

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

Regular Session  
All Supervisors Present  
Pledge of Allegiance to the Flag

Tuesday

February 12, 2008

Grover/DeMartini unan. Adopted the consent calendar after removing from consent item **\*B6** Approval to Amend the Agreement with Hilton, Farnkopf & Hobson, LLC, for Additional Refuse Rate Consulting Services - Environmental Resources

- \*A1** Approved the minutes of 02/05/08
- \*A2** Approved the amended Bylaws for the Stanislaus County Children's Council  
BD-65-27 2008-95
- \*A3** Accepted the resignation of Walter Luihn from the Oakdale Rural Fire District Board of Directors  
2008-96
- \*A4** Appointed Joseph A. Barkett, Anthony Barkett and Joseph W. Barkett to the Wendt Ranch Reclamation District Board of Trustees  
DR-07-02 2008-97
- \*B1a** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 1617 Maze Boulevard, Modesto, CA (CE No. 07-135) – DER  
2008-98
- \*B1b** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 1234 Normandy Drive, Modesto, CA (CE No. 07-373) – DER  
2008-99
- \*B2** Adopted a resolution initiating the expansion of the Stanislaus Enterprise Zone by approximately 809 total acres which includes 620 acres for the City of Turlock and 189 acres for the City of Patterson; and, authorized staff to prepare and submit a Zone Expansion Application Request to the State of California – Housing and Community Development Agency – CEO  
2008-100
- \*B3** Accepted a FY 2007-2008 grant from the Department of Justice Attorney General's Privacy and Piracy fund for the DA's Office Consumer Fraud Unit; authorized the DA to sign and approve grant award agreements including any extensions, augmentation or amendments; and, directed the Auditor-Controller to increase estimated revenue and appropriations in the amount of \$23,490 according to the budget journal – DA  
2008-101
- \*B4** Adopted a resolution to authorize the Director of DER, or her Designee, to apply for grant funds from the California EPA, and any amendments thereto, for implementation of the Aboveground Petroleum Storage Tank Act and if awarded, accept and administer the grant - DER  
2008-102
- \*B5** Adopted a resolution to authorize the Director of DER, or her Designee, to apply for a Waste Tire Clean-up and Amnesty Event Grant from the California Integrated Waste Management Board and if awarded, accept and administer the grant; and, authorized the submittal of a joint funding request to the California Integrated Waste Management Board for a Waste Tire Clean-up and Amnesty Event Grant on behalf of the cities of Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock, Waterford, and the unincorporated areas of Stanislaus County – DER  
2008-103
- \*B7** Authorized the expenditure of Public Facility Fees for the purchase of additional books, DVD's, audiovisual and other materials for the Stanislaus County Library; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the Library budget unit in the amount of \$217,269 through a transfer from Public Facility Fees - Library  
2008-104

- \*B8 Awarded a contract to Arc Catering and Specialties in the amount of \$10.11 per day for three meals plus one snack, 365 days per year, for approximately 110 – 160 juveniles and staff; and, authorized the Chief Probation Officer to enter into a contract with Arc Catering and Specialties for food service at the Juvenile Hall – Probation 2008-105
- \*C1 Finds that all subdivision improvements required for the Dotson/Brand Subdivision in Denair by the Subdivision Improvement Agreement, executed by James A. Lawson and Kevin Qualle, and the Stanislaus County Board of Supervisors, on 2/27/07 have been constructed to the satisfaction of Stanislaus County; finds that the said agreement was recorded on 3/2/07 as Document No. 2007-0027349-00, and filed with the Stanislaus County Clerk Recorder’s Office; accepted all streets, avenues, roads, and the drainage system within Dotson/Brand Subdivision for maintenance by Stanislaus County; pursuant to §66499.7(a) of the Subdivision Map Act, authorized the release of Letter of Credit No. MCB/BOS06-008 issued by the Bank of Stockton in the amount of \$274,644.50 for faithful performance of the Subdivision Improvement Agreement; pursuant to §66499.7(b) of the Subdivision Map Act, upon receipt of a Mechanic's Lien Guarantee, authorized the release of Labor and Materials Letter of Credit No. MCB/BOS06-009, issued by the Bank of Stockton in the amount of \$137,332.25 for payment of labor and materials; and, the Mechanic's Lien Guarantee must be dated a minimum of 61 days after the filing of the appropriate Notice of Completion; be in the amount of \$27,467.00, be prepared by a title company, be to the benefit of Stanislaus County, and state that there are no liens of record – PW 2008-106
- \*C2 Adopted plans and specifications for Federal Project No. CML-5938(139) Titled “Sisk Road at Bangs Avenue Traffic Signal” and set the bid opening date and time for 3/19/08 at 2:00 p.m.; directed the Clerk of the Board to publish notice inviting bids for the project as required by law and set 3/19/08, prior to 2:00 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 the notice inviting bids to trade journals as required by law – PW 2008-107
- \*C3 Approved contract change order #1 and increase of the construction contract with Teichert Construction for final construction costs for the Carpenter Road, 1.5 miles north of Crows Landing Road Project; accepted Federal Aid Project No. STPL-5938 (108), titled “Carpenter Road, 1.5 Miles North of Crows Landing Road Project” as complete; and, directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet –PW 2008-108
- \*C4 Approved the purchase agreement to acquire road right-of-way for the Geer Road at Whitmore Avenue Intersection Improvement Project, parcel owner Grant Paterson Living Trust, APN: 018-026-005; 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 \$8,750, payable to Fidelity National Title Company, for the purchase amount of \$7,250 and \$1,500 for estimated escrow fees and title insurance – PW 2008-109
- \*C5 Set a public hearing to conduct a ballot procedure in compliance with Proposition 218 on 4/18/08, at 9:10 a.m., regarding the formation of CSA No. 26 - Keyes and dissolution of CSA No. 6 - Raymond Tract, CSA No. 13 - La Jolla, and CSA No. 17 - Sunray Estates, and levy of an annual assessment; approved the Engineer's Report for CSA No. 26 – Keyes; authorized an assessment ballot procedure in conformance with Proposition 218 for the formation of CSA No. 26 – Keyes; and, ordered that notice of public hearing be given pursuant to Government Code §53753(b), Streets and Highways Code §22552, and Streets and Highways Code §22588 – PW  
CSA-26-2; CSA-6-12; CSA-13-10; CSA-17-4 2008-110

