

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

Regular Session  
Supervisor Monteith Absent  
Pledge of Allegiance to the Flag

Tuesday

July 16, 2013

A moment of silence was held for Herman Meyer from the Sheriff's Department.

Sheriff Adam Christianson presented the 2013 Earl Pride Scholarship Award to recipients Colleen Reed and Samantha Shipley.

The Chairman administered the Oath of Office to Billy Powell upon his appointment by the Governor to the Partnership for the San Joaquin Valley.

Vernon Lee Price provided information to the Board regarding the Homeless Challenge Project by the National Coalition for the Homeless.

Chris Cosner presented his financial spreadsheets for his mobile food concession at the Woodward Reservoir.

Katherine Borges voiced concerns regarding the proposed City of Modesto general plan updates that were presented at the City's Planning Commission meeting yesterday.

Emerson Drake spoke regarding a variety of issues including: the Modesto Chamber of Commerce's Pathways to growth presentation, MID and the County's water retention plan, records retention at the Clerk-Recorder's office, and LAFCO's disclosure requirements for lobbyists.

Nancy Vinson, AFSCME Business Agent, spoke regarding their labor negotiations with the Stanislaus Housing Authority.

Juanita Nicholson, employee of the Housing Authority of Stanislaus County, spoke regarding the leadership of the Housing Authority.

Tamra Losinski, employee of the Housing Authority of Stanislaus County and a Clerical Unit Job Steward, spoke regarding labor negotiations with the Housing Authority.

Maryellen McLaughlin spoke regarding the importance of the In-Home Supportive Services (IHSS) Program.

Allen Bruce stated that the wages paid to IHSS Providers strengthens the community, and that every state and federal government dollar that comes into a community is spent four times in the local economy.

Astrid Zuniga spoke in support of a wage increase for IHSS Providers.

Danielle Maxwell spoke regarding the difficulty in raising a special needs child and the financial hardships. She stated that there was an 8% cut statewide to the IHSS program, and she spoke in support of a wage increase.

De Martini/Withrow (4-0)(Monteith absent) Adopted the consent calendar

- \*A1 Approved the minutes of 07/02/2013
- \*A2 Adopted and waived the second reading of Ordinance C.S. 1134 to amend Title 11, Section 11.08.080, of the Stanislaus County Code, amending angle parking on Ninth Street in Stanislaus County, Keyes Area ORD-55-R-3 2013-340
- \*A3a Appointed Mary Jayne Budd and Stephanie Gruskiewicz to the Advisory Board on Substance Abuse Programs 2013-341
- \*A3b Appointed Arby Hoobyar, Jr. to the Nuisance Abatement Hearing Board 2013-342
- \*A4 Accepted the resignation of Charles Turner from the Stanislaus Consolidated Fire Protection District Board 2013-343
- \*A5 Declared a vacancy on the Empire MAC 2013-344
- \*A6 Consolidated the City of Waterford Special Municipal Election with the Consolidated District Election (UDEL) on 11/05/2013 2013-345
- \*A7 Proclaimed August 2013 as Child Support Awareness Month 2013-346
- \*B1 Directed the Auditor-Controller to establish a project budget in the amount of \$152,825 within the CEO-County Facilities Budget for repairs resulting from theft and vandalism at 2846 Finch Road, Modesto, CA; authorized the Project Manager to finalize and pursue reimbursement of the Finch Road Facility vandalism and theft repairs project costs utilizing insurance proceeds upon completion of the repairs; and, directed the Auditor-Controller to increase appropriations and estimated revenue for this project in per the Budget Journal form – CEO 2013-347
- \*B2 Approved the Community Services Facility (CSF) Interim Facility Plan; authorized the Project Manager to implement the (CSF) Interim Facility Plan to include certain facility alterations and/or furnishings for to re-locate the WIC Program to the first floor of the CSF and to repurpose the CSA File Room for staff space; authorized the Project Manager to issue a Notice Inviting Bids for the electrical and/or mechanical alterations to repurpose the CSA File Room for staff Facility, and to award the bid to the lowest responsive bidder; and, authorized the Director of CSA to coordinate with the Purchasing Agent to negotiate and enter into a three-year lease for the property located at 275 Third Street in Turlock, California to accommodate the CSA Staff Development Training Office – CEO 2013-348
- \*B3 Authorized the Project Manager to reject all proposals received for the design-build construction of the Coroner Public Administration Facility, Video Visitation and Medical Records Project at 700 17th Street, Modesto, CA; directed the Project Manager to identify future options for the project, including cost savings to bring the project within the project budget, redesign elements of the project where necessary, and consider all other options and return to the Board with a recommended plan to meet those facility needs; and, authorized the Project Manager to take routine actions necessary to manage the project including construction management, professional services and other project related expenses as necessary to manage the project as long as the costs are within the Project Budget approved by the Board – CEO 2013-349
- \*B4 Approved the submission by HSA of the Federally Qualified Health Center Look-Alike Recertification Application; authorized the Managing Director to sign required documents as part of the Federally Qualified Health Center Look-Alike Recertification Application; and, authorized the Managing Director to submit future annual recertification applications through the current five-year renewal period that ends September 2017 – HSA 2013-350

