

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

Regular Session
Chairman Simon absent

Tuesday

September 26, 2006

Pledge of Allegiance to the Flag

A resolution commending Deputy Executive Officer Patricia Sweeny upon her retirement from County service was presented by Vice-Chairman Mayfield.

A resolution commending Public Works Director George Stillman upon his retirement from County service was presented by Vice-Chairman Mayfield.

Grover/O'Brien (4-0)(Simon absent) Adopted the consent calendar after removing from consent item ***C7** Approval to Award Contract for the Road Resurfacing – Overlay Mitchell Road from Tuolumne River to Modesto City Limits; City of Riverbank Street Overlays STPL-5938 (135) to George Reed, Inc., of Modesto, CA

- *A1** Approved the minutes of 9/19/06
- *A2** Adopted and waived the second reading of Ordinance C.S. 972 amending Title 11 of the Stanislaus County Code, adding a no parking zone on Howard Road in the Westley area and Lapham Drive in the Modesto area – PW ORD-55-11 2006-755
- *A3** Accepted the resignation of Donald D. Davis from the Riverdale Park Track Community Services District Board 2006-756
- *A4** Appointed Michael Loeffler to the Stanislaus County Animal Court 2006-757
- *A5** Approved the request from The Producing Group, LLC for use of the Courthouse lawn on Tuesday, 10/10/06 for the Downtown Rocks Concert Series 2006-758
- *B1** Approved a resolution commending Dorothy Butler Confidential Assistant IV, Auditor-Controller's Office and Supervisor Jim DeMartini, Stanislaus County Board of Supervisors, District 5, on being selected as the 2005 recipients of the annual Equal Rights Award for their work in promoting equal rights within Stanislaus County – CEO 2006-759
- *B2** Proclaimed the week of 10/1/06 – 10/7/06 as Stanislaus County Cultural Awareness Week 2006-760
- *B3** Approved the placement of a plaque at CSA to recognize the contributions and in memory of former CSA Director Jeff Jue – CEO 2006-761
- *B4** Awarded the negotiated contract for the Household Hazardous Waste Reception Center Project to Jim Fernandes Construction, Inc., of Turlock, CA and associated activities to ensure the delivery of this project; approved proceeding with the Household Hazardous Waste Reception Project; authorized the GSA Director/Purchasing Agent to execute a contract with Jim Fernandes Construction, Inc., for the amount of \$320,000; authorized the Director of DER, or her Designee, to execute change orders in accordance with Public Contract Code, §20142; directed the Auditor-Controller to increase appropriations to the project account in the amount of \$41,500 per the financial sheet; and, upon project completion, authorized the Director of DER, or her Designee, to accept the completed improvements and perform all necessary closeout activities – DER 2006-762
- *B5** Declared the list of County vehicles, boat, and salvaged items as surplus and authorized these items to be auctioned; and, directed the Auditor-Controller to deposit all receipts from the

