



**BOARD OF SUPERVISORS**

**William O'Brien, 1<sup>st</sup> District**  
**Vito Chiesa, 2<sup>nd</sup> District**  
**Terry Withrow, 3<sup>rd</sup> District**  
**Dick Monteith, 4<sup>th</sup> District**  
**Jim DeMartini, 5<sup>th</sup> District**

1010 10th Street, Suite 6500  
Modesto, CA 95354  
Phone: 209.525.4494 Fax: 209.525.4420

**AGENDA**

December 4, 2012

9:00 A.M.

Chambers – Basement Level  
1010 10<sup>th</sup> Street  
Modesto, California  
[www.stancounty.com/board/index.shtm](http://www.stancounty.com/board/index.shtm)

The Board of Supervisors welcomes you to its meetings which are regularly held each Tuesday, and your interest is encouraged and appreciated.

**PUBLIC COMMENT PERIOD:** Matters under the jurisdiction of the Board, and not on the posted agenda, may be addressed by the general public at the beginning of the regular agenda and any off-agenda matters before the Board for consideration. However, California law prohibits the Board from taking action on any matter which is not on the posted agenda unless it is determined to be an emergency by the Board of Supervisors. Any member of the public wishing to address the Board during the "Public Comment" period shall be permitted to be heard once for up to 5 minutes. Please complete a Public Comment Form and give it to the Clerk of the Board.

The agenda is divided into two sections:

**CONSENT CALENDAR:** These matters include routine financial and administrative actions and are identified with an asterisk (\*). All items on the consent calendar will be voted on as a single action at the beginning of the meeting under the section titled "Consent Calendar" without discussion. If you wish to discuss an item on the Consent Calendar, please notify the Clerk of the Board prior to the beginning of the meeting or you may speak about the item during Public Comment Period.

**REGULAR CALENDAR:** These items will be individually discussed and include all items not on the consent calendar, all public hearings and correspondence.

**ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA:** Please raise your hand or step to the podium at the time the item is announced by the Board Chairperson. In order that interested parties have an opportunity to speak, any person addressing the Board will be limited to a maximum of 5 minutes unless the Chairperson of the Board grants a longer period of time.

**BOARD AGENDAS AND MINUTES:** Board agendas, Minutes, and copies of items to be considered by the Board of Supervisors are typically posted on the Internet on Friday afternoons preceding a Tuesday meeting at the following website: [www.stancounty.com/bos/agenda-minutes.shtm](http://www.stancounty.com/bos/agenda-minutes.shtm).

Materials related to an item on this Agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the Clerk's office at 1010 10<sup>th</sup> Street, Suite 6700, Modesto, CA during normal business hours. Such documents are also available online, subject to staff's ability to post the documents before the meeting, at the following website [www.stancounty.com/bos/agenda-minutes.shtm](http://www.stancounty.com/bos/agenda-minutes.shtm).

**AUDIO/VIDEO BROADCAST:** All Board meetings are normally broadcast live and replayed on local cable television. A list of cable channels and broadcast times are available at the following website: [www.stancounty.com/board/broadcasting-schedule.shtm](http://www.stancounty.com/board/broadcasting-schedule.shtm). In addition, a live audio/video broadcast of this meeting can be heard/seen via the World Wide Web at: [www.stancounty.com/bos/board-video.shtm](http://www.stancounty.com/bos/board-video.shtm).

**NOTICE REGARDING NON-ENGLISH SPEAKERS:** Board of Supervisors meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

**REASONABLE ACCOMMODATIONS:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board at (209) 525-4494. Notification 72 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting.

**I. Pledge of Allegiance to the Flag**

- II. Presentation: Red Ribbon Week 2012 Best Decorated School Contest:
- 1st Place Winners:** Walnut Elementary School; Roosevelt Junior High School; and, Elliott Alternative Education High School
- 2nd Place Winners:** Lucille Whitehead School; Waterford Junior High School; and, Waterford High School
- 3rd Place Winners:** California Avenue Elementary School; Glick Middle School; and, Hughson High School
- Honorable Mention:** Osborne Two-Way Immersion Academy; Hanshaw Middle School; and, Ceres High School

III. Public Comment Period

IV. Consent Calendar

V. Agenda Items

A. Miscellaneous

- \* 1. Approval of the Minutes for November 13, 2012 ([View Item](#))
- \* 2. Approval to Adopt and Waive the Second Reading of Ordinance C.S. 1124 Amending Provisions of Stanislaus County Code Title 2, Chapter 40, Park Commission – Parks and Recreation ([View Item](#))
- \* 3. Approval of Appointment of:
  - a. Adriana Breugem to the Commission on Aging ([View Item](#))
  - b. Chip Langman to the Mental Health Board ([View Item](#))
- \* 4. Acceptance of the Resignation of:
  - a. Arby Hoobyar from the Commission on Aging ([View Item](#))
  - b. Carlos Fierros from the Mental Health Board ([View Item](#))
- \* 5. Approval to Adopt the Amendments to the Conflict of Interest Codes for the Salida Fire Protection District; Modesto Regional Fire Authority; Patterson Cemetery District; and, the Keyes Union School District ([View Item](#))
- 6. Approval to Accept the Clerk-Recorder’s Certified Statement of the Results of the Presidential General Election Held Tuesday, November 6, 2012, and Declare Results ([View Item](#))

