

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

Regular Session  
All Supervisors Present  
Pledge of Allegiance to the Flag

Tuesday

May 19, 2009

Mickey Peabody, Chair of the Commission on Aging, announced the Stanislaus County 2009 Outstanding Senior Citizens of the Year Awards in celebration of Older Americans Month.

The Chairman presented resolutions proclaiming May 2009 as Foster Care Awareness Month and 05/19/2009 as Foster Parent and Relative Care Provider Appreciation Day.

The 2009 Stanislaus County Recycling Poster Contest winners were presented with their awards.

Grover/Monteith unan. Adopted the consent calendar

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|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| <b>*A1</b>  | Approved the minutes of 05/05/2009                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |
| <b>*A2a</b> | Adopted and waived the second reading of Ordinance C.S. 1059 to establish new fees and amend existing fees for building permits – Planning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | ORD-55-J-6 2009-312 |
| <b>*A2b</b> | Adopted and waived the second reading of Ordinance C.S. 1060 to establish new fees and amend existing fees for planning services – Planning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | ORD-55-J-7 2009-313 |
| <b>*A2c</b> | Adopted and waived the second reading of Ordinance C.S. 1057 to amend Stanislaus County Code §7.32.110 Voluntary Surrender and to adopt the 2009 Fee Schedule in accordance with Chapter 7.50 Animal Services Fees                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | ORD-55-J-4 2009-314 |
| <b>*A3a</b> | Accepted the resignation of Joyce Plis from the Mental Health Board                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 2009-315            |
| <b>*A3b</b> | Accepted the resignation of Donna Sesock-Miller from the Advisory Board on Substance Abuse Programs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 2009-316            |
| <b>*A3c</b> | Accepted the resignation of Carl Collins from the Assessment Appeals Board                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 2009-317            |
| <b>*A3d</b> | Accepted the resignation of Mario Jimenez from the Riverdale Park Tract Community Services District Board of Directors                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 2009-318            |
| <b>*A3e</b> | Accepted the resignation of Janet Orvis Cook from the Stanislaus Child Development Local Planning Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 2009-319            |
| <b>*B1</b>  | Approved the agreement with PSC 21 <sup>st</sup> Century EMI of California, Inc., a wholly owned subsidiary of PSC, for the sorting, transporting, and recycling of latex paint at the Stanislaus County Household Hazardous Waste Collection Facility; authorized the Director of DER, or her Designee, to sign the agreement with PSC 21 <sup>st</sup> Century EMI of California, Inc., for the sorting, transporting, and recycling of latex paint at the Stanislaus County Household Hazardous Waste Collection Facility, at a cost not to exceed \$300,000 over a five-year period expiring on 05/18/2014; and, authorized the Director of DER, or her Designee, to sign any amendments to the agreement with PSC 21 <sup>st</sup> Century EMI of California, Inc. within the specified contract amount – DER | 2009-320            |
| <b>*B2</b>  | Authorized the Chief Probation Officer to apply for and accept a Juvenile Accountability Block Grant (JABG) from the Corrections Standards Authority (CSA) and to sign all necessary documents related to the Grant to provide services and activities to assist youthful offenders in curbing their criminal behaviors; and, approved a resolution as required by the Corrections Standards Authority authorizing the Chief Probation Officer to apply for and accept a Juvenile Accountability Block Grant – Probation                                                                                                                                                                                                                                                                                           | 2009-321            |

