

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

Regular Session  
All Supervisors Present  
Pledge of Allegiance to the Flag

Tuesday

September 18, 2007

An Employee Service Award honoring forty years of service was presented to Victor Perry of the Stanislaus County Agricultural Commissioner/Sealer of Weights and Measures Department.

Linda Sherman voiced concerns regarding SCATE (Stanislaus County Alternative to Euthanasia) vouchers no longer being sold over the counter at the Animal Services shelter due to lack of funding. She requested that the Board provide funding so that this program can continue.

Darlene Binion spoke regarding the Modesto Bee article concerning the conditions at the Animal Services shelter. She encouraged the Board to visit the Washoe County animal shelter facility.

Steve Trapp invited the Board members to the Veteran's Day Event in November.

Susan Robinson spoke regarding the SCATE program being out of money. She announced that she will donate \$1,000 to the program and asked that the Board members donate money as well. She requested that the Board fund this program.

Debra Harper noted that she has been suspended from MJC, the Modesto Public Library, and also from the Law Library. She asked what the process is to regain access to these locations. Assistant County Counsel responded that County Counsel will contact Ms. Harper and provide her with this information.

Monteith/Mayfield unan. Adopted the consent calendar after removing from consent item \*C5 Approval to Award Contract to Applegate Johnston, Inc., of Ceres, California for the Fink Road Landfill Fence Replacement Project; and, item \*D1 Approval to Set a Public Hearing for October 2, 2007 at 9:15 a.m. to Consider an Appeal for Use Permit Application No. 2002-30, Salida Hulling Association

\*A1 Approved the minutes of 09/11/07

\*A2a Adopted and waived the second reading of ordinance C.S. 1004 amending Sections 11.08.020 and 11.08.050 of the Stanislaus County Code, adding a red curb marking (no parking zone) and a green curb marking (one hour parking zone) on Reno Avenue in the Modesto Area –  
PW ORD-55-D-2 2007-738

\*A2b Adopted and waived the second reading of ordinance C.S. 1007 amending Section 6.74.020 of the Stanislaus County Code relating to junk dealers and scrap metal recyclers – County  
Counsel ORD-55-D-3 2007-739

\*A3 Accepted the resignation of Holman E. King from the Denair Community Services District  
2007-740

\*A4 Appointed Sam Cuellar to the Economic Development Action Committee 2007-741

\*A5 Approved the request from the Boy Scouts of America of the Greater Northern San Joaquin Valley for use of Woodward Reservoir's "Tom's Gate" for their Fall Camporee on  
10/19/07 and 10/20/07 2007-742

\*A6 Proclaimed the week of 09/30/07 through 10/06/07 as Stanislaus County Diversity Awareness  
Week 2007-743

