the Stanislaus County Mental Health Board 2009-207
- *A4b Appointed Harinder Grewal to the Keyes Community Services District Board of Directors 2009-208
- *A4c Appointed Jeremy Damas to the Hughson Fire Protection District Board of Directors 2009-209
- *A4d Appointed David Boyd to the Salida Fire Protection District Board of Directors 2009-210
- *A5a Proclaimed 04/19-25/2009, as Safety Seat Checkup Week 2009-211
- *A5b Proclaimed 04/26 through 05/02/2009 as Victims' Rights Week 2009-212
- *A5c Proclaimed May 2009 as Donate Life Month 2009-213
- *A5d Proclaimed 05/01/2009 as Law Day U.S.A. 2009-214
- *A6 Accepted the resignation of Anita Estrada Chapa from the South Modesto MAC 2009-215
- *A7 Approved a commendation for South San Joaquin Irrigation District upon their 100th Anniversary 2009-216
- *B1 Awarded a contract to Grover Landscape Services, Inc. to provide landscape services, management and maintenance at the Stanislaus County Agricultural Center effective 05/01/2009 through 04/30/2013; and, authorized the Director of GSA/Purchasing Agent to sign the contract, not to exceed the total amount of \$109,800 for the four-year period – Agricultural Commissioner 2009-217

- *B2 Approved entering into a License Agreement with the Friends of the Modesto Library for a term of ten years from the date executed by the parties, for use of Modesto Free Library space as a small used book store and gift shop; authorized publication of notice of the proposed license pursuant to Government Code §6061; authorized the CEO to execute the License Agreement with the Friends of the Modesto Library; and, authorized the CEO to execute other license agreements with other Friends of the Library organizations affiliated with the Library branches throughout the County – Library 2009-218
- *B3 Approved request from the Central Coast Racers Under the Sun to have exclusive use of Frank Raines Regional Park, Deer Creek Camping Area and Recreation Hall from Friday, 04/24/2009, beginning at 10:00 a.m. to Sunday, 04/26/2009, ending at 3:30 p.m. for their 2009 Annual Fun Run; directed the Central Coast Racers Under the Sun to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the fees for exclusive use, reservation, facility and camping for the use of Frank Raines Regional Park, Deer Creek Camping Area and Recreation Hall – Parks and Recreation 2009-219
- *B4 Approved the agreement between the California Department of Social Services (CDSS) and the CSA to install State owned video conferencing equipment at the Community Services Facility (CSF) for use while conducting State Fair Hearings; and, authorized the Director of CSA, or her Assistant Director Designee, to sign the agreement and any amendments for the period 11/01/2008 through 06/30/2013 – CSA 2009-220
- *B5 Approved request from the Christian Service Brigade at Calvary Baptist Church to have exclusive use of the Kiwanis Camp from 04/17/2009, beginning at noon to Sunday, 04/19/2009, ending at 5:00 p.m. for their father/son overnight camp-out; directed the Christian Service Brigade at Calvary Baptist Church to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for exclusive use and reservation of the Kiwanis Camp – Parks and Recreation 2009-221
- *B6 Approved request from The Carole Sund/Carrington Memorial Reward Foundation to have exclusive use of the Courthouse lawn area and Victim’s Garden of Healing on Saturday, 04/18/2009, beginning at 10:00 a.m. and ending at 2:00 p.m. as the staging area for their 11th Annual Vigil of Hope March; directed The Carole Sund/Carrington Memorial Reward Foundation to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for exclusive use and reservation of the Courthouse lawn area and Victim’s Garden of Healing – Parks and Recreation 2009-222
- *B7 Authorized the Director of DER, or her Designee, to submit an application for local groundwater protection contract funds from the United States Environmental Protection Agency – Environmental Resources 2009-223
- *B8 Adopted the decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 1827 John Street, Modesto, CA (CE No. 07-313) – DER 2009-224
- *B9 Awarded the contract for the preparation of a feasibility study for a transfer station/materials recovery facility at the Fink Road Landfill to HDR Engineering, Inc., in the amount of \$48,487; authorized the Director of DER, or her Designee, to sign the contract with HDR Engineering, Inc., for the preparation of a feasibility study for a transfer station/materials recovery facility at the Fink Road Landfill in the amount of \$48,487; and, authorized the Director of DER, or her Designee, to sign amendments to the contract for an overall total not to exceed \$55,760 which includes contingency funding of up to \$7,273 which is equal to a maximum of 15% of the total contract amount – DER 2009-225

- ***B10** Approved the amendment to the Aspira Stabilization Program to include Risk Assessment Services through the end of the fiscal year ending 06/30/2009; approved the amendments to agreements with various Institutions of Mental Disease (IMD) to allow for appropriate client placement through the end of the fiscal year ending 06/30/2009; authorized the BHRS Director, or her Designee, to sign the amendments to agreements; and, authorized the BHRS Director, or her Designee, to negotiate and sign amendments to all agreements included in this agenda item, to add services and payment for services up to \$50,000 per agreement (budget permitting) throughout the fiscal year ending 06/30/2009 – BHRS 2009-226
- ***B11** Approved the implementation of a Voluntary Time Off (VTO) Policy – CEO 2009-227
- ***B12** Authorized GSA to issue an Invitation to Bid for the purchase of mobile data terminals for several ambulance providers within Stanislaus County funded through Homeland Security Grant Funds – OES 2009-228
- ***C1** Approved Amendment No. 3 to Agreement No. 2004-1 with BkF Engineers to add additional engineering services for the Geer Road at Santa Fe Avenue and Hatch Road at Santa Fe Avenue Intersection Improvement Projects; authorized the Director of Public Works to execute the agreement; and, directed the Auditor-Controller to make the necessary budget adjustments, per the financial transaction sheet – PW 2009-229
- ***C2** Adopted plans and specifications for the Shiloh Road Bridge at Tuolumne River Project and set the bid opening date and time for 05/20/09, at 2:30 p.m.; directed the Clerk of the Board to publish notice inviting bids for the project as required by law and set 05/20/09, prior to 2:30 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 a notice inviting bids to trade journals as required by law – PW 2009-230
- ***D1** Initiated a 15-day public comment period for the proposed amendment to the FY 2007-2012 CDBG Consolidated Plan and the FY 2008-2009 Annual Action Plan to incorporate the Homeless Prevention and Rapid Re-Housing Program funding of \$1,023,163.00; and, directed staff to bring this item back to the Board of Supervisors on 05/05/09 to hold a public meeting and for final review and approval of the amended FY 2007-2012 Consolidated Plan and FY 2008-2009 Annual Action Plan – Planning 2009-231