- \*B3** Authorized the Agricultural Commissioner, or his Designee, to enter into and sign routine agreements and contracts with various Federal and State Agencies for FY 2009-2010 – Agricultural Commissioner 2009-322
- \*B4** Authorized the BHRS Director to accept the Offender Treatment Program funding award; authorized the BHRS Director, or her Designee, to sign the agreement and any subsequent amendments to agreements with the State Department of Alcohol and Drug Programs related to the Substance Abuse Offender Treatment Program during FY 2008-2009; and, directed the Auditor-Controller to increase appropriations and estimated revenues as reflected in the Budget Journal for BHRS Offender Treatment Program and Stanislaus Recovery Center – BHRS 2009-323
- \*B5** Declared equipment, parts, and vehicles as surplus and authorized their disposal; directed the Auditor-Controller to deposit proceeds from the disposal of Public Works equipment, parts, and vehicles into account 5121-42100-404000-38855; and, directed the Auditor-Controller to deposit proceeds from the disposal of DER vehicles into account 4021-41100-40400 – GSA 2009-324
- \*B6** Approved the submission of an application to the State of California Department of Boating and Waterways (DBW), Boating Safety and Enforcement Financial Aid Program, for funding in the amount of \$354,010 for FY 2010-2011, for Stanislaus County Sheriff's Department Marine Program; authorized the Sheriff-Coroner to sign and submit the application to the State of California Department of Boating and Waterways; and, authorized the Sheriff-Coroner to accept funding, if awarded, and establish estimated revenue of \$354,010 – Sheriff 2009-325
- \*B7** Accepted the Stanislaus Child Care and Development Planning Council 2009-2010 Priorities Report – CSA 2009-326
- \*B8** Approved the award of agreement by CSA for scattered sites services to former foster youth participating in the Transitional Housing Program – Plus (THP-Plus) Program to Aspiranet not to exceed a total of \$147,854; 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 \$147,854 – CSA 2009-327
- \*B9** Reset the time of the public hearing on 06/09/2009, from 9:30 a.m. to 9:00 a.m., for the consideration and adoption of the FY 2009-2010 Proposed Budget; and, authorized the Clerk of the Board to publish appropriate public notice – CEO 2009-328
- \*B10** Approved the award of three-year agreements by CSA for Family Resource Centers to Aspiranet, Center for Human Services - Ceres, West County and East County, Parent Resource Center, Sierra Vista Child and Family Services - North Modesto and Hughson; authorized the Director of CSA, or her designee, to finalize and execute the agreements and any amendments, not to exceed the agreement amounts; and, conditioned approval of these contracts to subsequent approval of the agreements by the Stanislaus County Children and Families Commission – CSA 2009-329
- \*B11** Authorized the Director of the Department of Parks and Recreation to sign the amended and restated agreement with the Stanislaus County PAL for special youth and recreation swim programs including administration of the recreation swim program at the Regional Water Safety Training Center - Empire Community Pool through FY 2009-2010; and, approved conducting the public dedication ceremony on 06/12/2009 at 6:00 p.m. in collaboration with the Friends of the Empire Community Pool – CEO/Parks and Recreation 2009-330
- \*B12** Approved request from Bonita Elementary School, Newman-Crows Landing Unified School District to have exclusive use of Bonita Pool in Crows Landing on Tuesday, 05/26/2009 from 8:00 a.m. to 5:00 p.m. for their End of the Year Reading Incentive Pool Party; directed Bonita Elementary School, Newman-Crows Landing Unified School District 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 for the use of Bonita Pool in Crows Landing – Parks and Recreation 2009-331
- \*B13** Approved the First Amendment to the MOU between the Judicial Council of California, Administrative Office of the Courts, the Superior Court of California, and the County of Stanislaus for costs of Court Facility space for the 4<sup>th</sup> Floor at 801 10<sup>th</sup> Street, Modesto, CA; and, approved the MOU between the Judicial Council of California, Administrative Office of the Courts, the Superior Court of California, and the County of Stanislaus for costs of Court Facility space for the 6<sup>th</sup> Floor at 801 10<sup>th</sup> Street, Modesto, CA – CEO 2009-332
- \*B14** Approved request from Twain Harte Cub Scout Pack 71 to have exclusive use of the Kiwanis Camp from Friday 05/29/2009, beginning at 10:00 a.m. to Sunday, 05/31/2009, ending at 5:00 p.m. for overnight camping activities; directed Twain Harte Cub Scout Pack 71 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 for the use of Kiwanis Camp – Parks and Recreation 2009-333
- \*B15** Authorized the Director of DER, or her Designee, to apply for Beverage Container Recycling Funds from the California Department of Conservation for FY 2009-2010 to promote beverage container recycling and litter cleanup on behalf of the unincorporated areas of Stanislaus County – DER 2009-334
- \*B16** Approved Amendment 3 to the MOU with the California Statewide Automated Welfare System Consortium IV (C-IV), a Joint Powers Authority; authorized the Chairman to sign the amended MOU; approved the California Statewide Automated Welfare System (SAWS) Consortium IV, County Purchase Approval ST-01-2009 ImageNow Imaging Solution; and, authorized the Director of CSA, or her designee, to execute the ImageNow Imaging Solution County Purchase Approval ST-01-2009 – CSA 2009-335
- \*B17** Approved the RIF of one filled full-time position in the Cooperative Extension budget unit as outlined in the Staffing Recommendations effective 06/20/2009; and, amended the Salary and Position Allocation Resolution to reflect the changes as outlined in the Staffing Recommendations effective 06/20/2009 – Cooperative Extension 2009-336
- \*B18** Approved the revised Department of Planning and Community Development and Department of Public Works operating hours from Monday through Friday 7:30 a.m. to 5:00 p.m. to Monday through Friday 8:00 a.m. to 5:00 p.m. effective 05/26/2009 2009-337
- \*B19** Awarded the construction contract for the emergency power system improvements at the Stanislaus County Honor Farm to the lowest responsible bidder, Collins Electrical Company, Inc., of Modesto, California, for the lump sum amount of \$273,716; authorized the Project Manager to issue a Notice to Proceed contingent upon receipt of proper insurance and bonds; authorized the Project Manager to negotiate and sign contracts and work authorizations necessary to manage the construction phase including construction management, professional services, and other related costs as long as the costs are within the project budget approved by the Board of Supervisors; approved the use of \$359,569 of Public Facility Fees (PFF) funds for funding of the Emergency Power System Improvements; and, directed the Auditor-Controller to increase appropriations and revenue in the amount of \$359,569 from Public Facility Fees (PFF) for this Capital Project budget as detailed in the Budget Journal form – CEO 2009-338
- \*B20** Approved the Master Agreement with A&A Portables, Inc. for sanitation servicing, pumping and disposal of waste from County owned portable toilets and pumping and disposal of waste from County owned septic tanks and lift stations at Modesto Reservoir, Kiwanis Camp, La Grange Regional Park, La Grange Off Highway Vehicle Area, Woodward Reservoir, Community Parks, Frank Raines Regional Park, Frank Raines Off Highway

