

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

Special and Regular Session
Supervisors O'Brien and Withrow absent
Pledge of Allegiance to the Flag

Tuesday

April 16, 2013

Recessed to closed session at 5:00 p.m. for Conference with Real Property Negotiator: Property: Crows Landing Air Facility, Bell Road, Crows Landing, California. Agency Negotiator: Monica Nino and Keith Boggs. Lessee: Melvin T. Wheeler & Sons, LP. Under Negotiation: Both Terms and Price of Farm Lease Agreement. Government Code Section 54956.8; 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(d)(1); and, Conference with Legal Counsel - Significant Exposure to Litigation: Multiple cases related to claims filed by the Cities of Ceres, Newman, Turlock and Waterford concerning calculation of the property tax administration fee. Government Code Section 54956.9(d)(2).

Supervisors O'Brien and Withrow arrived at 5:11 p.m.

Reconvened at 6:37 p.m. for Regular Session

The April 2013 Child Abuse Prevention Month proclamation was presented and the Child Abuse Prevention Council Art Contest Winners received their awards.

A resolution proclaiming 04/14-20/2013 as National Library Week was presented.

Rebecca Harrington thanked Supervisor De Martini for provided funding for community clean-ups. She noted that there will be clean-up on 4/20/2013 in the North Ceres Corridor (South 9th Street area), and another clean-up on 4/27/2013 in the Crows Landing Rd area. She thanked Sheriff Christianson for his support of the community clean-ups. She noted that there will also be fund raising efforts for improvements at Mancini Park. She also spoke regarding Central Valley Recycling operating without a license, and noted that there will be a meeting about this issue on 4/17/2013 at 6 p.m.

Janet Norcott spoke regarding the release of non-violent State prisoners due to overcrowding. She also spoke regarding the construction of the new Juvenile Commitment Facility. Chairman Chiesa stated that there will be a grand opening of the Juvenile Commitment Facility on 6/07/2013. Sheriff Christianson and Mike Hamasaki from the Probation Department responded to the questions Ms. Norcott raised regarding the release of prisoners and the new Juvenile Commitment Facility.

Jenny Kenoyer asked about the grand opening of the Juvenile Commitment Facility to be held on 06/07/2013 at 1:00 p.m. on Blue Gum Avenue, Modesto.

Emerson Drake spoke about the importance of a Library card. He noted that he attended the City of Modesto's General Plan Amendment meeting, and he voiced concerns regarding their proposal regarding the Kiernan Business Park West.

Montieth/Withrow unan. Adopted the consent calendar

- *A1 Approved the minutes of 04/16/2013
- *A2a Appointed Dave Cogdill, Jr. and Jill Anderson to the Economic Development Action Committee 2013-135
- *A2b Appointed Sue Henderson to the Stanislaus Animal Services Agency Advisory Committee 2013-136
- *A3a Accepted the resignation of Paul Baxter from the Community Health Center Board 2013-137
- *A3b Accepted the resignation of Lynn Goldstein from the Advisory Board on Substance Abuse Programs 2013-138
- *A4 Approved the dissolution of the 49-99 System Advisory Board in Accordance with Senate Bill 1044 BD-29-09 2013-139
- *A5 Consolidated the Municipal Election for the City of Modesto with the Consolidated District (UDEL) Election to be Held on 11/05/2013 2013-140
- *A6 Amended the Conflict of Interest Code of the Westport Fire Protection District 2013-141
- *B1 Approved and adopted the proposed amendment to the Mental Health Board Bylaws – BHRS BD-31-D-01 2013-142
- *B2 Accepted the County Volunteer Program Annual Report for Calendar Year 2012; and, proclaimed the week of 04/21/2013 – 04/27/2013 as Stanislaus County Volunteer Week – CEO 2013-143
- *B3 Approved to reimburse the City of Modesto from Community Development Funds in an amount up to 50% for the costs associated to place a “Measure M” Vote for the Airport Neighborhood on the 11/05/2013 Ballot – CEO C-6-J-09 2013-144
- *B4 Approved the final acceptance and completion of the construction of the Juvenile Commitment Facility with Roebbelen Contracting, Inc. of El Dorado Hills, California; approved the final contract with Roebbelen Contracting, Inc. of El Dorado Hills, California as follows: Original Contract of \$14,983,000 and Change Orders of \$541,581 for a Total Contract amount of \$15,524,581; authorized the Project Manager, on behalf of the Board as the Awarding Authority, to sign the completion documents, record the Notice of Completion, release retention less withholdings, and process all remaining close out activities for the contract and the Juvenile Commitment Facility Project; and, authorized the Chairman to send a letter of appreciation to Roebbelen Contracting, Inc. and Lionakis, Inc. for the successful completion of the new facility – CEO 2013-145
- *B5 Approved Contract Renewal #13-90004 with the State of California Department of Health Care Services for Medi-Cal Administrative Activities (MAA) in the amount of \$3,000,000 for the period of 07/01/2013 through 06/30/2016; and, authorized the HSA Managing Director, or her designee, to sign the contract and any amendments – HSA 2013-146
- *B6 Approved the Stanislaus County California Children’s Services (CCS) and Child Health and Disability Prevention (CHDP) Plans for 2012-2013; and, authorized the Chairman to sign the Certification Statements for the California Children’s Services (CCS) and Child Health and Disability Prevention (CHDP) programs – HSA 2013-147
- *B7 Approved the purchase of one John Deere 410K Backhoe Loader for Frank Raines Off-Highway Vehicle Park; and, approved the use of Public Facilities Fees in the amount of \$33,000 for partial funding of the backhoe loader – Parks and Recreation M-64-J-1 2013-148
- *B8 Authorized the Project Manger to execute a contract for professional architectural design services for the development of plans and specifications for renovations for a Psychiatric Health Facility at 1904 Richland Avenue, Ceres, California to Pacific Design Associates, Inc. of Modesto, California for the lump sum amount not to exceed \$191,145; authorized

