

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

Regular Session

Tuesday

January 29, 2013

All Supervisors Present

Pledge of Allegiance to the Flag

The Board presented to Coach Trent Merzon certificates for the Oakdale Joint Union High School Varsity Football team as the 2012 NorCal Division II Champions.

The Board presented to Coach Roger Canepa and Principal Melissa Bengtson certificates for the Central Catholic High School football team for being the 2012 California International Scholastic Federation Division IV State Football Champions.

Emerson Drake voiced concerns that the time of the Workforce Alliance quarterly meeting was not properly noticed. He stated that the Alliance Director noted that he had a copy of the Goodwin study draft report regarding the proposed Salida Annexation. Mr. Drake requested a copy of this draft report.

Kathryn Borges spoke in opposition to the proposed annexation of Salida into the City of Modesto. She also voiced concerns regarding the Alliance having the draft Goodwin report when it has not been released to the public. She invited everyone to attend the Salida MAC meeting tonight at the Salida library at 7:00 p.m.

Supervisor Withrow and CEO Nino stated that they were not aware that the Alliance had received a copy of the Goodwin draft report and that they would follow-up on this issue. Supervisor O'Brien noted that he is a private member of the Alliance and he has not seen the Goodwin Report.

Withrow/Monteith unan. Adopted the consent calendar after removing from consent item ***B10** Approval to Reuse Existing County Facility Located at 801 11th Street for the Interim Day Reporting Center and Co-Locate the Community Corrections Annex for Medications at 825 12th Street Adjacent to the Downtown Jail Pursuant to the 2012 Community Corrections Partnership Plan for Phase II Implementation of the 2011 Public Safety Realignment and Related Actions to Renovate and Occupy the Facility

***A1** Approved the minutes of 01/15/2013

***A2a** Reappointed Nick Hackler to the Stanislaus County Economic Development Action Committee 2013-31

***A2b** Reappointed Garner Reynolds and Kathleen Cleek to the Local Task Force on Solid Waste Management 2013-32

***A3** Accepted the resignation of Juan Ramirez from the Stanislaus Child Development Local Planning Council 2013-33

***A4** Approved a commendation for the Stanislaus County Agricultural Commissioner and Sealer of Weights and Measures Gary Caseri upon his retirement from County service 2013-34

***A5** Approved amendments to the Conflict of Interest Codes for the Newman Drainage District and the Sylvan Union School District 2013-35

***B1** Appointed the following members to the 2013 term of the Discipline/Equal Employment Opportunity (EEO) Grievance Appeals Board: Jill Silva, Chief Probation Officer as the Department Head Member; Frank Soria, Deputy Sheriff as the Employee Member; and

Local Attorney Darrell Champion to serve as the Chairman; and, appointed Alternate to the panel as follows: Local Attorneys Dave Walker and Jeffery R. Olson to serve as Alternate Chairpersons; Mary Ann Lee, HSA and Jeff Rowe, Alliance Worknet as Department Head Alternates; and, Brenda Avilla, SEIU Bargaining Unit, as the First Alternate Employee Member; Frank Murillo, SCPCOA Bargaining Unit as the Second Alternate Employee Member; and Veronica Pehl, CNA Bargaining Unit as the Third Alternate Employee Member – CEO 2013-36