B. Chief Executive Office

- \* 1. Approval of an Amendment to an Agreement with California Psychiatric Transitions, Inc. for Mental Health Services for Fiscal Year 2012-2013 – Behavioral Health and Recovery Services ([View Item](#))
- \* 2. Approval to Enter into a Master Agreement with Stearns, Conrad, and Schmidt, Consulting Engineers, Inc., for Professional Design Services at the Fink Road Landfill for Environmental Monitoring, Testing, and Reporting Services – Environmental Resources ([View Item](#))
- \* 3. Approval to Accept the Status Report of the Emergency Repair to the Elevator Located on the Health Services Agency Campus at 830 Scenic Drive, Modesto in Accordance with Public Contract Code Section 22050 – General Services Agency ([View Item](#))
- \* 4. Approval of a Memorandum of Understanding with Salida Union School District for the Maintenance and Farming of 5990 Pirrone Road – Parks and Recreation ([View Item](#))
- \* 5. Acceptance of the Stanislaus County Treasury Pool’s October 2012 Monthly Investment Report – Treasurer-Tax Collector ([View Item](#))

- \* 6. Approval of Diede Construction, Inc.'s Substitution of the Casework and Glazing Subcontractors for the Construction of the Honor Farm Jail Bed Replacement Project at the Public Safety Center – Chief Executive Office ([View Item](#))
- 7. Approval to Finalize and Submit a Proposal to the State of California to Enter into a Partnership to Operate a Local Health Benefit Exchange Call Center Site in Stanislaus County – Community Services Agency ([View Item](#))

C. Department of Public Works

- \* 1. Approval of the Transportation Development Act-Local Transportation Fund Claim for Fiscal Year 2012-2013 ([View Item](#))
- \* 2. Approval to Award a Construction Contract for the SR 99/SR 219 (Kiernan Avenue) Interchange Project to O.C. Jones & Sons, Inc., Berkeley, California ([View Item](#))
- \* 3. Approval to Award the Construction Contract for the Parklawn Neighborhood Sewer Improvements to Mozingo Construction of Oakdale, CA and Authorize the Use of Stanislaus County Community Development Funds for Public Works Staff Support to Pursue Financing Options for Future Phases of this Project ([View Item](#))

D. Department of Planning and Community Development

E. County Counsel

- \* 1. Approval to Introduce and Waive the First Reading of an Ordinance Amending Stanislaus County Code Sections 2.08.050 and 3.16.060 Related to the Authority of the Chief Executive Officer to Appoint Department Head Positions ([View Item](#))

VI. Scheduled Matters

VII. Correspondence

1. This Board has received a letter from Memorial Medical Center, a Sutter Health Affiliate, regarding the layoff of 114 employees to commence on or about January 15, 2013, at their 1700 Coffee Road, Modesto facility pursuant to the WARN Act requirements. ([View Item](#))  
(Recommendation: Refer to the Stanislaus Economic Development and Workforce Alliance and the Alliance WorkNet.)
2. This Board has received a copy of the California State Association of County's Excess Insurance Authority 2012 Annual Report. ([View Item](#))  
(Recommendation: Refer to the Chief Executive Office/Risk Management Division.)
3. This Board has received a letter from Hostess Brands regarding their Bankruptcy proceedings, the potential closure of their plants, and the laying off of employees. ([View Item](#))  
(Recommendation: Refer to the Stanislaus Economic Development and Workforce Alliance and the Alliance WorkNet.)
4. This Board has received a copy of the Draft Program Environmental Impact Report for the San Joaquin Rail Corridor 2035 Vision Project. ([View Item](#))  
(Recommendation: Refer to the Department of Public Works.)
5. This Board has received from the California Department of Fish and Game, a Notice of Preparation of a Draft Environmental Impact Report for the San Joaquin River Restoration Program – Salmon Conservation and Research Facility and Related Management Actions Project. ([View Item](#))

(Recommendation: Refer to the Department of Public Works, the Department of Environmental Resources, the Department of Planning and Community Development, and the Agricultural Commissioner and Sealer of Weights and Measures.)

6. This Board has received a Notice of Receipt of Petition from the California Fish and Game Commission regarding the listing of the Townsend's big-eared bat as threatened or endangered under the California Endangered Species Act. ([View Item](#))

(Recommendation: Refer to the Fish and Wildlife Committee.)

7. This Board has received the following claims: Loveada G. Fresquez; Sydnee Lucas; Minashi Benjamin Mooshabad; Jose Valdez; James Bitner; Glenn Edwards Jr.; Mark Fifer; Randy Young; and, Gabriel Moreno.

(Recommendation: Acknowledge receipt of claims and refer to the Chief Executive Office - Risk Management Division.)

#### VIII. Board of Supervisors' Reports

#### IX. Legislative, Fiscal and Management Report – Chief Executive Officer

#### X. Adjournment

- XI. Closed Session: Conference with Legal Counsel - Existing Litigation: Four cases: Leslie Cook v. Stanislaus County, Stanislaus County Superior Court Case No. 660775; People of the State of California v. Dan Avila, et al., Stanislaus County Superior Court Case No. 679843; Maria Alvarez, et al. v. County of Stanislaus, Stanislaus County Superior Court Case No. 612601; Forensic Consultants Medical Group, Inc. v. County of Stanislaus, Stanislaus County Superior Court Case No. 626798. Government Code Section 54956.9 (a). Conference with Legal Counsel - Significant Exposure to Litigation: Two matters: One related to the claim filed by Irina Engert on August 24, 2012; a second related to the claim filed by the City of Turlock concerning calculation of the property tax administration fee. Government Code Section 54956.9 (b).