Monteith/Grover unan. \*B6 Approved an amendment to the agreement with Hilton, Farnkopf & Hobson, LLC, for additional refuse rate consulting services; and, authorized the GSA Director/Purchasing Agent to amend the agreement with Hilton, Farnkopf & Hobson, LLC, for refuse rate consulting services to include developing an alternative methodology for determining maximum solid waste collection charges - DER  
2008-111

**Corr 1** Acknowledged receipt of the California Counties 2007 Annual Report from California State Association of Counties.

**Corr 2** Referred to the Department of Planning and Community Development, a letter from the United States Department of the Interior regarding the National Register of Historic Places (National Register) Multiple Property nomination entitled “Central Valley Project: Historic Engineering Features to 1956”.

**Corr 3** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: David Avila; Addison J. Demoura, Jessica Demoura, Tiger James Demoura, and Oakdale Natural Choice Collective Inc.; Jantin Aivaz; Addison Demoura & Jessica Demoura; and, Jose Avila.

Supervisor Grover reported that he, Supervisor O’Brien, and County staff, met with Caltrans yesterday and received an update concerning State Route 219. Caltrans is expecting the Dale Rd. to Highway 99 portion of the project to go to bid in April and construction to start in either May or June.

Supervisor DeMartini went to Sacramento last week and met with Senator Denham, Senator Cogdill, and Assemblymember Galgiani, regarding the Orestimba Creek Flood Control Project. He noted that the hold-up is the recommendation from the Water Resources Board for the retention dam.

The CEO gave an update regarding the discussions with partner cities regarding the Animal Services program, and noted that they are looking at alternatives concerning the renovation and expansion of the existing Animal Services facility. He reported that he and David Jones traveled to Washington D.C. last week and met with the offices of Senator Boxer, Senator Feinstein, Congressman Radanovich, Congressman Cardoza, the Army Corp of Engineers, and COPS regarding the Orestimba Creek Project, Public Safety Interoperability, health care and transportation issues.

**Recessed at 9:11 a.m.**

**Reconvened at 9:16 a.m.**

Grover/O’Brien unan. **9:15 am** Conducted a public hearing, introduced and waived the first reading of Ordinance C.S. 1028 adding Chapter 9.88 “Food Processing By-Products” to the Stanislaus County Code; approved and adopted the Regulations for the Use of Food Processing By-Products in Stanislaus County by permitted use sites; accepted the Food Processing By-Product Update; and, authorized DER to contribute \$30,000 from its main budget to partially fund the Food Processing By-Products Research Project during FY 2008-2009 – DER  
ORD-55-G-1 2008-112

Adjourned to closed session at 9:34 a.m. for Public Employee Appointment: Title: Agricultural Commissioner and Sealer of Weights and Measures. Government Code §54954.5(e). (Interview); Conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organizations: Stanislaus County Sheriff’s Management Association (SCSMA) and California Nurses Association (CNA). Government Code §54957.6.; and, Conference with Legal Counsel: Anticipated Litigation – Significant Exposure to Litigation. V. Two Cases. Government Code §54956.9(b).

Adjourned at 11:07 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.)