

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

Regular Session

Tuesday

June 30, 2009

All Supervisors Present

Pledge of Allegiance to the Flag

Jerome Thiele, Airport Manager, and Rev. Joseph Trevena, Chairman of the Modesto City-County Airport Advisory Committee, presented the Airport Advisory Committee Annual Report for 2008.

Roger Van Hoy of MID and Patrick Mealoy from the TANC gave a presentation regarding the Transmission Agency of Northern California Transmission Project (TTP).

John Mataka, speaking on behalf of the Grayson Neighborhood Council, formally requested an evening public hearing regarding the extension of the Covanta Waste-to-Energy contract with the County. CEO Robinson noted that this item has already come before the Board and that the extension of the contract was approved. The Clerk of the Board will provide a copy of this agenda item to Mr. Mataka.

O'Brien/Grover unan. Adopted the consent calendar after removing from consent items: **\*B4** Approval to Rename the Keyes Community Center the "Keyes Community Center – Eddie Best Hall and Related Actions, **\*B7** Approval to Introduce and Waive the First Reading of an Ordinance Approving the Reinvestment Plan for the Riverbank Reinvestment Project, Amendment No. 1 that Adds an Additional 175 Acres of Unincorporated Territory to the Riverbank Redevelopment Project Area and Adoption of a Resolution for the County of Stanislaus to Receive All Tax Revenues, and **\*B14** Approval of the 2009 Agreement Between the 38th Agricultural Association - Stanislaus County Fair Board and Stanislaus County for the Sheriff to Provide Security at the Fair; and, after removing from the agenda items **\*C2** Approval to Consider and Adopt a Resolution of Necessity to Acquire Real Property or Interest in Real Property by Eminent Domain for the Hatch Road Channelization Project Phase I (Parcel Owners Harold O. Miller and Sons, a California Limited Partnership, APN: 018-062-002); and, **\*E1** Approval of a Resolution Authorizing the Issuance and Sale of Ceres Unified School District Fiscal Year 2009-2010 Tax and Revenue Anticipation Notes

**\*A1** Approved the minutes of 06/16/2009

**\*A2** Proclaimed the Week of 07/19-25/2009 as Probation Services Week 2009-412

**\*A3** Consolidated the City of Ceres General Municipal Election with the Consolidated District Election to be held on 11/03/2009 2009-413

**\*A4** Accepted the resignation of Gurnam Hayre from the Economic Development Action Committee 2009-414

**\*A5a** Appointed Robert Schmal to the Commission on Aging 2009-415

**\*A5b** Appointed Anita Hellam to the Economic Development Action Committee 2009-416

**\*A5c** Appointed Don Armario to the Oakdale Rural Fire Protection District Board of Directors 2009-417

**\*A6** Accepted the resignation of John Clawson from the Salida MAC 2009-418

**\*A7a** Reappointed Christopher Cataline, Annie Henrich, Charles Grom, Francisco Alvarez, Jack Waldorf and Kimberly Kennard-Lyke to the Stanislaus County Mental Health Board 2009-419

