

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

April 23, 2013

A moment of silence was held for BHRS employee Ruben Zuniga.

Vernon Price voiced concerns regarding a Salvation Army meeting that was closed to the public and noted that they receive CDBG funds. He plans to provide information to the CEO regarding homeless issues.

Astrid Zuniga thanked the Board for proclaiming April as Autism Awareness Month. She spoke regarding the need for awareness of this disorder.

Withdraw/Monteith unan. Adopted the consent calendar after removing from consent item ***B4** Approval to Increase Appropriations up to \$500,000 in the Public Defender – Indigent Defense Budget Funded by a Transfer from Appropriations for Contingencies – Public Defender; and, after removing from the agenda item ***B3** Approved a Mural Review Policy and Application for Stanislaus County Park Facilities – Parks and Recreation 2013-182

***A1** Approved the minutes of 04/16/2013

***A2** Appointed Patrick Cerutti to the Hills Ferry Cemetery District Board of Directors

2013-158

***A3a** Proclaimed 05/01/2013 as Law Day

2013-159

***A3b** Proclaimed 05/13-19/2013 as National Salvation Army Week

2013-160

***A3c** Proclaimed May 2013 as Older Americans Month

2013-161

***A3d** Proclaimed May 2013 as Elder and Dependent Adult Abuse Awareness Month

2013-162

***A3e** Proclaimed May 2013 as Foster Care Awareness Month

2013-163

***A3f** Proclaimed May 2013 as CalFresh Awareness Month

2013-164

***B1** Approved the Area Agency on Aging FY 2013-2014 Planning and Service Area (PSA) Plan Update; authorized the Chairman and Director of the Area Agency on Aging to sign the Transmittal Letters to the California Department on Aging; and, return the original signed Transmittal Letters to the Area Agency on Aging – Aging and Veterans Services

2013-165

***B2a** Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding nuisances at 1405 Garden Avenue, Modesto, California (CE No. 11-0421) – DER

2013-166

***B2b** Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding nuisances at 1705 Dallas Street, Modesto, California (CE No. 12-0060) – DER

2013-167

***B5** Authorized the Sheriff to submit a grant application to the California State Parks, Off-Highway Motor Vehicle (OHV) Recreation Division grant program for increased Law Enforcement services at Frank Raines Regional Park and La Grange Park in Stanislaus County; adopted the Resolution to apply for the California State Parks, Off-Highway

- Vehicle Grant; authorized the Sheriff or Auditor-Controller to accept the funding from the California State Parks, Off-Highway Motor Vehicle (OHV) Recreation Division and to establish appropriations and estimated revenue in the Sheriff Operations budget, when the final award amount is known; and, authorized the Sheriff to sign and administer the California State Parks, Off-Highway Motor Vehicle (OHV) Recreation Division Grants and Cooperative Agreements Program for the Project Performance Period if awarded
– Sheriff 2013-168
- *B6** Authorized the Auditor-Controller to submit payment for invoices that are more than one year old to CSAC Institute for Excellence for classes taken on 11/28-29/2011 – CEO
2013-169
- *B7** Approved the final acceptance and completion of the Strategic Business Technology Server Room, Bid Package 3, Construction Project with Barham, Inc.; approved the final contract with Barham, Inc. of Ceres, CA as follows: Original Contract amount of \$687,251 plus Change Order amount of \$37,877 minus Deductive Change Orders of \$990 for a Total Contract amount of \$724,138; authorized the Project Manager on behalf of the Board as the Awarding Authority to sign the completion documents, record the Notices of Completion, release retentions, and process all remaining close out activities with Barham, Inc. for the General Construction of the Server Room Project; and, authorized the Project Manager on behalf of the Board as the Awarding Authority to release retentions, and process all remaining close out activities related to the Energy Systems, Inc. procurement and installation of backup power generator and related equipment – CEO 2013-170
- *B8** Authorized the Project Manager to incorporate the Emergency Power Plan into the Construction of the 192-Bed Honor Farm Replacement Construction Project by approval of a Change Order with Diede Construction, Inc. in the amount of \$162,608 and to process a Change Order with Diede Construction, Inc. in the amount of \$162,608 for the installation of an emergency power generator and associated improvements for the Honor Farm Jail Bed Replacement Project at the Public Safety Center, as within the Board of Supervisors approved project budget; authorized the Project Manager to process a 7-calendar day contract time extension with Diede Construction, Inc. to extend Substantial Completion of the Honor Farm Jail Bed Replacement Project; and, authorized the Project Manager to execute an Amendment to the Professional Services Agreement with Lionakis in the amount of \$17,380 to perform the additional design services necessary for the recommended emergency power redesign of the Honor Farm Jail Bed Replacement Project at the Public Safety Center, as within the Board of Supervisors approved project budget
– CEO 2013-171
- *C1** Approved the conditional award of the contract in the amount of \$1,433,688.10 to George Reed Construction of Modesto, California, for the construction of the RSTP Road Resurfacing Program Phase E Project, Federal Project No. STPL-5938(204), subject to receipt of appropriate insurance and bonds; authorized the Director of Public Works to execute a contract with George Reed Construction, for \$1,433,688.10 and sign necessary documents; 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; and, authorized the Construction Manager to issue a Notice to Proceed, contingent upon receipt of proper insurance and bonds – PW 2013-172
- *C2** Awarded a contract in the amount of \$201,053.12 to Interstate Truck Center for the purchase of One Heavy-Duty 2013 Peterbilt Model 365 Conventional Truck with new Reliance Transfer Trailer Set; and, authorized the Purchasing Agent/General Services Agency Director to sign the contract with Interstate Truck Center – PW 2013-173

