

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

Regular Session

Tuesday

July 17, 2012

All Supervisors Present

Pledge of Allegiance to the Flag

Recessed to closed session at 5:30 p.m. for Conference with Legal Counsel - Significant Exposure to Litigation: One matter related to the Cost Reimbursement, Deposit and Forfeiture Agreement dated June 19, 2012 with West Park Holding, Inc. Government Code Section 54956.9 (b). Conference with Legal Counsel - Existing Litigation: One Case: Dennis Wallace vs. County of Stanislaus, et al, Stanislaus County Superior Court Case No. 663764. Government Code section 54956.9(a). Conference with Labor Negotiator: Agency Negotiators: Monica Nino, Nancy Bronstein and Jody Hayes. Labor Organization: County Attorneys' Association. Government Code Section 54957.6.

Supervisor Withrow abstained from the Closed Session related to the Cost Reimbursement, Deposit and Forfeiture Agreement dated 06/19/2012 with West Park Holding, Inc. Supervisor Withrow attended Closed Session at 6:00 p.m.

Reconvened at 6:35 p.m. for Regular Session

Diane Haugh presented the 2012 Earl Pride Scholarship Awards to recipients Phillip Goodwin, Leanna Jasek-Rysdahl, and Maria E. Lopez.

Maisy Avila spoke regarding the labor negotiations with SEIU Local 521 concerning permanent wage deductions.

Rosalinda Vierra of the Latino Community Roundtable spoke regarding their campaign to collect backpacks for school children.

Ramon Bermudez voiced concerns regarding the salaries of County employees and the cuts to the Meals on Wheels Program.

Emerson Drake encouraged everyone to attend the Stanislaus County Fair. He spoke regarding \$1.75 million the County has not received from the West Park Developer, and the County's expenses related to a vehicle accident of a Sheriff's employee.

Jody Hayes, Deputy Executive Officer, responded to the public comment made by Maisy Avila regarding labor negotiations. He noted that the tentative agreement has been signed and agreed to by the SEIU Local 521.

Chiesa /Withrow unan. Adopted the consent calendar

*A1 Approved the minutes of 07/10/2012

*A2 Authorized the Chairman of the Stanislaus County Board of Supervisors to sign and submit Property Owner Ballots in opposition to the Assessment Fee for Reclamation District No. 2091 – Chase Tract for those properties owned by Stanislaus County 2012-358

*A3 Proclaimed August 2012 as Child Support Awareness Month in Stanislaus County 2012-359

- *A4 Accepted the resignation of Donald G. Smith from the Denair Community Services District Board of Directors 2012-360
- *A5 Consolidated municipal election for the City of Hughson with the 11/06/2012, Presidential General Election 2012-361
- *B1 Accepted the Accountant's Report on the Stanislaus County Treasurer's Statement of Assets as of 03/23/2012 was prepared by the Auditor-Controller's Office in conformance with Government Code Section 26920 and 26922 and the Statement of Assets was reviewed in conformity with Stanislaus County Treasury Pool Investment Policy and Government Code Section 53601 – Auditor-Controller 2012-362
- *B2 Approved the application from Nirvana Drug and Alcohol Treatment for provision of Penal Code (PC) 1000 Deferred Entry of Judgment services – BHRS 2012-363
- *B3 Authorized the Auditor-Controller, on behalf of BHRS, to pay prior year invoices for services provided in a prior year – Auditor-Controller 2012-364
- *B4 Approved rescinding the contract award to Cheek Construction Management, Inc. for Bid Package 3 and making a claim against the Bid Bond of Cheek Construction Management, Inc. for the Strategic Business Technology Data Center Server Room Improvement Project at 3705 Oakdale Road; approved the award of the contract for construction for Bid Package 3 to Barham, Inc. of Ceres, California for the lump sum amount not to exceed \$687,251; authorized the transfer of additional funds in the amount of \$60,929 from the Chief Executive Office Plant Acquisition budget for the Strategic Business Technology Data Center Server Room Improvement Project; directed the Auditor-Controller to increase appropriations and estimated revenue for this project as detailed in the Budget Journal form; and, authorized the Project Manager to issue a Notice to Proceed upon receipt of proper insurance and bonds 2012-365
- *B5 Accepted the report of multi-department contracts and agreements for the Period of July 2010 through June 2011 – GSA 2012-366
- *B6 Approved the renewal of two contracts with the California Department of Education for the administration of the Child Care and Development Block Grants; and, authorized the CSA Director, or her Assistant Director designee, to sign the contracts and any subsequent amendments to add services and payments for services, up to \$100,000 per agreement – CSA 2012-367
- *B7 Approved the provisions contained in the tentative agreement reached between the County and the Service Employees International Union (SEIU) Local 521, representing the Community and Health Services Bargaining Unit; approved the continuation of the current 5% salary deduction and the implementation of an additional 1% salary deduction for a total salary deduction of 6% that will not expire; authorized the Chairman and all parties to sign the agreement; authorized the CEO and County Auditor-Controller to implement all terms and conditions of the approved agreement in compliance with applicable State and Federal laws; and, approved reinstatement of the vacation cash-out provision for all labor organizations with approved labor agreements prior to 07/01/2012, and for Unrepresented Management and Confidential employees, consistent with the terms and conditions of vacation cash-out provisions approved for reinstatement with AFSCME and SEIU, effective upon Board approval – CEO 2012-368
- *C1 Awarded a contract for Bridge Engineering and Project Delivery Services to Nolte Vertical Five of Sacramento, California in the amount of \$383,407 for the Shiells Road over CCID Main Canal Bridge Replacement Project; and, authorized the Director of Public Works to execute a contract with Nolte Vertical Five in the amount of \$383,407 and to sign necessary documents – PW 2012-369

