

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

Special and Regular Session  
Chairman Mayfield absent  
Pledge of Allegiance to the Flag

Tuesday

October 21, 2008

Special Session convened at 5:30 p.m.

**Recessed to Closed Session at 5:30 p.m.** for conference with Legal Counsel - Anticipated Litigation - One Case. Government Code §54956.9(c). Conference with Legal Counsel - Existing Litigation - One Case: Gurman S. Bal v. County of Stanislaus, et al, Stanislaus County Superior Court Case No. 621334. Government Code §54956.9(a).

**Supervisor O'Brien arrived at 6:15 p.m.**

**Reconvened at 6:30 p.m.** for Regular Session

John Mataka, Legal Redress of the Stanislaus County NAACP, spoke regarding an incident on 7/1/08 in which members of the Most Envied Motorcycle Club were arrested. He read a letter addressed to the Sheriff into the record, and provided copies of information to the Board. He asked that the Board request the Sheriff to allow third party representatives to be present when complaints are investigated.

Paul Brehm, from Solutions Teen Outreach Program (STOP), spoke regarding the outreach services they provide to youth in the community.

Grover/Monteith (4-0)(Mayfield absent) Adopted the consent calendar after removing from consent item

- \***B13** Approval of an Agreement with the Stanislaus County Deputy Probation Officers' Association  
Regarding the Implementation of a New Probation Department Canine Program 2008-730
- \***A1** Approved the minutes of 10/07/08
- \***A2a** Accepted the resignation of Rod Landes from the Stanislaus County Children's Council 2008-703
- \***A2b** Accepted the resignation of Esther Rosario from the Stanislaus Child Development Local Planning Council 2008-704
- \***A3** Approved amending the term ending date on the Stanislaus Economic Development and Workforce Alliance for Steve Ward 2008-705
- \***A4a** Proclaimed 11/15/08 as America Recycles Day 2008-706
- \***A4b** Proclaimed 10/6/08-10/15/08 as Binational Health Week 2008-707
- \***A5** Approved a commendation for John and June Rogers as the recipients of the Boy Scouts 2008 Distinguished Citizens Award 2008-708
- \***A6** Appointed Ray Prock, Jr. to the East Stanislaus Resource Conservation District Board of Directors 2008-709
- \***B1** Approved and authorized the Agricultural Commissioner to sign the FY 2008-09 Seed Certification agreement with the California Crop Improvement Association – Ag Commissioner 2008-710