- sale of these vehicles, boat, and salvaged items into the Fleet Services Division's account
5022-0018520-46000 – GSA 2006-763
- *B6** Approved an amendment to the agreement with Construction Testing Services for the Gallo
Center for the Arts Project – CEO 2006-764
- *B7** Set a public hearing on 10/17/06, at 6:40 p.m., to consider the adoption of Fire Protection
Facility Fees for the Keyes Fire Protection District pursuant to Title 24 of the Stanislaus
County Code – CEO M-64-F-6 & DF-15-30 2006-765
- *C1** Approved the annexation of territory (Kushar Annexation APN: 010-001-093) to the Almond
Wood Estates Lighting District without an election; finds that the territory more
particularly described on Exhibits "A" and "B" is owned by petitioners, and that petitioners
ownership represents 100% of the total assessed valuation of all taxable property within
the territory proposed to be annexed into said district; finds that Stanislaus County Code,
§21.40.040 required the installation of a street lighting system to serve the territory; finds
that the territory proposed to be annexed is not within the limits of any other lighting
district; finds that public necessity and welfare require that the territory be annexed to the
lighting district; ordered that the requirements of notice, hearing, and election shall not be
applicable to this proceeding, pursuant to Streets and Highways Code, §19056; ordered
that the territory be annexed to the Almond Wood Estates Lighting District of Stanislaus
County; finds the fact of filing of the petition was received by the Clerk of the Board on
9/20/06; ordered that, pursuant to the Streets and Highways Code, §19000, et seq., the cost
of conducting and maintaining the lighting district shall be assessed against the individual
parcels of land within the district's boundaries; directed the Clerk of the Board of
Supervisors to send a certified copy of the resolution ordering the annexation to the
lighting district to the Department of Public Works, the offices of the Assessor, Elections,
Auditor-Controller, and the Clerk Recorder; and, directed the Department of Public Works
to send a certified copy of the resolution ordering the annexation to the lighting district and
all other required documents and the processing fee to the State Board of Equalization
– PW DL-25-A-3 2006-766
- *C2** Approved the Annexation of Territory (Schutz Estates Annexation APN: 010-021-056) to the
Almond Wood Estates Lighting District without an election; finds that the territory more
particularly described on Exhibits "A" and "B" is owned by petitioner, and that petitioner
ownership represents 100% of the total assessed valuation of all taxable property within
the territory proposed to be annexed into said district; finds that Stanislaus County Code,
§21.40.040, required the installation of a street lighting system to serve the territory; finds
that the territory proposed to be annexed is not within the limits of any other lighting
district; finds that public necessity and welfare require that the territory be annexed to the
lighting district; ordered that the requirements of notice, hearing, and election shall not be
applicable to this proceeding, pursuant to Streets and Highways Code, §19056; ordered
that the territory be annexed to the Almond Wood Estates Lighting District of Stanislaus
County; finds the fact of filing of the petition was received by the Clerk of the Board on
9/20/06; ordered that, pursuant to the Streets and Highways Code, §19000, et seq., the cost
of conducting and maintaining the lighting district shall be assessed against the individual
parcels of land within the district's boundaries; directed the Clerk of the Board of
Supervisors to send a certified copy of the resolution ordering the annexation to the
lighting district to the Department of Public Works, the offices of the Assessor, Elections,
Auditor-Controller, and the Clerk Recorder; and, directed the Department of Public Works
to send a certified copy of the resolution ordering the annexation to the lighting district and
all other required documents and the processing fee to the State Board of Equalization
– PW DL-25-A-4 2006-767

- *C3** Approved the annexation of territory (Hillsborough Estates No. 2 Annexation APN: 010-003-063 and 010-003-064) to the Almond Wood Estates Lighting District without an election; finds that the territory more particularly described on Exhibits "A" and "B" is owned by petitioners, and that petitioners ownership represents 100% of the total assessed valuation of all taxable property within the territory proposed to be annexed into said district; finds that Stanislaus County Code, §21.40.040, required the installation of a street lighting system to serve the territory; finds that the territory proposed to be annexed is not within the limits of any other lighting district; finds that public necessity and welfare require that the territory be annexed to the lighting district; ordered that the requirements of notice, hearing, and election shall not be applicable to this proceeding, pursuant to Streets and Highways Code, §19056; ordered that the territory be annexed to the Almond Wood Estates Lighting District of Stanislaus County; finds the fact of filing of the petition was received by the Clerk of the Board on 9/20/06; ordered that, pursuant to the Streets and Highways Code, §19000, et seq., the cost of conducting and maintaining the lighting district shall be assessed against the individual parcels of land within the district's boundaries; directed the Clerk of the Board of Supervisors to send a certified copy of the resolution ordering the annexation to the lighting district to the Department of Public Works, the offices of the Assessor, Elections, Auditor-Controller, and the Clerk Recorder; and, directed the Department of Public Works to send a certified copy of the resolution ordering the annexation to the lighting district and all other required documents and the processing fee to the State Board of Equalization – PW DL-25-A-5 2006-768
- *C4** Approved the installation of stop sign traffic control, under the authorization granted to local authorities in Vehicle Code §21355, at Atlantic Drive at Church Lane and require motorists on all approaches to stop prior to entering the intersection; the stop signs shall be located at or near all entrances to said intersection; and, at Orange Avenue at Ash Avenue and require motorists on Ash Avenue to stop prior to entering the intersection; and the stop sign shall be located at or near the south entrance to said intersection – PW 2006-769
- *C5** Accepted the School Sidewalk Project in the areas of Bret Harte, Denair and Keyes as complete; approved Contract Change Order No. 1 for J.J.R. Construction, Inc., for final construction costs; and, directed the GSA Director/Purchasing Agent to increase contract amount for J.J.R. Construction, Inc., by \$17,263.17 – PW 2006-770
- *C6** Approved the purchase agreement for the subject acquisition; authorized the Chairman of the Board to execute the agreement; directed the Auditor-Controller to make the necessary budget adjustments per the budgetary transaction sheet; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$49,100.00 payable to Fidelity National Title Company – PW M-64-F-4 2006-771
- *C8** Approved the purchase agreement for the subject acquisition; authorized the Chairman of the Board to execute the agreement; directed the Auditor-Controller to make the necessary budget adjustments per the budgetary transaction sheet; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$3,600.00 payable to Fidelity National Title Company – PW M-64-F-5 2006-772
- *C9** Awarded a consulting engineering contract to Wood Rogers for the design of the Kiernan Avenue (State Route 219) at Tully and Kiernan Avenue at Carver Traffic Signal Projects; authorized the General Service Director/Purchasing Agent to enter into a contract with Wood Rodgers in the contract amount not to exceed \$418,925.00 and sign the contract; and, directed the Auditor-Controller to make the necessary budget adjustments per the budgetary transaction sheet – PW 2006-773
- *C10** Appointed Steve Erickson, an existing Public Works Manager and licensed Civil Engineer, as the Interim Roads Commissioner with the full authority accorded by law to the County Road Commissioner until such time as a permanent County Road Commissioner is