Vehicle Area, Fink Road Landfill, and 1716 Morgan Road, Modesto, California at a cost not to exceed \$728,200 for Fiscal Years 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013, and ending in 2013-2014; authorized the Director, DER and the Department of Parks and Recreation, or her designee, to sign Master Agreement Number A032009; authorized the Director, Department of Environmental Resources and the Department of Parks and Recreation, or her designee, to sign the attached individual Project Authorizations; authorized the Director, DER and the Department of Parks and Recreation, or her designee, to sign additional individual Project Authorizations, up to \$100,000, but not to exceed the total contract amount of \$728,200; and, authorized the Director, DER and the Department of Parks and Recreation, or her designee, to sign amendments to the contract for an overall total not to exceed \$728,200 plus contingency funding of up to \$54,615, which is equal to a maximum of 7.5% of the total contract amount – Parks and Recreation 2009-339

**\*B21** Approved an agreement between the California Department of Social Services (CDSS) for Reimbursement to California's Interim Assistance Agencies for Interim Assistance Payments Pursuant to Section 1631(g) of the Social Security Act; and, authorized the Chairman to sign the Interim Assistance Agreement for term of 07/01/2008 through 06/30/2013, this agreement will automatically renew for successive periods of five years thereafter, unless Stanislaus County or the State of California give written notice not to renew at least 30 days before the end of the then current period – CSA 2009-340