Grover/O'Brien unan. **9:15 am** Conducted the public hearing; approved the FY 2009-2010 Annual Action Plan that includes approximately \$2,463,579 CDBG Award and approximately \$109,694 in Emergency Shelter Grant (ESG) Award, for a total of approximately \$2,573,273; directed the CEO to sign the Application for Federal Assistance and the Emergency Shelter Grant Certifications; directed the Director of Planning and Community Development to sign the CDBG Cost Recovery and HOME Certifications; authorized the Director of Planning and Community Development to execute the public service agreements that total an aggregate amount of approximately \$244,219; and, authorized the Chairman of the Board of Supervisors to sign the FY 2009-2010 Allocation Agreements – Planning 2009-234

Chiesa/Monteith unan. **9:20 am** Finds that the notice of public hearing was given pursuant to Government Code §6061, Streets and Highway Code §22552 & 19052; conducted the public hearing to receive comments regarding: the formation of the North McHenry #2 Lighting District, the proposed method for calculating the amount of annual assessment, and the levy of the annual assessment to pay for the street lighting service; authorized the Clerk of the Board to oversee the tabulation of the concealed ballot, tabulate, and submit results to the Board of Supervisors prior to the conclusion of the meeting; the Clerk announced that the ballot passed by a majority of landowners in support of the formation of the North McHenry #2 Lighting District, and the proposed method for calculating the annual assessment (support: 1 ballot; protest: 0 ballots; incomplete: 0 ballots); the Board finds that the parcel within the North McHenry

#2 Lighting District will receive equal benefit from the formation of the district; formed the North McHenry #2 Lighting District and confirmed the boundaries of the District as those being described on Exhibits "A" and "B"; directed the Department of Public Works to file the formation with the California State Board of Equalization; confirmed and approved the method of calculating the amount of the annual assessment that will be used to pay for street lighting service; set the FY 2009-2010 annual assessments at \$24.46 per Equivalent Benefit Unit (EBU) per parcel; the parcels subject to the annual assessment are shown on Exhibit "C"; authorized the Auditor-Controller to add the annual assessment to the 2009-2010 Tax Roll; and, made the Engineer's Report a part of the record of this proceeding – PW 2009-235

Grover/O'Brien unan. **B13** Authorized the Sheriff to submit a joint grant application to the Bureau of Justice Assistance for the 2009 Edward Byrne Memorial Justice Assistance Grant funding to enhance criminal justice processes; authorized the Chairman to sign the Memorandum of Agreement between the County of Stanislaus and the City of Modesto for the Recovery Act: Justice Assistance (JAG) Program Award; directed the Auditor-Controller to establish a budget with estimated revenue and appropriations in the amount of \$1,082,445 per the budget journal after the grant is awarded and an acceptance letter is received by the Sheriff's Office; and, approved the recommendations for use of the 2009 Edward Byrne Memorial Justice Assistance Grant to share funding with the City of Modesto Police Department and continue funding for existing staff in the Sheriff's Department, Probation Department and District Attorney's Office – Sheriff 2009-232

Monteith/Grover unan. **B14** Accepted FY 2007-2008 Library Annual Report 2009-233

Corr 1 Referred to the Agricultural Commissioner-Sealer of Weights and Measures and Cooperative Extension, a letter from Fresno County Supervisor Phil Larson regarding the California March for Water on 04/14-17/2009.

Corr 2 Referred to the Alliance Worknet and the Stanislaus Economic Development and Workforce Alliance, a letter from NI Industries, a TriMass Company, regarding their plans to layoff 22 employees on May 29, 2009, at its facility at 5300 Claus Road in Riverbank, CA per the Worker Adjustment and Retraining Notification (WARN) Act.

Corr 3 Referred to the CEO, a copy of the Projected Budget, Fee and Presentation Schedules for FY 2009-2010 for the Gallo Center for the Arts.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Alexander D. Gevarges; Fred L. Winters; Marilyn and Ty Caskey; Valine Sarmes; Turlock Irrigation District; Ryan Oseski; Japan T. Shirley; Pacific Bell; and, James Xavier Hopson.

Chiesa/Grover unan. **XA** Adopted a resolution supporting the passage of SB 295 to adjust the timetable for implementation of AB 32 – the Global Warming Solutions Act – CEO 2009-236

The CEO reported that Senator Cogdill is working very hard for the benefit of Stanislaus County and that he has introduced AB 684 Negative Bailout bill.

Adjourned to closed session at 10:08 a.m. for conference with Legal Counsel - Anticipated Litigation - One Case. Government Code §54956.9(c).

Adjourned at 11:12 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.)