- *C2 Awarded a contract for Bridge Engineering and Project Delivery Services to Quincy Engineering, Inc. of Sacramento, California, in the amount of \$362,233.05, for the Cooperstown Bridge over Rydberg Creek Bridge Replacement Project; and, authorized the Director of Public Works to execute a contract with Quincy Engineering, Inc. in the amount of \$362,233.05, and to sign necessary documents – PW 2012-370
- *C3 Awarded a contract for Bridge Engineering and Project Delivery Services to Quincy Engineering, Inc. of Sacramento, California, in the amount of \$371,605.36, for the Cooperstown Bridge over Gallup Creek Bridge Replacement Project; and, authorized the Director of Public Works to execute a contract with Quincy Engineering, Inc., in the amount of \$371,605.36, and to sign necessary documents – PW 2012-371
- *C4 Adopted the Plans and Specifications for the SR 99/SR 219 (Kiernan Avenue) Interchange Project; directed the Department of Public Works to set the bid opening date and time; directed the Department of Public Works to publish and mail a notice inviting bids to trade journals as required by law; acting as a responsible agency for the proposed project, adopt the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(B), by finding on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis; and, directed the Department of Public Works to file a Notice of Determination in accordance with Section 21152(a) of the California Public Resources Code – PW 2012-372

Monteith/Chiesa unan. **6:35 pm** Finds that the requirements for the notice of public hearing and Assessment Ballot were given pursuant to California Government Code section 53753(B), and the Highway Lighting District Act Code section 19051 & 2; approved the Revised Engineer's Report containing updates to budget numbers on pages 5, 8, and 9 resulting in a lower proposed assessment; conducted the public hearing to receive comments regarding the proposed annexations (Area 1: Brookside Park Homes Nos. 1 & 2; Area 2: Eastgate Estates No. 2; and Area 3: Shelton Estates), and the levy of an annual assessment to pay for the street lighting services; finds that the California Constitution Article XIII D, "Proposition 218" requirements for Public Hearing and Assessment Ballot Procedure have been completed upon closure of this public hearing regarding this matter; and, authorized the Clerk of the Board to oversee the opening of the sealed ballots and to tabulate and submit the results to the Board of Supervisors at the next scheduled Board meeting on 07/24/2012 – PW DL-2-A-8 2012-374

Chiesa/Withdraw unan. **B8** Approved to award the construction contract for the Honor Farm Jail Bed Replacement Project to Diede Construction Inc., of Lodi, California for the lump sum amount not to exceed \$8,582,685; authorized the Project Manager to issue a Notice to Proceed upon receipt of proper insurance and bonds; authorized the Project Manager to initiate the project in August, of 2012 to recognize the start of construction; authorized the Project Manager to negotiate and sign contracts, work authorizations, and purchase orders for professional services needed in this phase of the project as long as they are within the approved project budget; authorized the Project Manager to negotiate and sign change orders up to \$25,000, consistent with the County's Change Order Policy, and as long as they are within the previously approved project budget; authorized the Project Manager to execute a contract to Twining for Code Required Testing Services with compensation on a unit price basis not to exceed 125% of their total proposal price of \$79,546; authorized the Project Manager to execute a contract to Miller Pezzoni and Associates, Inc. for the development of plans and specifications for the safety and reliability upgrades necessary to connect the new Honor Farm Jail Bed Replacement Project to the existing emergency power generator farm at the Public Safety Center for the lump sum amount not to exceed \$65,400; and, directed the Auditor-Controller to increase appropriations and estimated revenue for this project as detailed in the Budget Journal form – CEO 2012-373

Corr 1 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Jennifer Corder and Maria C. Garcia.

Supervisor Chiesa acknowledged Bob Weaver and his son Christian in the audience who is earning his merit badge by attending a public meeting.

Adjourned at 7:18 p.m.

ATTESTED: CHRISTINE FERRARO TALLMAN, Clerk
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: 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.)