**\*C1** Approved the purchase agreement to acquire road right-of-way through a roadway easement for the Ladd Road at McHenry Avenue Intersection Project and the McHenry Avenue Widening Project, Parcel Owner Berberian Properties LLC (APN: 004-076-007); 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 \$72,866, payable to Old Republic Title Company, for the purchase amount of \$71,366 and \$1,500 for estimated escrow fees and title insurance – PW 2009-341

**\*C2** Approved summarily vacating a portion of Jessup Road located east of Keyes Road and west of California State Highway 99; pursuant to Street and Highway Code §8335(c): finds that the portion of Jessup Road located east of Keyes Road is not required for street and highway purposes; finds that an easement of ingress/egress has been retained for emergency services as approved by the Office of the Fire Warden of Stanislaus County Office of Emergency Services; finds that A.L. Gilbert shall dedicate the right-of-way for the new cul-de-sac per the plans submitted by R.B. Welty and Associates and accepted by Stanislaus County's Department of Public Works; the easement dedication will be accepted upon completion of the cul-de-sac; the construction of the cul-de-sac shall be the responsibility of the applicant and shall be completed as approved before the Vacation document is recorded; reserved an easement for the benefit of existing in-place utilities, a Public Utilities Easement and any easement and right necessary to maintain, operate, replace, remove or renew the public utility facilities; and, adopted the resolution vacating a portion of Jessup Road located east of Keyes Road – PW 2009-342

**\*C3** Approved purchase agreement to acquire road right-of-way easement for the Las Palmas Avenue at Sycamore Avenue Intersection Project, Parcel Owners Alfred J. Scheuber and Betty J. Scheuber (APN: 047-036-015), and Larry D. Emehiser and Fatima M. Emehiser (APN: 047-035-015); 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 \$41,000, payable to Chicago Title Company, for the purchase amount of \$38,000 and \$3,000 for estimated escrow fees and title insurance – PW 2009-343

- \*D1** Initiated a 14-day public comment period for the proposed amendment to the FY 2007-2012 Community Development Block Grant Consolidated Plan and the FY 2008-2009 Annual Action Plan to incorporate the Community Development Block Grant - Recovery Act Funds (CDBG-R) in the amount of \$669,134; and, directed staff to bring this item back to the Board of Supervisors on June 2, 2009 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 2009-344

Chiesa/Grover (3-2)(O'Brien and Monteith opposed) **6:35 pm** Conducted the public hearing; approved the appeal of Planning Commission's decision of approval for Use Permit Application #2008-10, Turlock Golf Center and thereby **denied** Use Permit Application #2008-10, a request to establish a golf driving range on a 39± acre parcel in the A-2-40 (General Agriculture) zoning district; and, finds that the appropriate findings, as described on pages 4 through 6 of the Planning Commission Staff Report, cannot be met – Planning 2009-346

O'Brien/Grover unan. **6:40 pm** Conducted the public hearing; introduced and waived the first reading of Ordinance C.S. 1062 to amend existing fees for the Department of Public Works Engineering Division – Public Works 2009-347

**Recessed at 8:37 p.m.**

**Reconvened at 8:51 p.m.**

Grover/Monteith unan. **6:45 pm** Conducted the public hearing, pursuant to §1442.5 of the Health and Safety Code, to consider the BHRS Restructuring Plan, including reductions-in-force and potential service level changes for outpatient psychiatric and substance abuse services; approved the restructuring and reduction of mental health services; approved the restructuring and reduction of substance abuse services; approved a reduction of 52 total positions, including a reduction-in-force of 5 filled positions and the deletion of 47 vacant positions in BHRS effective 08/02/2009 as outlined in Attachment A; approved the reclassification of one position in BHRS effective 08/02/2009 as outlined in Attachment A; amended the Salary and Position Allocation Resolution to reflect the recommended changes as outlined in the staff report to the Board effective 08/02/2009; authorized the CEO and the BHRS Director to fulfill the operational activities associated with implementation of the Staff Recommendations Nos. 1-4; and, **amended** the item to direct the CEO and staff to meet with acute care hospitals in the area regarding the BHRS Restructuring Plan and to return to the Board prior to 08/02/09 if there are new recommendations to be considered – BHRS 2009-348