the Project Manager to issue a Notice to Proceed, contingent upon receipt of proper insurance; directed the Auditor-Controller to establish a project budget of \$2,165,892 funded from existing funds previously set aside from the proceeds of the sale of Stanislaus Behavioral Health Center; authorized the use of \$2,165,892 of the Fund Balance – Committed – Capital Acquisition within the primary BHRS budget by a 4/5 vote of the Board; authorized the Project Manager to issue a Request for Statement of Qualifications (RFSOQ) to prequalify contractors for the project for future consideration and award of a construction contract by the Board of Supervisors, and, authorized the Project Manager to negotiate and sign contracts, work authorizations and purchase orders necessary for the project as long as they are within the Project Budget – CEO 2013-149

- *B9 Accepted the final report of the emergency repair to the elevator located on the HSA Campus at 830 Scenic Drive, Modesto in accordance with Public Contract Code 22050 – GSA 2013-150
- *B10 Approved the exclusive use event permit with Symbiosis Events, LLC, to hold a Symbiosis Gathering and Music Festival in the back (east) area of Woodward Reservoir Regional Park from Thursday, 09/19/2013 through Monday, 09/23/2013; and, authorized the Director of Parks and Recreation, or her designee, to direct Symbiosis Events, LLC, to adhere to the requirements set forth as outlined in the Temporary Exclusive Use Permit – Parks and Recreation 2013-151
- *C1 Adopted a Resolution to authorize the Director of Public Works to apply for, enter into and sign the Financial Assistance Application for the Clean Water State Revolving Fund Program (CWSRF) from the State Water Resources Control Board for the planning, design and construction of the Parklawn Sewer Project; adopted the Reimbursement Resolution with the State Water Resources Control Board; initiated proceedings for the formation of County Service Area (CSA) No. 30 Parklawn Neighborhood; and, directed the Public Works Department to prepare and file the required Engineer's Report – PW CSA-30-01 2013-152
- *C2 Adopted a resolution to transfer \$1,150,000 of Stanislaus County Uncommitted Credits, allocated by PG&E, for Underground Electric Lines (Rule 20A) to the City of Oakdale – PW C-7-B-08 2013-153
- *D1 Set a public hearing for 04/30/2013, at 9:05 a.m. to consider Planning Commission's recommendation for approval of General Plan Amendment and Rezone Application No. PLN2012-37, Gallo Glass and introduce and waive the reading of an ordinance for the proposed rezone upon approval; and authorized the Clerk of the Board to publish notice of hearing as required by law – Planning ORD-55-Q-10 2013-154
- *D2 Set a public hearing for 04/30/2013, at 9:10 a.m. to consider Planning Commission's recommendation which due to a lack of a majority vote was to Deny General Plan Amendment No. PLN2012-044, Agricultural Element Update, a request to amend the Stanislaus County General Plan, Agricultural Element; and authorized the Clerk of the Board to publish notice of hearing as required by law – Planning 2013-155