- \*C1 Adopted the Plans and Specifications for the RSTP Phase F project; directed the Department of Public Works to set the bid opening date and time; and, directed the Public Works Department staff to mail the notice inviting bids to trade journals as required by law – PW 2013-351
- \*C2 Approved the purchase agreement for the acquisition of a portion of the parcel identified as: assessor's parcel number (APN): 082-006-056 (portion); authorized the Chairman of the Board to execute the purchase agreement; and, directed the Director of Public Works to sign and cause to record the Grant Deed on behalf of Stanislaus County as authorized by Board Resolution No. 2011-141 executed on 03/08/2011– PW 2013-352

**Recessed to sit as the Stanislaus County Capital Improvements Financing Authority (CIFA) Special Meeting at 7:22 p.m.**

- O'Brien/Withrow (4-0)(Monteith absent) **6:35 p.m.** Approved the consent calendar
- 6:35 p.m.\*II-A** Appointed Vito Chiesa as the Chairman and Jim De Martini as the Vice-Chairman of Stanislaus County CIFA 2013-364
  - 6:35 p.m.\*II-B** Approved the minutes of 11/13/2012
  - 6:35 p.m.\*II-C** Approved the resolution establishing regularly scheduled meeting calendar for FY 2013-2014 for CIFA on the following dates: 07/16/2013 2013-365

**Adjourned the CIFA Special Meeting and Convened the CIFA Regular Meeting at 7:23 p.m.**

O'Brien/Withrow (4-0)(Monteith absent) **6:36 p.m.\*II-A** Approved a resolution to refinance the 2004 Series A and B Certificates of Participation through an internal borrowing from the Stanislaus County Treasury Pool, which includes: a) the form of the Facilities Sublease between the Stanislaus County Capital Improvements Financing Authority and the County of Stanislaus; b) the form of the Site Lease between the Stanislaus County Capital Improvements Financing Authority and the County of Stanislaus; c) the form of the Assignment and Purchase Agreement between the Stanislaus County Capital Improvements Financing Authority and the Treasurer/Tax Collector acting on behalf of the Stanislaus County Treasury Pool; d) authorized the Chairman of the Board and Secretary of the Authority to execute, acknowledge and deliver any and all documents required for the refinancing; and, e) authorized the Chairman of the Board, Secretary, and other officers of the Authority, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary and advisable to complete the refinancing – CEO 2013-366

**Reconvened to sit as the Stanislaus County Board of Supervisors at 7:48 p.m.**

O'Brien/Withrow (4-0)(Monteith absent) **B5** Approved a resolution to refinance the 2004 Series A and B Certificates of Participation through an internal borrowing from the Stanislaus County Treasury Pool, which includes: a) the form of the Facilities Sublease between the Stanislaus County Capital Improvements Financing Authority and the County of Stanislaus; b) the form of the Site Lease between the Stanislaus County Capital Improvements Financing Authority and the County of Stanislaus; c) the form of the Assignment and Purchase Agreement between the Stanislaus County Capital Improvements Financing Authority and the Treasurer/Tax Collector acting on behalf of the Stanislaus County Treasury Pool; d) authorized for the Chairman of the Board and Secretary of the Authority to execute, acknowledge and deliver any and all documents required for the refinancing; e) authorized for the Chairman of the Board, Secretary, and other officers of the Authority, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary and advisable to complete the refinancing; authorized the CEO to negotiate and execute all necessary agreements and all other documents to complete the financing; authorized the CEO to enter into, sign and execute agreements for financial consulting with KNN Public Finance, and legal services from Special Bond/Tax Counsel