**\*A7b** Reappointed Janeen Studley, Kim Hutsell, Kenneth Hanigan and Billie Taylor to the Commission on Aging 2009-420

- \*A7c Reappointed Joshua Vander Veen to the Stanislaus County Free Library Advisory Board  
2009-421
- \*A7d Reappointed Rowe Barney, Richard Gibson, John Herlihy, Ed Perry and Wayne Zipser to the  
Agricultural Advisory Board 2009-422
- \*A7e Reappointed Barbarita Cuellar, Craig Gundlach, Jennifer Henk and Debbie Parr Noblitt to the  
Stanislaus Child Development Local Planning Council 2009-423
- \*A7f Reappointed Al Enos, Douglas Souza and Jim Tavernas to the Denair Fire Protection District  
Board of Directors 2009-424
- \*A7g Reappointed Harold Agresti and Clay Vitus to the Keyes Fire Protection District Board of  
Directors 2009-425
- \*A7h Reappointed Ronald Brouhard, Scott Cole, Kristine Costa and Thomas Waterson to the  
Mountain View Volunteer Fire Protection District Board of Directors 2009-426
- \*A7i Reappointed Brian Genzoli and Allen Peterson to the Turlock Rural Fire Protection District  
Board of Directors 2009-427
- \*A7j Reappointed Doug Flora, Nick C. Blom and Terrance Withrow to the Woodland Avenue  
Volunteer Fire Protection District Board of Directors 2009-428
- \*A7k Reappointed Diana Haile and Manuel Vierra to the West Stanislaus Fire Protection District  
Board of Directors 2009-429
- \*A7l Reappointed Sherry Schlegel to the Oakdale Rural Fire Protection District Board of Directors  
2009-430
- \*A7m Reappointed William E. Crampton to the Stanislaus Consolidated Fire Protection District  
Board of Directors 2009-431
- \*B1 Authorized the Purchasing Agent to enter a contract with Zero One Networks for the purchase  
of the mobile data terminals to support local ambulance providers funded through  
Homeland Security Grant Funds – OES 2009-432
- \*B2 Authorized the Director of the Department of AAA/Veterans Services to sign contracts and  
subsequent amendments to Older Americans Act (OAA) and Community Based Service  
Programs (CBSP) contracts AP-0910-30, HI-0910-30 and TV-0910-30 with the California  
Department of Aging for FY 2009-2010 for various senior programs and services – AAA  
2009-433
- \*B3 Approved the two month agreement with Sierra Vista Child and Family Services for First Step  
day care habilitative and outpatient perinatal services; and, authorized the BHRS Director,  
or her designee, to sign the agreement – BHRS 2009-434
- \*B5 Approved the CEO-OES to apply for funds available through the FY 2009 Homeland Security  
Grant Program; and, adopted the Governing Body resolution authorizing participation in  
the 2009 Homeland Security Grant Program – OES 2009-435
- \*B6 Authorized the Director of the Alliance Worknet, or his Designee, to receive and expend  
Program Year 2009-2010 Workforce Investment Act (WIA) funds in accordance with the  
approved Stanislaus County Strategic Five-Year Local Plan which may exceed \$100,000;  
authorized the Director of the Alliance Worknet, or his Designee, to enter into and sign  
agreements and contracts to expend PY 2009-2010 WIA funds; and, authorized the  
Director of the Alliance Worknet to sign all WIA-related sub-grant agreements, and any  
modification or adjustments as required by the State of California – Alliance 2009-436
- \*B8 Declared County vehicles as surplus and authorized these vehicles to be auctioned; and,  
directed the Auditor-Controller to deposit receipts, net of GSA-Fleet Services expenses  
from the sale of these vehicles into departmental accounts as appropriate to the fixed asset  
location of the vehicle – GSA 2009-437
- \*B9 Declared clothing and linens as surplus and authorized their disposal; and, directed the  
Auditor-Controller to deposit the proceeds from the disposal to the GSA-Central Services  
Division, Account 5001-0018210-38855 – GSA 2009-438

- \*B10** Approved request from Chris Ricci Presents to have exclusive use of the Courthouse Lawn from Friday, 07/17/2009, beginning at 6:00 p.m. to Sunday, 07/19/2009 ending at 10:00 a.m. for their 10th Annual Xclamation Festival; and, directed Chris Ricci Presents to adhere to the requirements set forth by the Department of Parks and Recreation  
2009-439
- \*B11** Approved request from Living Water Bible Church to have exclusive use of the Wincanton Park, Pavilion Area on Sunday, 07/05/2009, beginning at 4:00 p.m. and ending at 8:30 p.m. for their 17th Anniversary Celebration and Picnic; and, directed Living Water Bible Church to adhere to the requirements set forth by the Department of Parks and Recreation  
2009-440
- \*B12** Approved request from the Modesto Jaycees for use of the Courthouse Lawn on Friday, 07/03/2009, from 6:00 a.m. until 2:00 p.m. for the 135th Annual Fourth-of-July Parade Celebration; directed the Modesto Jaycees to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for the exclusive use of the Courthouse Lawn – Parks and Recreation  
2009-441
- \*B13** Authorized the Sheriff to retire one canine from the Sheriff’s Department service and to enter into a Canine Retirement Contract with the canine’s current handler – Sheriff  
2009-442
- \*B15** 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 of the Board to sign the MOU between the County of Stanislaus and the City of Modesto for the Justice Assistance Grant (JAG) Program; directed the Auditor-Controller to establish a budget with estimated revenue and appropriations in the amount of \$263,334 per the budget journal after the grant is awarded and an acceptance letter is received by the Sheriff’s Department; 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 and Probation Department – Sheriff  
2009-443
- \*B16** Authorized the Sheriff to contract with Partners for a Safer America to provide bail bond service boards in the Adult Detention Facilities which contain contact information for licensed bail agents in Stanislaus County; authorized the Sheriff to sign the agreement with Partners for a Safer America for bail bond service boards in the Adult Detention Facilities; and, directed the Auditor-Controller to increase estimated revenue by \$12,000 consistent with the budget journal – Sheriff  
2009-444
- \*B17** Accepted the Stanislaus County Treasury Pool’s May 2009 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 to sign on behalf of the Board that the report has been reviewed and accepted – T/TC  
2009-445
- \*B18** Approved the contract with Mountain Valley Emergency Medical Services Agency (MVEMS) to administer local emergency services for FY 2009-2010; and, authorized the Managing Director of HSA, or her Designee, to sign the contract with MVEMS – HAS  
2009-446
- \*B19** Authorized the Managing Director of HSA, or her Designee, to submit the Federally Qualified Health Center Look-Alike (FQHC-LA) Recertification Application to the Health Resources and Services Administration (HRSA); authorized the CEO, or his Designee, to sign the Third Amended Affiliation Agreement between Stanislaus County and the Stanislaus County Community Health Board; and, authorized the CEO, or his Designee, to sign required documents as part of the Federally Qualified Health Center Look-Alike (FQHC-LA) Recertification Application – HAS  
2009-447