Withrow/De Martini unan. **6:35 pm** Closed the 30-day public comment period to consider approval of the Fiscal Year 2013-2014 Annual Action Plan (AAP); conducted the public hearing to consider approval of the Fiscal Year 2013-2014 Annual Action Plan (AAP); authorized the CEO to sign the Application for Federal Assistance (SF424); authorized the CEO to sign the Community Development Block Grant (CDBG), the Emergency Solutions Grant (ESG), and Home Investment Partnerships (HOME) Certifications; authorized the Chairman of the Board of Supervisors to sign the Fiscal Year 2013-2014 Allocation Agreements with each Stanislaus Urban County member; **amended** Staff Recommendation No. 5 also authorizing the Chairman of the Board of Supervisors to sign Cooperation Agreements with each Stanislaus Urban County member; authorized the Director of the Planning and Community

Development Department to execute any related program agreements, contracts, or other documentation required for implementation of CDBG, ESG, HOME, Neighborhood Stabilization Programs (NSP), CalHome, and any other programs identified in the Annual Action Plan (this authorization includes the use of any program income in accordance with applicable program guidelines); and, authorized the Planning and Community Development Department to incorporate any comments received prior to the close of the public comment period and during the public hearing in the final AAP – Planning
2013-157

Withdraw/O'Brien unan. **B11 Amended** the proposed agreements to include mutually agreeable language that (1) acknowledges that implementation of the Affordable Care Act may affect reimbursable costs due to the increase in availability of insurance coverage; and (2) authorizes the Administrator to negotiate decreases in rates based upon review of year-end financials; approved the amended Mountain Valley Emergency Medical Services Agency (MVEMSA) five-year Ambulance Provider Agreements for Stanislaus County that incorporated policy direction given by the Board on 09/25/2012 such as to improve response time compliance, define and negotiate reimbursement for service delivery support arrangements, and integrate emergency dispatch services; and, approved the future use of the System Enhancement funds held by MVEMSA to pay for the Virtual Integration project expenses to be incurred by one or more publicly operated Public Safety Answering Points – HSA
2013-156

Corr 1 Acknowledged receipt of the “2012 Annual Report on Toxic Emission from Valley Facilities” from the San Joaquin Valley Air Pollution Control District.

Corr 2 Referred to the CEO-Risk Management and General Services Agency, and called for a Special Board of Supervisors Meeting in the Board Chambers on 05/10/2013 at 1:00 p.m. to consider the appeal received from JT2 Integrated Resources an appeal for RFP 12-58 Third Party Administrator for Workers Compensation.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Gary Adam Brooks; Bernardo Mora; Lois Rodriguez; Dean Scott Hasten; Jeff Prine; Martin Ontiveros; Ramon Ontiveros-Capi; and, Stephanie Hankins & Gary Reed.

Supervisor De Martini commended Emmanuel Medical Center for opening a new family clinic in Patterson. The grand opening will be on 4/24/2013. He stated that the West Side is an underserved area for medical care. He noted that Golden Valley and Del Puerto Health Care District has also expanded their services in this area.

Lupita Zaragoza spoke on behalf of Parklawn United Neighbors and thanked the Board for approving today's agenda item regarding the Parklawn Sewer Project (agenda item *C-1). She also thanked Planning and Community Development and Public Works staff for their assistance.

CEO Nino noted that the City of Modesto's Economic Development Committee recommended to the City Council that they consider the rest of the 15 unincorporated areas as part of the “Measure M” vote in November 2015. The CEO gave an update concerning AB 109 and noted that CSAC, along with the CAO Realignment Advisory Committee, have released the preliminary formula recommendations for the growth funding which unfortunately does not address the inequities when it comes to our County. She will ask the Chairman, Sheriff and Chief Probation Officer to sign a letter regarding the proposed formula. She reported that the Chairman sent a letter last week to State supporting SB 328, which would authorize a county to use construction manager at-risk contracts for Public Works projects. She noted that President Obama released his FY 2014 Budget, which was met with resistance from both the House and the Senate.

Adjourned at 8:43 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.)