- *B2 Authorized the Director of the CSA, or her Assistant Director designee, to finalize and sign the independent contractor agreements with Aspiranet and Goodwill Industries of San Joaquin Valley for Employment Services for Former Foster Youth, Haven Women's Center for Domestic Violence Services for Child Welfare Cases, Stanislaus Family Justice Center for Facility Administration Linked to Child Welfare, and San Bernardino County for Agency Automation Services – CSA 2013-37
- *B3 Authorized GSA Purchasing Division to issue a RFP on behalf of CSA in collaboration with Children and Families Commission for the provision of Child Abuse/Neglect Prevention, Early Intervention and Support Services to Children by Family Resource Centers in Stanislaus County – CSA 2013-38
- *B4 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 2013-39
- *B5 Accepted the Stanislaus County Treasury Pool’s December 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 of the Board of Supervisors on behalf of the Board that the report has been reviewed and accepted – T/TC 2013-40
- *B6 Approved the use of up to \$30,000 of Community Development Funds to assist the Monterey Park Tract Community Services District with securing Proposition 84 grant funding from the California Department of Public Health reserved for their Water Connection Project with the City of Ceres; directed the Auditor-Controller to make the necessary budget adjustments per the Budget Journal Form; and, authorized the CEO to execute any agreements associated with the use of the these funds – CEO 2013-41
- *B7 Appointed Tamara Thomas as the Administrator of the Department of Child Support Services in accordance with California Family Code Section 17304; and, authorized the starting salary above the midpoint of Salary Band G (\$140,504 annually) – CEO 2013-42
- *B8 Authorized the Project Manager to process a Change Order with Roebbelen Contracting, Inc. for the lump sum amount not to exceed \$69,468, to acquire built-in furniture, fixtures and technology equipment for the Juvenile Commitment Center Project as approved by the State of California and funded within the approved project budget; authorized the Auditor-Controller to make the necessary budget transfers between the construction contingency and construction fixed assets accounts for the change order to Roebbelen Contracting, Inc.; authorized the Project Manager to process an amendment with Lionakis for the lump sum amount not to exceed \$6,500 for additional design and specifications necessary to acquire built-in furniture, fixtures and technology equipment at the Stanislaus Juvenile Commitment Center Project, within the approved budget; and, authorized the Project Manager to process a non-compensatory 15-calendar day contract time extension to Roebbelen Contracting, Inc. to extend substantial completion of the Stanislaus Juvenile Commitment Center Project – CEO 2013-43
- *B9 Approved substitution of electrical subcontractor for Diede Construction, Inc. for the construction of the Honor Farm Jail Bed Replacement Project – CEO 2013-44

- *C1 Pursuant to Street and Highway Codes 8334(a), 8335, and 8340, the Board finds based on the reasons stated in the report, that the portion of the Oakdale-Waterford Highway, described in the report, is not required for street and highway purposes; finds a public utility easement will be retained for the benefit of the MID for their in-place public utility facilities; and, adopted the a resolution vacating that portion of the Oakdale-Waterford highway lying at the northwest corner with the intersection of Claribel Road as described in Exhibit A and B – PW 2013-45
- *C2 Approved the Service Contract for the signal project at the intersection of Claribel Road and Terminal Avenue adjacent to the BNSF Railway Company tracks in the amount of \$642,497 with Caltrans for the elimination of hazards at Railroad-Highway intersections (crossings) BNSF Railroad Crossing Improvement Project, Federal Aid Project STPLR-7500(182) and Federal Service Contract No: 75LX185; and, authorized the Director of Public Works to execute Service Contracts with Caltrans and sign all necessary documents – PW 2013-46

O'Brien/Withrow unan. *B10 Approved the reuse and minor renovation of the basement, first, third and fourth floors of the County owned building at 801 11th Street, Modesto, California for use by the Probation Department and BHRS as the Interim Day Reporting Facility under the approved 2012 Community Corrections Partnership Plan for Phase 2 Implementation of the 2011 Public Safety Realignment; authorized the Project Manager to issue a Notice Inviting Informal Bids for the minor renovation of 801 11th Street, Modesto to include construction of the tenant improvements for the Interim Day Reporting Facility under the approved 2012 Community Corrections Partnership Plan for Phase 2 Implementation of the 2011 Public Safety Realignment, and to award the bid to the lowest responsive bidder; authorized the Chief Probation Officer to purchase furniture, fixtures and equipment for the relocation and expansion of services and take all necessary actions to facilitate the relocation of the Interim Day Reporting Facility to 801 11th Street, Modesto, California; authorized the Project Manager to take all necessary actions to locate Community Correction Annex for Medications at 825 12th Street, Modesto, California to provide supportive services to AB 109 Offenders as approved in the 2012 Community Corrections Partnership Plan for Phase 2 Implementation of the 2011 Public Safety Realignment; authorized the Project Manager to issue a Notice Inviting Informal Bids for a 24 month lease to furnish and install a commercial modular trailer at 825 12th Street, to be used for the Community Corrections Annex for Medications, and to award the bid to the lowest responsive bidder; authorized the Project Manager to award a purchase order to Modesto Sand & Gravel of Modesto, California in the amount of \$9,635 to demolish the existing CEO modular trailer located at 825 12th Street due to the presence of mold; authorized the Project Manager take all of the necessary actions required to complete the Interim Day Reporting Center and Community Corrections Annex for Medications Projects at a not to exceed amount of \$300,000, funded from the Local Community Corrections budget; authorized the Project Manager to issue a Notice to Proceed for construction of the Project at 801 11th Street, Modesto upon receipt of proper insurance and authorize the Project Manager to negotiate and sign contracts, work authorizations, and purchase orders for professional services needed in this phase of the projects as long as they are within the approved project budget; directed the Auditor-Controller to increase revenue and appropriations in the amount of \$44,266 through an operating transfer out of the Local Community Corrections budget to the CEO Plant Acquisition budget for the Interim Day Reporting Facility project, as detailed in the Budget Journal; directed the Auditor-Controller to increase revenue and appropriations in the amount of \$129,485 through an operating transfer out of the Local Community Corrections budget to the CEO Plant Acquisition budget for the Community Corrections Annex for Medication project, as detailed in the Budget Journal; directed the Auditor-Controller to increase revenue and appropriations in the amount of \$126,249.11 through an operating transfer out of the Local Community corrections Budget to the Probation Community Corrections Partnership fund for building operational expenses and furniture,

