

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

Regular Session

Tuesday

December 4, 2012

All Supervisors Present

Pledge of Allegiance to the Flag

The awards for the Red Ribbon Week 2012 Best Decorated School Contest recipients were presented as follows: 1st Place Winners were: Walnut Elementary School; Roosevelt Junior High School; and, Elliott Alternative Education High School; 2nd Place Winners were: Lucille Whitehead School; Waterford Junior High School; and, Waterford High School; 3rd Place Winners were: California Avenue Elementary School; Glick Middle School; and, Hughson High School; and, Honorable Mention were: Osborne Two-Way Immersion Academy; Hanshaw Middle School; and, Ceres High School

Betsy Reifsnider, representing Stand for Clean Air in the San Joaquin Valley, spoke regarding emergency air alerts (public health warnings) and reviewed statistics regarding air pollution and associated health risks in our valley.

John Mataka, President of Grayson Neighborhood Council, also spoke regarding air pollution in the valley. He requested that the Board of Supervisors ask the San Joaquin Air Pollution Control Board to start the emergency air alerts earlier.

Maricela Mars-Alatorre, representing People for Clean Air and the Stand for Clean Air Coalition, spoke regarding the health risks of polluted air. She also requested that the emergency air alerts be given earlier.

Chairman O'Brien noted that he is currently the Chairman of the San Joaquin Valley Air Pollution Control District. He reported that the Air District now has more readily available information from the Real-Time Air Advisory Network (RAAN) and can provide hourly air pollution level updates. The Air District is working on keeping the public better informed, and is issuing a press release today regarding a new iPhone application.

Withdraw/Monteith unan. Adopted the consent calendar

\*A1 Approved the minutes of 11/13/2012

\*A2 Adopted and waived the second reading of Ordinance C.S. 1124 amending provisions of Stanislaus County Code Title 2, Chapter 40, Park Commission – Parks and Recreation  
ORD-55-Q-3 2012-572

\*A3a Appointed Adriana Breugem to the Commission on Aging 2012-573

\*A3b Appointed Chip Langman to the Mental Health Board 2012-574

\*A4a Accepted the resignation of Arby Hoobyar from the Commission on Aging 2012-575

\*A4b Accepted the resignation of Carlos Fierros from the Mental Health Board 2012-576

\*A5 Adopted 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 2012-577

\*B1 Approved the amendment to an agreement with California Psychiatric Transitions, Inc. to provide care for adults with serious mental illness in need of an institution for mental disease through the end of FY 2012-2013; and, authorized the BHRS Director, or her

designee, to sign the amendment with California Psychiatric Transitions, Inc. – BHRS  
2012-578