Stradling, Yocca, Carlson, & Rauth, associated with the refinancing of the 2004 Series A and B Certificates of Participation; directed the Auditor-Controller to set up an interest-bearing Agency Fund to record the loan with the Stanislaus County Treasury Pool; and, directed the Auditor-Controller to make the necessary budget adjustments per the budget journal and to make any necessary budget and accounting adjustments to effectuate the refinancing – CEO 2013-353

DeMartini/O'Brien (4-0)(Monteith absent) **B6** Considered the recommended decision of the Nuisance Abatement Hearing Board regarding CE No. 12-0224 at 0 Bystrum Road, Modesto, California and **continued** this item to the 8/20/2013 meeting as requested by the representative of Central Valley Recycling – DER 2013-354

O'Brien/De Martini (4-0)(Monteith absent) **C3a** Finds that the public interest and necessity require the Claribel Road Widening Project; finds that the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; finds that the subject property (APN: 074-014-010; Parcel Owners: Lloyd E. Fugett and Beatrice C. Fugett, Trustees of the Fugett Living Trust) described in the Resolution is necessary for the proposed project; finds that the offer required by section 7267.2 of the Government Code has been made to the owners of record of the property to be acquired; adopted a Resolution of Necessity in the form attached to the agenda item as Attachment A; and, authorized County Counsel to initiate eminent domain proceedings to acquire the subject property – PW 2013-355

O'Brien/De Martini (4-0)(Monteith absent) **C3b** Finds that the public interest and necessity require the Claribel Road Widening Project; finds that the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; finds that the subject property (APN: 082-006-004; Parcel Owner: Pauline Bavaro, Trustee of the Irrevocable Bavaro Family Trust) described in the Resolution is necessary for the proposed project; finds that the offer required by section 7267.2 of the Government Code has been made to the owners of record of the property to be acquired; adopted a Resolution of Necessity in the form attached to the agenda item as Attachment A; and, authorized County Counsel to initiate eminent domain proceedings to acquire the subject property – PW 2013-356

O'Brien/De Martini (4-0)(Monteith absent) **C3c** Finds that the public interest and necessity require the Claribel Road Widening Project; finds that the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; finds that the subject property (APN: 074-014-009; Parcel Owner: Gregory Development Co., a California Corporation) described in the Resolution is necessary for the proposed project; finds that the offer required by section 7267.2 of the Government Code has been made to the owners of record of the property to be acquired; adopted a Resolution of Necessity in the form attached as Attachment A of the agenda item; and, authorized County Counsel to initiate eminent domain proceedings to acquire the subject property – PW 2013-357

O'Brien/De Martini (4-0)(Monteith absent) **C3d** Finds that the public interest and necessity require the Claribel Road Widening Project; finds that the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; finds that the subject property (APN: 083-002-001; Parcel Owner: Martin Family Holdings, a California Limited Liability Company) described in the Resolution is necessary for the proposed project; finds that the offer required by section 7267.2 of the Government Code has been made to the owners of record of the property to be acquired; adopted a Resolution of Necessity in the form attached as Attachment A of the agenda item; and, authorized County Counsel to initiate eminent domain proceedings to acquire the subject property – PW 2013-358

O'Brien/De Martini (4-0)(Monteith absent) **C3e** Finds that the public interest and necessity require the Claribel Road Widening Project; finds that the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; finds that the subject property (APN: 082-004-004; Parcel Owners: Ante Rodin and Florence Rodin as Trustees of the Ante and Florence Rodin 1995 Revocable Trust) described in the Resolution is necessary for the proposed project; finds that the offer required by section 7267.2 of the Government Code has been made to the owners of record of the property to be acquired; adopted a Resolution of Necessity in the form attached as Attachment A of the agenda item; and, authorized County Counsel to initiate eminent domain proceedings to acquire the subject property – PW 2013-359