fixtures and equipment as detailed in the Budget Journal; authorized BHRS to submit a Pharmacy Permit application to the California State Board of Pharmacy to obtain and maintain a Pharmacy Permit for the Community Corrections Annex for Medications site located at 825 12th Street, Modesto, CA 95354, as required; and, authorized the BHRS Director, or her designee, to sign the application to the California State Board of Pharmacy to obtain and maintain a Pharmacy Permit for the Community Corrections Annex for Medications – CEO 2013-47

Monteith/O'Brien (2-1)(De Martini opposed)(Chiesa and Withrow abstained) **9:05 am** After conducting the public hearing, a motion to deny the appeal and to confirm the decision of the Planning Commission failed to receive an affirmative vote of a majority of all the members and, therefore, the following decision of the Planning Commission remains in effect: approval of a 5-year time extension to the Development Schedule for Rezone Application No. 2007-01, Santa Fe Crossing, an approved Development Plan P-D (313) that allows for the development of a commercial project consisting of a 19,250 square foot commercial building, 435 mini storage units, 52 RV storage spaces, a gas station with a 5,065 square foot mini market, and a drive through coffee shop, the 11.44± acre project site is located at 4306 Santa Fe Avenue, at the northwest corner of Geer Road and Santa Fe Avenue, southeast of the City of Hughson – Planning 2013-48

Supervisor Monteith left at 10:45 a.m.

De Martini/Chiesa (2-1)(O'Brien opposed)(Withrow abstained)(Monteith absent) **9:10 am** After conducting the public hearing, a motion to sustain the appeal and to reverse the decision of the Planning Commission failed to receive an affirmative vote of a majority of all the members and, therefore, the following decision of the Planning Commission remains in effect: approval of Vesting Tentative Parcel Map Application 2006-44, Willms Ranch, LLC., a request to create 42 parcels, ranging in size from 40.0 to 69.9 acres, with a 277.7± acre remainder, from two (2) existing parcels totaling 2,383.83± acres in size located in the Sierra Nevada Foothills, on the west side of Willms Road, east of the City of Oakdale (APN: 011-013-001 & 006, 009, 011) – Planning 2013-49

Recessed at 11:42 a.m.

Reconvened at 11:52 a.m.

Withrow/De Martini (4-0)(Monteith absent) **B11** Adopted the FY 2012-2013 Mental Health Services Act Plan (MHSA) Update; authorized the BHRS Director to submit the FY 2012-2013 MHSA Plan Update to the Mental Health Services Oversight and Accountability Commission; amended the Salary and Position Allocation Resolution to reflect the changes detailed in the Staffing Impact section of the agenda item; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$956,267 per the Budget Journal Form – BHRS 2013-50

Corr 1 Referred to the CEO, a letter from the City of Modesto requesting that the County appoint alternate members to its Redevelopment Successor Agency Oversight Board.