- ***C3** Approved the Memorandum of Agreement between the County of Stanislaus and City of Riverbank for the Preliminary Engineering Phase of the Claribel Road at Roselle Avenue Signalization Project; and, authorized the CEO to execute the Memorandum of Agreement between the County of Stanislaus and City of Riverbank for the Preliminary Engineering Phase of the Claribel Road at Roselle Avenue Signalization Project – PW
C-1-B-07 2013-174
- ***C4** Awarded the Comprehensive Operational Analysis (COA) contract to Pacific Municipal Consultants (PMC) of Rancho Cordova, California, in the amount not to exceed \$121,281; and, authorized the Director of Public Works to execute a contract with Pacific Municipal Consultants in the amount of \$121,281 and to sign necessary documents, including any amendments to the agreement not to exceed 10% – PW 2013-175
- ***D1** Set a public hearing for 05/07/2013, at 9:05 a.m. to consider Planning Commission's recommendation of approval for Use Permit Application No. PLN2012-06 - Maring Private Airport, a request to establish a private airport, including three (3) airplane hangars and a 2,800± foot runway; and authorized the Clerk of the Board to publish notice of hearing as required by law – Planning 2013-176

O'Brien/Withdraw unan. ***B4** Approved an increase in appropriations up to \$500,000 in the Public Defender – Indigent Defense budget unit; and, authorized the transfer of up to \$500,000 from Appropriations for Contingencies by a 4/5 vote of the Board of Supervisors – Public Defender
2013-177

Chairman Chiesa gave an update regarding the AB 109 (Public Safety Realignment) funding formula and reported that he signed a letter to Governor Brown sharing Stanislaus County's opposition to CSAC's County Administrator's Realignment Committee's AB 109 growth formula. He noted that the Board of Supervisors and the CEO will continue to work on this issue.

Withdraw/Monteith (4-0)(O'Brien abstained) **9:05 am A** Conducted the public hearing; and, introduced and waived the first reading of Ordinance C.S. 1127 to establish new and amended existing fees for DER
ORD-55-Q-6 2013-178

Monteith/De Martini unan. **9:05 am B** Conducted the public hearing; and, introduced and waived the first reading of Ordinance C.S. 1129 establishing new and amended existing fees for the Department of Parks and Recreation
ORD-55-Q-8 2013-179

O'Brien/Withdraw unan. **9:05 am C** Conducted the public hearing; and, introduced and waived the first reading of Ordinance C.S. 1128 amending existing fees for the Department of Public Works Engineering Division – PW
ORD-55-Q-7 2013-180

Withdraw/Chiesa unan. **9:05 am D** Conducted the public hearing; and, introduced and waived the first reading of Ordinance C.S. 1130 to amend the current Building Permit Fees relating to Solar Energy and other Renewable/Alternative Energy Systems – Planning
ORD-55-Q-7 2013-181

Corr 1 Referred to the Department of Public Works, a notice regarding the Adoption Recommendation and Recirculation of Final Environmental Impact Statement for the construction and operation of a high-speed passenger train between Merced and Fresno, CA from the Federal Railroad Administration and the California High-Speed Rail Authority.

Corr 2 Referred to the Area Agency on Aging/Veterans Services Department, a letter from the State Department of Veterans Affairs regarding funding received for veterans and their families in Stanislaus County from July 1, 2011 through June 30, 2012.

Corr 3 Referred to the Chief Executive Office, the Gallo Center for the Arts, Inc. 2nd Quarter Financial Submission per the Operating Agreement with Stanislaus County.

Corr 4 Referred to the Alliance WorkNet and the Stanislaus Economic Development and Workforce Alliance, a letter from Sutter Health regarding the termination of approximately 39 employees that is expected to be permanent and to commence on or about June 17, 2013, from their Sutter Central Valley Hospitals dba Memorial Medical Center per the Worker Adjustment and Retraining Notification (WARN Act) requirements.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Shaina Collins and Abel Munoz.

Adjourned to closed session at 10:37 a.m. for Conference with Labor Negotiator - Agency Negotiator: Monica Nino, Nancy Bronstein and Jody Hayes. Labor Organizations: California Nurses' Association (CNA); Stanislaus County Employees Association (SCEA)/AFSCME Local 10; Service Employees' International Union (SEIU), Local 521; Committee of Interns and Residents (CAIR/CIR); County Attorneys' Association (CAA); Deputy Sheriffs' Association (DSA); Stanislaus County Sheriffs Supervisors' Association (SCSSA); Stanislaus County Deputy Probation Officers' Association (SCDPOA); Stanislaus Regional Emergency Dispatchers' Association (SREDA); Stanislaus County Group Supervisors' Association (SCGSA); Stanislaus County Sheriff Management Association (SCSMA); Stanislaus County District Attorney Investigators' Association (SCDAIA); and, Stanislaus Sworn Deputy Association (SSDA). Government Code Section 54957.6; 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); and, 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.

Adjourned at 12:58 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.)