- \*A7 Approved a commendation for Covanta Energy upon receiving the STAR Status in CalOSHA's Voluntary Protection Program 2007-744
- \*B1a Adopted the decision of the Nuisance Abatement Hearing Board regarding 1701 S. Golden State Boulevard, Turlock, CA (CE No. 07-43) – DER 2007-745
- \*B1b Adopted the decision of the Nuisance Abatement Hearing Board regarding 205 S. Santa Ana Avenue, Modesto, CA (CE No. 07-159) – DER 2007-746
- \*B1c Adopted the decision of the Nuisance Abatement Hearing Board regarding 3231 Paradise Road, Modesto, CA (CE No. 07-187) – DER 2007-747
- \*B2 Approved FY 2007-08 In-Home Supportive Services Public Authority of Stanislaus County Administrative Rate of \$0.32 per Individual Provider paid hour; and, authorized CSA to request the State Department of Social Services increase the Stanislaus County IHSS Public Authority Administrative Rate – CSA 2007-748
- \*B3 Approved the Master Agreement and MOU with the State Department of Health for AIDS services for the term of 07/01/07-06/30/10; and, authorized the HSA Managing Director, or her Designee, to sign and execute the amended contract and MOU – HSA 2007-749
- \*B4 Accepted the responses to the remainder of the Civil Grand Jury Final Report; authorized the Chairman to forward the response to the Presiding Judge of the Superior Court; and, directed the CEO to ensure that the recommended actions approved by the Board be followed and completed by each County Department and report back to the Board as appropriate - CEO M-39-K-8 2007-750
- \*C1 Finds that Ordinance C.S. 1009 amending §11.08.120 of the Stanislaus County Code, adding a No Truck Parking Zone on Lander Avenue in the Turlock Area is not subject to CEQA (Public Resources Code, § 2100 et. seq.); and, introduced and waived the first reading of Ordinance C.S. 1009 – PW ORD-55-D-5 2007-751
- \*C2 Find that Ordinance C.S. 1010 amending §11.16.030 of the Stanislaus County Code, adding a Fourteen Thousand Pound Weight Limit on Sonora Avenue in the Modesto area is not subject to CEQA (Public Resources Code, § 2100 et. seq.); and, introduced and waived the first reading of Ordinance C.S. 1010 – PW ORD-55-D-6 2007-752
- \*C3 Approved the purchase agreement to acquire road right-of-way for the Albers Road at Milnes Road Intersection Project, Parcel Owners J.E. Cargill and Virginia Cargill, APN: 014-033-004; authorized the Chairman to execute the agreement; directed the Auditor-Controller to increase appropriations and estimated revenue for the Albers Road at Milnes Road Intersection Improvement Project by \$51,609 per the financial transaction sheet; and, directed the Auditor-Controller to issue a warrant in the total amount of \$51,609, payable to Fidelity National Title Company, for the purchase amount of \$50,109 and \$1,500 for estimated escrow fees and title insurance – PW 2007-753
- \*C4 Approved the balancing contract change order and the contract increase with Teichert Construction, Inc., of Turlock, California, for the construction of the Geer Road at Fox Road Intersection Improvement Project; authorized the Chairman of the Board to execute the balancing contract change order; and, directed the GSA Director/Purchasing Agent to increase the contract with Teichert Construction, Inc., in the amount of \$22,708.51, for additional construction services – PW 2007-754
- \*E1 Introduced and waived the first reading of Ordinance C.S. 1008 amending §10.13.010 C. of the Stanislaus County Code regarding card room regulations – County Counsel ORD-55-D-4 2007-755

Mayfield/Monteith (4-0)(Grover abstained) \*C5 Awarded contract in the amount of \$349,457.23 to Applegate Johnston, Inc., of Ceres, California, for the construction of the Fink Road Landfill Fence Replacement Project; authorized the GSA Director/Purchasing Agent to execute a contract in the amount of \$349,457.23 with Applegate Johnston, Inc.; 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 2007-756

Grover/DeMartini (3-1)(Monteith opposed)(Mayfield abstained) \*D1 Set a public hearing for 10/2/07, at 9:15 a.m., to consider an appeal of Use Permit Application No. 2002-20, Salida Hulling Association, a request for an almond hulling & shelling facility on approximately 50.42 acres, in A-2-40 (General Agriculture) zoning district, located on the northeast corner of State Route 132 (Maze Boulevard) and Dakota Avenue intersection, Modesto area APN: 007-024-006. This matter is a continuation of an appeal considered on 11/04/03, by the Board of Supervisors, however, this appeal is based on different grounds - Planning 2007-757

**Recessed to sit as the Stanislaus County In-Home Supportive Services Public Authority at 7:07 p.m.**

Grover/DeMartini unan. **6:40pm** Approved the consent calendar  
**6:40pm (\*II-A)** Approved the minutes of 07/24/07

Grover/DeMartini unan. **6:40pm (V-A)** Approved FY 2007-08 In-Home Supportive Services Public Authority of Stanislaus County Administrative Rate of \$0.32 per Individual Provider paid hour; and, authorized CSA to request the State Department of Social Services increase Stanislaus County IHSS Public Authority Administrative Rate 2007-759

**Reconvened as the Stanislaus County Board of Supervisors at 7:14 p.m.**

Monteith/Grover unan. **B5** Accepted the Mental Health Board Annual Report - BHRS 2007-758

**Corr 1** Referred to HSA a copy of *Diabetes: The Growing Epidemic*, a Health Policy Research Brief from UCLA.

**Corr 2** Acknowledged receipt of a copy of the 2006-07 Chancellor's Annual Report and Honor Roll of Donors for UC Merced.

**Corr 3** Referred to the Fish and Wildlife Committee and the Department of Parks and Recreation, three notices from the State of California Fish and Game Commission regarding regulatory actions relating to ecological reserves, prohibition against feeding big game mammals, and sports fishing cleanup regulations.

**Corr 4** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Debra Coito, individually and as a successor in interest to Jeremy Wilson; and, Terra White.

Supervisor Mayfield asked for clarification from County Counsel regarding abstaining from voting on an item.

Adjourned at 7:42 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.)