- \***B20** Authorized the CEO and the Auditor-Controller prior to year-end, to increase appropriations and estimated revenue by \$25,000 in the Animal Services Trust Donations budget; authorized the CEO and the Auditor-Controller prior to year-end, to increase appropriations and estimated revenue by \$47,000 in the GSA Central Services budget; authorized the CEO and the Auditor-Controller prior to year-end, to increase appropriations and estimated revenue by \$1,170 in the GSA Purchasing budget, funded by unused net county cost in the GSA Administration budget; authorized an increase in net county cost in an amount not to exceed \$60,000 in the GSA Facilities Maintenance budget funded from General Fund fund balance; and, authorized the use of retained earnings in the GSA Fleet Services budget to ensure the Fleet Services budget ends the year in a positive financial position – CEO 2009-448
- \***C1** Awarded contract in the amount of \$1,484,554.70 to Granite Construction Company of Stockton, California, for the construction of the Ladd Road at McHenry Avenue Intersection Improvement Project; authorized the Director of Public Works to execute a contract with Granite Construction Company for \$1,484,554.70 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 2009-449
- \***C3** Finds that the public interest and necessity require the Hatch Road Channelization Project; finds that the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; finds that the property (APN: 018-001-020 Parcel Owners Ronald D. Borges and Lisa Borges) described in the resolution is necessary for the proposed project; finds that the offer required by §7267.2 of the Government Code has been made to the owners of record of the property to be acquired; adopted a Resolution of Necessity; and, authorized County Counsel to initiate eminent domain proceedings to acquire the subject property – PW 2009-450
- \***C4** Set a public hearing on 07/21/2009, at 6:40 p.m., regarding FY 2009/2010 assessments for various County Service Areas and Landscape and Lighting Districts; and, directed the Clerk of the Board of Supervisors to publish a notice of such hearing pursuant to §6066 of the Government Code – PW 2009-451
- \***C5** Adopted the Stanislaus County Annual Maintained Mileage Report for 2008 – PW 2009-452
- \***C6** Set a public hearing on 08/04/2009, at 9:15 a.m., regarding FY 2009/2010 assessments for CSA 10; and, directed the Clerk of the Board of Supervisors to publish a notice of such hearing pursuant to §6066 of the Government Code – PW 2009-453
- \***E2** Authorized the Clerk of the Board to notify the California School Cash Reserve Program Authority to issue Tax and Revenue Anticipation Notes on their own behalf – County Counsel 2009-454

Chiesa/Montieth unan. \***B4** Approved renaming the Keyes Community Center located at 5506 Jennie Avenue in Keyes the “Keyes Community Center – Eddie Best Hall”; and, approved conducting a public re-dedication ceremony on 08/15/2009, at 10:00 a.m., in collaboration with the Keyes MAC and other local partners – CEO 2009-455

O'Brien/Grover unan. \***B7** Introduced and waived the first reading of Ordinance C.S. 1063 approving the Reinvestment Plan for the Riverbank Reinvestment Project, Amendment No. 1 in accordance with California Health and Safety Code §33213 which adds an additional 175 acres of unincorporated territory to the Riverbank Redevelopment Project Area; and, adopted a resolution for the County of Stanislaus to receive all tax revenues for the amended project area pursuant to Health and Safety Code §33607.5 – CEO  
ORD-55-K-1 2009-456

Grover/O'Brien (4-0)(Chiesa abstained) \***B14** Approved the 2009 Agreement between the 38th Agricultural Association - Stanislaus County Fair Board and Stanislaus County for the Sheriff to Provide Security at the Fair; and, authorized the CEO to sign the agreement on behalf of the County – Sheriff  
2009-457