- \*B2 Approved and authorized the Chairman of the Board to sign the FY 2008-09 High Risk Inspection Program contract with the California Department of Food and Agriculture – Ag Commissioner 2008-711
- \*B3 Approved the modification to the Stanislaus County Workforce Investment Act (WIA) Strategic Five-Year Local Plan for the delivery of employment and training services for Program Year 2008-09; and, authorized the Chairman to sign the modified Strategic Five-Year Local Plan – Alliance Worknet 2008-712
- \*B4 Approved commendations for Sonya Harrigfeld, Director of DER and Parks and Recreation, and Jody Hayes, Deputy Executive Officer upon being selected as the 2007 recipients of the Stanislaus County Equal Rights Award – CEO 2008-713
- \*B5 Approved the Electronic Messaging Retention Policy; and, directed Departments that maintain their own electronic messaging systems to implement their departmental retention schedules and to provide them in written form to the County CIO by 12/31/2008 – CEO 2008-714
- \*B6 Adopted the plans, specifications, and working details for the Fink Road Landfill, Landfill 2, Cell No. 5, Excavation Project; directed the Public Works staff to mail the notice inviting bids to trade journals and newspaper advertisement as required by law; and, directed the Clerk of the Board to publish the Invitation to Bidders for the project as required by law and set the deadline for the submission of the bid as 11/26/08 at 2:00 p.m. – DER 2008-715
- \*B7 Adopted a resolution authorizing the Director of DER, or her Designee, to apply for FY 2008-09 Waste Tire Enforcement TEA-16 Grant from the California Integrated Waste Management Board, and if awarded, enter into an agreement to administer the grant; authorized the submittal of a joint funding request to the California Integrated Waste Management Board for a Waste Tire Enforcement TEA-16 Grant on behalf of the cities of Ceres, Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock, Waterford, and the unincorporated areas of Stanislaus County; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$171,007 as detailed in the Budget Journal Form if the grant is awarded – DER 2008-716
- \*B8 Approved the agreement between CSA and the counties of Alameda, Contra Costa, Marin, Merced, Monterey, San Mateo, Santa Cruz, Solano, Sonoma, and Stanislaus for the administration of the Cash Assistance Program for Individuals (CAPI); and, authorized the Director of CSA, or her Assistant Director Designee, to sign the agreement and any amendments effective through 6/30/2011 – CSA 2008-717
- \*B9 Approved the Contract SC38383-06-01 with the California State University, Fresno Foundation, for the Central California Regional Obesity Prevention Program effective 8/1/08 through 12/31/08; authorized the Chairman to sign the contract; directed the Auditor-Controller to increase appropriations and expenditures by \$18,500 as detailed in the Budget Journal Form; and, authorized the HSA Managing Director, or her Designee, to sign future contracts for continuation of this project until 2010 – HAS 2008-718
- \*B10 Authorized the naming and dedication of a trailhead at Frank Raines Regional Off-Highway Vehicle Park in honor of John Balbach; recognized Walter Kohler, Loyde Kee, and Jewell Kee for their volunteer services at Frank Raines Regional Off-Highway Vehicle Park; and, authorized a naming and dedication ceremony at Frank Raines Regional Park on 10/25/08 – Parks and Recreation 2008-719
- \*B11 Authorized the Public Defender to finalize and enter into an agreement with the Administrative Office of the Courts to provide legal representation in juvenile dependency matters – Public Defender
- \*B12 Approved request from the California Off-Road Vehicle Association’s request for waiver of fees for the use of Frank Raines Recreation Hall beginning Friday, 10/24/08 to Sunday,

- 10/26/08 from 7:00 a.m. to 5:00 p.m. for their Annual CORVA Northern Jamboree; and, directed the California Off-Road Vehicle Association to adhere to the requirements set forth by the Department of Parks and Recreation 2008-721
- \*B14** Approved the tentative Health Insurance Agreement between Stanislaus County and all employee organizations for the period of 1/1/2009 through 12/31/2009; authorized that the provisions of this agreement be extended to all unrepresented management and confidential employees; and, authorized the Chairman and all the parties to sign the agreement – CEO 2008-722
- \*C1** Finds that all subdivision improvements required for the Schutz Subdivision by the Subdivision Improvement Agreement, executed by Stanislaus Development LLC and the Stanislaus County Board of Supervisors, on 6/5/2007 have been constructed to the satisfaction of Stanislaus County; finds that the said agreement was recorded on 6/7/2007 as Document No. 2007-0076152-00, and filed with the Stanislaus County Clerk-Recorder’s Office; and, accepted all streets, avenues, roads, and the drainage system within Lands of Schutz for maintenance by Stanislaus County – PW 2008-723
- \*C2** Finds that all subdivision improvements required for the Hillsborough II Estates Subdivision by the Subdivision Improvement Agreement, executed by Stanislaus Development LLC and the Stanislaus County Board of Supervisors, on 6/5/2007 have been constructed to the satisfaction of Stanislaus County; finds that the said agreement was recorded on 6/8/2007, as Document No. 2007-0076772-00, and filed with the Stanislaus County Clerk-Recorder’s Office; and, accepted all roads, highways, avenues, drainage system and all other street dedications – PW 2008-724
- \*C3** Authorized the Director of Public Works to execute service contracts with the California Department of Transportation (Caltrans) under the Federal Grade Improvement Program (Section 130), for the Merced Corridor Phase IV, Burlington Northern Santa Fe Railroad Crossings, and the Mariposa Road Grade Crossing, and sign all necessary documents; upon project completion, authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities; and, directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet – PW 2008-725
- \*C4** Approved agreements with Neil O. Anderson & Associates and Wallace-Kuhl & Associates to provide material testing services for various Public Works Department projects through November 2010 at an amount not to exceed \$125,000 annually for each individual agreement; authorized the Public Works Director to sign the agreements; authorized the Public Works Director to sign future amendments during the life of the agreements and within the approved compensation limits; and, authorized the Public Works Director to extend the term of the agreements, upon mutual agreement, for up to an additional two years at an amount not to exceed \$125,000 annually – PW 2008-726
- \*C5** Awarded contract in the amount of \$379,975 to Clyde Wheeler Pipeline, Inc., of Oakdale, California, for the construction of the Irrigation Relocation for McHenry Avenue at Ladd Road Project; authorized the Director of Public Works to execute a contract with Clyde Wheeler Pipeline, Inc. for \$379,975 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 2008-727
- \*C6** Awarded contract in the amount of \$476,395.50 to Agee Construction Corporation, of Clovis, California, for the construction of the Stanislaus County Intersection Improvements - Phase 2: Santa Fe Avenue Bridge Widening and Retrofit Project; authorized the Director of