appointed; and, authorized a ten percent assignment compensation for the duration of the
Interim appointment – PW 2006-774

O'Brien/DeMartini (3-0)(Simon absent)(Grover abstained)***C7** Awarded the contract for the Road Resurfacing - Overlay Mitchell Road from Tuolumne River to Modesto City Limits; City of Riverbank Street Overlays, STPL-5938 (135) to George Reed, Inc. of Modesto, CA, and related actions associated with the project; directed the Auditor-Controller to make the necessary budget adjustments per the budgetary transaction sheet; authorized the General Services Agency Director/Purchasing Agent to sign the contract with George Reed, Inc., for the contract amount of \$705,405.00; authorized the Director of Public Works to negotiate and execute change orders in accordance with Public Contract Code, §20142; and, authorized the Director of Public Works, upon project completion, to accept the completed improvements and perform all necessary closeout activities – PW 2006-775

DeMartini/O'Brien (4-0)(Simon absent) **B8** Approved a conceptual development reuse scenario for the Crows Landing Air Facility; authorized a RFP for Master Developer selection; and, authorized staff to suspend a current planning and environmental work contract with ESA pending the Master Developer RFP process – CEO M-64-F-5 2006-776

Corr 1 Referred to the Agricultural Commissioner and Sealer of Weights and Measures and the CEO-Office of Emergency Services, two letters from the Governor's Office of Emergency Services regarding the U.S. Department of Agriculture and the U.S. Small Business Administration granting disaster designations to several primary Counties, including Stanislaus County, and their contiguous counties, due to agricultural losses caused by a record-setting heat wave that occurred July 1-31, 2006.

Corr 2 Referred to the CEO a letter from the Office of Facilities Management giving the County a 60 day notice regarding the State of California, Department of Corrections and Rehabilitation consideration of leasing parole office space at 1300 Rockefeller Drive in Ceres.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Thomas Meninga; Sandra Garza; Douglas Centene; Keith McGarry; and, Larry Turner.

O'Brien/Grover (4-0)(Simon absent) **Leg Item A.** Authorized the Chairman of the Board to sign a letter to the California EPA Air Resources Board opposing adoption of California's heavy duty diesel in-use compliance regulation as it pertains to public agencies and utilities 2006-777

The CEO noted that County Department Heads and Board Priority Groups will be making presentations during the October Board meetings outlining the progress that departments have made in implementing the Boards' Priorities.

Adjourned at 10:09 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.)