Monteith/Chiesa unan. **9:15 am** Conducted the public hearing; and, approved the proposed adjustments to the Stanislaus County Franchise Maximum Rates for Solid Waste Collection Services – DER 2009-460

Grover/Monteith unan. **9:20 am** Conducted the public hearing on the revised Public Facility Impact Fee Program; and, authorized staff to schedule a public hearing and to return to the Board of Supervisors for further consideration upon final adoption of the Capital Improvement Program – CEO 2009-461

**Recessed at 11:27 a.m.**

**Reconvened at 11:35 a.m.**

Grover/Chiesa (4-1)(DeMartini opposed) **B21** Authorized the CEO to participate in discussions and negotiate terms relative to the formation of a Northern Central Valley Energy Improvement Joint Powers Authority; and, **amended** the item to direct the CEO to return to the Board of Supervisors if final authorization to join the Joint Powers Authority is recommended – CEO 2009-458

Chiesa/Monteith unan. **D1** Initiated a 10-day public comment period regarding the Neighborhood Stabilization Program 2 (NSP2) competitive grant application to end 07/10/2009; authorized staff to forward the NSP2 grant application in the amount of \$40 million to Housing and Urban Development (HUD) at the conclusion of the 10-day public comment period; authorized the CEO to sign the Application for Federal Assistance SF-424, the Applicant/Recipient Disclosure/Update Report, and the NSP2 Certifications; authorized the Chairman of the Board of Supervisors to sign the NSP2 Application Agreements; if awarded, authorized the Auditor-Controller to establish a new Special Revenue Fund for the Neighborhood Stabilization Program 2 (NSP2); if awarded, authorized the Auditor-Controller to establish estimated revenues and appropriations in an amount not to exceed the grant amount; and, if awarded, authorized the Director of Planning and Community Development to execute the related NSP2 program implementation agreements and contracts with the Housing Authority of the County of Stanislaus, Stanislaus County Assistance Project (SCAP), and related partner City Consortia Agreements, in an amount not to exceed the grant amount – Planning 2009-459

**Corr 1** Referred to the Department of Planning and Community Development, a notice from the Transmission Agency of Northern California (TANC) and Western Area Power Administration regarding the extension of the opportunity to submit scoping comments to July 30, 2009, on 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 2** Referred to the Agricultural Commissioner/Sealer of Weights and Measures and the Fish and Wildlife Committee, three letters from the State of California Fish and Game Commission regarding

proposed regulatory action relating to: the methods authorized for taking resident small game and migratory game birds within the range of the California condor; the marking and inspections of live fish transportation vehicles and inspections of aquaculture facilities; and, the delisting of the American peregrine falcon from the list of endangered species status.

**Corr 3** Referred to the Agricultural Commissioner/Sealer of Weights and Measures and the Fish and Wildlife Committee, a letter from the State of California Fish and Game Commission regarding the Notice of Findings that the longfin smelt warrants listing to threatened species status.

**Corr 4** 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 2 positions on or before August 4, 2009 at its facility at 5300 Claus Road in Riverbank, CA per the Worker Adjustment and Retraining Notification (WARN) Act.

**Corr 5** Referred to the Department of Environmental Resources, a letter from the U.S. Department of Housing and Urban Development regarding a Notice of Funding Availability for the Lead Hazard Reduction Demonstration Grant Program.

**Corr 6** Referred to the Agricultural Commissioner/Sealer of Weights and Measures, a letter from the U.S. Department of the Interior regarding Petitions for Temporary Transfers of Water for the Friant Division, Central Valley Project, California.

**Corr 7** Acknowledged receipt of the 2009-2010 Adopted Budget for the San Joaquin Valley Air Pollution Control District.

**Corr 8** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Steven Silva; Francisco E. Vivero; John Scott Hoag; Haythem (Mike) Attalla; Kristine M. Talens; and, Robert Maltby.

The CEO reminded the public that County offices will be closed on Friday, 07/03/2009. He reported that on 07/02/2009 the State plans to begin issuing IOUs to local agencies, including CalWORKs grants, County Administration, Social Services Programs, Developmentally Disabled Centers, Local Assistance Payment for Mental Health Services, Drug and Alcohol Treatment Services, and other services provided by local government.

Adjourned to closed session at 12:20 p.m. for Public Employee Performance Evaluation – Stanislaus County Agricultural Commissioner and Sealer of Weights and Measures. Government Code §54957(b)(1).

Adjourned at 1:07 p.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.)