Corr 2 Referred to the Fish and Wildlife Committee, a notice from the California Fish and Game Commission regarding the proposed regulatory action relating to sport fishing.

Corr 3 Referred to the Community Services Agency, a copy of the 2011-12 Transitional Housing Placement Plus Program Annual Report from the John Burton Foundation for Children Without Homes.

Corr 4 Referred to Behavioral Health and Recovery Services, the District Attorney, Sheriff and Chief Probation Officer, a letter from the California Association of Psychiatric Technicians requesting implementation of “Laura’s Law” regarding court-ordered assisted outpatient treatment programs for those with serious mental illnesses.

Corr 5 Referred to the CEO, the 2nd Quarter Financial Submission Form F for the period 10/01/2012 through 12/31/2012 for the Gallo Center for the Arts, Inc.

Corr 6 Referred to the Fish and Wildlife Committee, a News Release from the U.S. Fish and Wildlife Service regarding the reopening of the public comment period for a proposal to remove the Valley Elderberry Longhorn Beetle from the Endangered Species List.

Corr 7 Referred to the Agricultural Commissioner and Sealer of Weights and Measures, the Fish and Wildlife Committee and the Public Works Department, the Don Pedro Newsletter regarding the relicensing of the Don Pedro Project from MID and TID and an agenda regarding the Project Initial Study Report Meeting to be held on 01/30-31/2013 at the MID Offices.

Corr 8 Referred to the Department of Planning and Community Development, a letter from the U.S. Department of Housing and Urban Development (HUD) regarding the annual review of the performance of the Consolidated Plan Final Rule for the County’s administered HUD programs.

Corr 9 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Nathan Michael Serpa; Claudia Johnson; Bobby Atwal; Daljit Singh Atwal; Ramanjit Kaur Atwal; Surhder Kaur Atwal; Angad Atwal; Claudia Johnson; Arlon Harwood; Steve Rodarte; Ana I. Gois; and, Aaron Merrell.

Supervisor De Martini spoke regarding the importance of item *B6 on today’s agenda concerning the Monterey Park Tract Community Service District Water Connection Project with the City of Ceres. He noted that Monterey Park Tract has had water quality problems for years and that he is glad to see a permanent solution. He thanked the City of Ceres for allowing this community to hook up to their water system.

Supervisor O’Brien requested that a presentation be scheduled before the Board for an update on child welfare dollars and the Valley Recovery Center. He also spoke regarding the State’s rejection of Stanislaus County’s proposal for a Call Center (Health Benefit Exchange), and the award of this to Contra Costa County.

Chairman Chiesa reported that at CSAC’s Annual meeting, Cal/EPA presented the California Communities Environmental Health Screening Tool which compares the impacts of pollution on communities. He met last week with Cal/EPA Undersecretary Aresnio Mataka to address the intent of this Tool. The Chairman gave an update regarding the AB 109 allocation formula, and noted that there is a growth of \$77 million in this program, and a decision needs to be made by March regarding these funds. He noted that the AB 109 funding formula will be revisited in November 2013 for the following 2 years. He reported that MID will be holding hearings on 1/30/2013 and 1/31/2013 regarding the relicensing of the Don Pedro Project and noted the importance of people staying engaged with this issue.

Supervisor Withrow suggested that Board of Supervisors’ Reports be made at the beginning of meetings in the future.

The CEO reported that the Governor presented his State of the State Address last week, and he called for an extraordinary session regarding the federal Patient Protection and Affordable Care Act. She noted that Assemblymember Hall introduced AB 195 which would extend the sunset date of design build to 7/01/2020.

The CEO announced that the 2013 State of the County Address will be given by Chairman Vito Chiesa on Tuesday, 02/05/2013 at 9:00 a.m. in the Chambers – Basement Level at 1010 10th Street, Modesto, California.

Adjourned to closed session at 12:38 p.m. for Conference with Labor Negotiator - Agency Negotiator: Monica Nino. Labor Organization: Service Employees' International Union (SEIU), Local 521. Government Code Section 54957.6. Conference with Legal Counsel - Existing Litigation: One Case: Forensic Consultants Medical Group, Inc. v. County of Stanislaus, Stanislaus County Superior Court Case No. 626798. Government Code Section 54956.9 (a).

Adjourned at 1:22 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.)