- \*B2** Authorized the Director of DER, or her designee, to enter into a Master Agreement No. A101112 with Stearns, Conrad, and Schmidt, Consulting Engineers, Inc., for a not to exceed amount of \$588,380 for professional design services at the Fink Road Landfill through 12/31/2015; authorized the Director of DER or her designee, to sign individual Project Authorizations during calendar years 2013-2015 providing that the cumulative total does not exceed the contract amount of \$588,380; and, authorized the Director of DER, or her designee, to sign amendments to the Master Agreement for an overall amount of \$676,637 – DER  
2012-579
- \*B3** Accepted the status report of the emergency repair to the elevator located on the HSA Campus at 830 Scenic Drive, Modesto in accordance with Public Contract Code Section 22050 – GSA  
2012-580
- \*B4** Approved the MOU, with Salida Union School District, for the maintenance and farming of 5990 Pirrone Road; authorized the Director of Parks and Recreation, or her designee, to sign the MOU with Salida Union School District, to remain in effect until terminated, and, authorized the Director of Parks and Recreation, or her designee, to sign future amendments and extensions to the MOU – Parks and Recreation  
2012-581
- \*B5** Accepted the Stanislaus County Treasury Pool’s October 2012 Monthly Investment Report, as prepared by the Stanislaus County Treasurer-Tax Collector’s Office, and reviewed for conformity with the Stanislaus County Treasury Pool Investment Policy by the Treasurer-Tax Collector and distributed to the Stanislaus County Treasury Pool Oversight Committee; and, authorized the Chairman to sign on behalf of the Board that the report has been reviewed and accepted – T/TC  
2012-582
- \*B6** Approved Diede Construction, Inc.’s substitution of the casework subcontractor for the construction of the Honor Farm Jail Bed Replacement Project at the Public Safety Center; and, approved Diede Construction, Inc.’s substitution of the glazing subcontractor for the construction of the Honor Farm Jail Bed Replacement Project at the Public Safety Center – CEO  
2012-583
- \*C1** Approved the Transportation Development Act-Local Transportation Fund Claim for FY 2012-2013 Other Purposes and Supplemental Claim for FY 2011-2012; authorized the Director of Public Works to execute and submit the claim to the Stanislaus Council of Governments (StanCOG); and, authorized the Auditor Controller to make the necessary adjustments per the financial transaction sheet – PW  
2012-584
- \*C2** Approved the conditional award of the contract in the amount of \$24,934,986.50 to O.C. Jones & Sons, Inc. Berkeley, California for the construction of the SR 99/SR 219 (Kiernan Avenue) Interchange Project, subject to receipt of appropriate insurance and bonds; authorized the Director of Public Works to execute a contract with O.C. Jones & Sons, Inc. for \$24,934,986.50 and to sign necessary documents; authorized the Director of Public Works to execute change orders in accordance with Public Contract Code, Section 20142; upon project completion, authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities; and, authorized the Construction Manager to issue a “Notice to Proceed” contingent upon receipt of proper insurance and bonds – PW  
2012-585
- \*C3** Approved the conditional award of the contract in the amount of \$982,551.10 to Mazingo Construction of Oakdale, CA for the construction of the Parklawn Neighborhood Sewer Improvements, subject to receipt of appropriate insurance and bonds; authorized the Director of Public Works to execute a contract with Mazingo Construction, for \$982,551.10 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, Section 20142; upon project completion, authorize the Director of Public Works to accept the completed improvements and perform all necessary closeout activities; authorized the Public Works Construction Manager to issue a Notice to Proceed contingent upon receipt of proper insurance and bonds; and, authorized the use of Stanislaus County Community Development funds in the amount up to \$57,500 for Public Works staff support related to the pursuance of financing options for future phases of this project – PW 2012-586

**\*E1** Introduced and waived the first reading of an Ordinance amending Stanislaus County Code Sections 2.08.050 and 3.16.060 related to the authority of the CEO to appoint Department Head positions – County Counsel ORD-55-Q-4 2012-587

Chiesa/De Martini unan. **A6** Accepted the Clerk-Recorder's Certified Statement of the Results of the Presidential General Election Held Tuesday, 11/06/2012; and, declared the results pursuant to the Clerk-Recorder's Certified Statement of Vote 2012-588

Chiesa/Monteith unan. **B7** Authorized the CSA Director, or her designee to finalize and submit a proposal to the State of California in response to the Request for Offer process to enter into a partnership with the State to operate a local Health Benefit Exchange Call Center Site in Stanislaus County – CSA 2012-589

**Corr 1** Referred to the Stanislaus Economic Development and Workforce Alliance and the Alliance WorkNet, a letter from Memorial Medical Center, a Sutter Health Affiliate, regarding the layoff of 114 employees to commence on or about 01/15/2013, at their 1700 Coffee Road, Modesto facility pursuant to the WARN Act requirements.

**Corr 2** Referred to the CEO/Risk Management Division, a copy of the CSAC's Excess Insurance Authority 2012 Annual Report.

**Corr 3** Referred to the Stanislaus Economic Development and Workforce Alliance and the Alliance WorkNet, a letter from Hostess Brands regarding their Bankruptcy proceedings, the potential closure of their plants, and the laying off of employees.

**Corr 4** Referred to the Department of Public Works, a copy of the Draft Program Environmental Impact Report for the San Joaquin Rail Corridor 2035 Vision Project.

**Corr 5** Referred to the Department of Public Works, DER, the Department of Planning and Community Development, and the Agricultural Commissioner and Sealer of Weights and Measures, a Notice of Preparation of a Draft EIR for the San Joaquin River Restoration Program – Salmon Conservation and Research Facility and Related Management Actions Project from the California Department of Fish and Game.

**Corr 6** Referred to the Fish and Wildlife Committee, 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.

**Corr 7** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Loveada G. Fresquez; Sydnee Lucas; Minashi Benyamin Mooshabad; Jose Valdez; James Bitner; Glenn Edwards Jr.; Mark Fifer; Randy Young; and, Gabriel Moreno.

Adjourned to closed session at 10:07 a.m. for 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).

Adjourned at 12:15 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.)