Public Works to execute a contract with Agee Construction Corporation, for \$476,395.50 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 2008-728

**\*C7** Approved Program Supplement Agreement No. 060-N for Federal Project No. STPL-5938(152) - RSTP Roadway Resurfacing Program Fiscal Year 2007-08 Phase 2; and, authorized the Director of Public Works to execute the Program Supplement Agreement – PW 2008-729

DeMartini/Grover (4-0)(Mayfield absent) **\*B13** Approved agreement with the Stanislaus County Deputy Probation Officers' Association to provide additional compensation for employees assigned as Canine Handlers in the Probation Department – CEO 2008-730

O'Brien/Monteith (4-0)(Mayfield absent) **B15** Authorized the Parks and Recreation Department to accept the Phase II funding from the State of California Boating and Waterways Grant for \$1,300,000 to develop a new boat launch area at Heron Point in Woodward Reservoir Regional Park; authorized the Director for Parks and Recreation Department to enter into a Standard Agreement Amendment (STD 213A) with the State of California for the Heron Point Development Project; authorized the Auditor-Controller to increase appropriations and estimated revenue as detailed in the Budget Journal Form; and, adopted a resolution to accept the State of California Boating and Waterways Grant for improvements at Heron Point in Woodward Reservoir Regional Park – Parks and Recreation 2008-731

**Corr 1** Referred to DER, a copy of the Fire/Life Safety Inspection Report for the Stanislaus County Jail at 805 12th Street, Modesto, CA, from the City of Modesto Fire Department.

**Corr 2** Designated Supervisor DeMartini to serve on the Election Observer Panel for the 11/4/08 Presidential General Election.

**Corr 3** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Debra Harper; Randy Butler, DBA, Joaquin; Painting Inc.; Ron and Kim Sanders; and, Benjamine Travis.

Supervisor Grover reported that he, along with Stan Risen, Assistant Executive Officer, Kirk Ford, Interim Director of Planning & Community Development, Matt Machado, Public Works Director, members from the City of Modesto Public Works, and a member from the Del Puerto Water District visited Monterey Regional Water Project yesterday. He noted that they provide water for 12,000 acres that had been taken out of production due to saline. He commented that it could be a solution for the Del Puerto Water District. Vice-Chairman DeMartini noted that the Ag Advisory Board has taken up this issue, and that some members have also visited the Monterey Water Project. He reported that they are looking at whether the water is suitable to sprinkler irrigate leafy vegetables, and noted that preliminary results for irrigation of tree crops does not appear to be a problem.

Supervisor O'Brien wished his son Alex a happy birthday.

Adjourned at 6:55 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.)