Grover/Chiesa (4-1)(O'Brien opposed) **B22** Approved the schematic design of the Animal Services Facility Project at the buffer of the Stanislaus County Public Safety Center at Crows Landing Road prepared by RF & A, Inc.; authorized completion of the design and bridging documents for the project to be returned to the Board of Supervisors for final approval prior to proceeding to construction; authorized the staff to issue a RFP for the operation of a low cost spay and neuter clinic; authorized the Project Manager to issue RFP for Special Inspector Services and Labor Compliance Program and return to the Board of Supervisors to award the recommended contracts for these services concurrent with the future award of a construction contract; and, authorized the CEO to finalize a project financing plan as outlined in this report, complete the agreements with the Cities of Modesto, Ceres, Hughson, Waterford and Patterson and finalize the Joint Powers Agency (JPA) Agreement for Animal Services to be returned to the Board of Supervisors for final approval – CEO 2009-345

**Corr 1** Referred to the Alliance Worknet and the Stanislaus Economic Development and Workforce Alliance, a letter from California Forensic Medical Group (CFMG) regarding their plans to stop providing medical services at the four County Detention facilities in Stanislaus County on July 1, 2009, and layoff 85 positions per the Worker Adjustment and Retraining Notification (WARN) Act.

**Corr 2** Referred to the Alliance Worknet and the Stanislaus Economic Development and Workforce Alliance, a letter from NI Industries, Inc., a TriMass Company, regarding their plans to layoff one position scheduled on July 6, 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 Agricultural Commissioner/Sealer of Weights and Measures, two letters from the State Water Resources Control Board regarding notifications of Petitions for Temporary Change of Water.

**Corr 4** Referred to the Department of Planning and Community Development, a letter from the U.S. Department of Housing and Urban Development regarding the Fiscal Year 2009 allocations for Stanislaus County.

**Corr 5** Referred to the Agricultural Commissioner/Sealer of Weights and Measures, DER and the Fish and Game Commission, a letter from the State of California Fish and Game Commission regarding the notice of proposed regulatory action listing the longfin smelt to a threatened species status.

**Corr 6** Referred to the Department of Planning and Community Development, a letter from the law offices of Petrulakis Jensen and Friedrich, LLP regarding Rail Car Receiving Building and the imposition of Public Facilities Fee charges from the City of Modesto and Stanislaus County.

**Corr 7** Referred to the CEO and the Department of Planning and Community Development, a notice from the Transmission Agency of Northern California (TANC) and Western Area Power Administration regarding the TANC Transmission Project's proposed study area alternatives for the building and upgrading of 600 miles of high-voltage transmission lines in Northern California.

**Corr 8** Referred to the CEO and DER, a letter from the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force requesting support of Assembly Bill 222 regarding the development of advanced biorefinery facilities within California.

**Corr 9** Referred to the CEO and the Sheriff, a letter from the City of Waterford regarding their agreement with the Stanislaus County Sheriff's Office for police services.

**Corr 10** Referred to the Department of Planning and Community Development, DER and the Agricultural Commissioner and Sealer of Weights and Measures, a notice from the California Regional Water Quality Control Board regarding a California Environmental Quality Act (CEQA) scoping meeting and public workshop being held on July 7, 2009, for input on the development of an amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to establish Total Maximum Daily Loads to address Organochlorine Pesticides.

**Corr 11** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Francisco E. Vivero; Monte Laverne Low; Jim Greer; Carlos Gonzales; Imer Jaimes Cornejo; and, Doris Crane.

Supervisor O'Brien noted the length of tonight's Board meeting, and stated that this is a good example of why he votes against canceling meetings.

The CEO gave an update regarding today's Special Statewide Election and reported that Proposition 1A through 1E has failed. Therefore, the State deficit has increased to approximately \$21 billion which will significantly impact the County Budget.

Adjourned at 12:36 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.)