O'Brien/De Martini (4-0)(Monteith absent) **C3f** Finds that the public interest and necessity require the Claribel Road Widening Project; finds that the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; finds that the subject property (APN: 074-014-007; Parcel Owners: D. Lowell McGrane and Rosalie J. McGrane, Trustees of McGrane Living Trust Dated 9-3-08, and Angie Bosio of the Bosio 2003 Family L.P., a California Limited Partnership) described in the Resolution is necessary for the proposed project; finds that the offer required by section 7267.2 of the Government Code has been made to the owners of record of the property to be acquired – PW 2013-360

O'Brien/De Martini (4-0)(Monteith absent) **C3g** Finds that the public interest and necessity require the Claribel Road Widening Project; finds that the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; finds that the subject property (APN: 074-015-006; Parcel Owner: KB Farm Fab and Welding, a General Partnership) described in the Resolution is necessary for the proposed project; finds that the offer required by section 7267.2 of the Government Code has been made to the owners of record of the property to be acquired; adopted a Resolution of Necessity in the form attached as Attachment A of the agenda item; and, authorized County Counsel to initiate eminent domain proceedings to acquire the subject property – PW 2013-361

O'Brien/De Martini (4-0)(Monteith absent) **C3h** Finds that the public interest and necessity require the Claribel Road Widening Project; finds that the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; finds that the subject property (APN: 082-004-030; Parcel Owner: Big Sky Investments 3 LLC, a California Limited Liability Company) described in the Resolution is necessary for the proposed project; finds that the offer required by section 7267.2 of the Government Code has been made to the owners of record of the property to be acquired; adopted a Resolution of Necessity in the form attached as Attachment A of the agenda item; and, authorized County Counsel to initiate eminent domain proceedings to acquire the subject property – PW 2013-362

O'Brien/De Martini (4-0)(Monteith absent) **C3i** Finds that the public interest and necessity require the Claribel Road Widening Project; finds that the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; finds that the subject property (APN: 082-004-038; Parcel Owner: Big Sky Investments 3 LLC, a California Limited Liability Company) described in the Resolution is necessary for the proposed project; finds that the offer required by section 7267.2 of the Government Code has been made to the owners of record of the property to be acquired; adopted a Resolution of Necessity in the form attached as Attachment A of the agenda item; and, authorized County Counsel to initiate eminent domain proceedings to acquire the subject property – PW 2013-363

**Corr 1** Acknowledged receipt of the report and referred to CSA a copy of the 2012-2013 Final Report of the Stanislaus County Civil Grand Jury. M-39-M-8

**Corr 2** Referred to the Alliance WorkNet and the Stanislaus Economic Development and Workforce Alliance, a letter from Silgan Containers Manufacturing Corporation regarding the temporary layoff of approximately 173 employees at their 3250 Patterson Road, Riverbank, CA facility and expects to recall employees on 09/09/2013 per the Workers Adjustment and Retraining Notification (WARN Act) requirements.

**Corr 3** Referred to Alliance WorkNet and the Stanislaus Economic Development and Workforce Alliance, a letter from Sutter Health regarding the termination of approximately 9 employees that is expected to be permanent and to commence on or about 09/30/2013, from their Sutter Central Valley Hospitals dba Memorial Medical Center per the Worker Adjustment and Retraining Notification (WARN Act) requirements.

**Corr 4** Referred to Alliance WorkNet and the Stanislaus Economic Development and Workforce Alliance, a letter from Sutter Health regarding the termination of approximately 16 employees that is expected to be permanent and to commence on or about 08/30/2013, from their Sutter Central Valley Hospitals dba Memorial Medical Center per the Worker Adjustment and Retraining Notification (WARN Act) requirements.

**Corr 5** Referred to PW and CEO, a letter from the San Joaquin Valley Air Pollution Control District providing notification of their new grant opportunity to fund alternative fuel infrastructure projects.

**Corr 6** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Donald Ellerd; Carlos J. Martinez; David S. Hernandez; Danielle Emel; and, Federal Bureau of Investigation.

Supervisor De Martini reported that he has received a preliminary report on StanCERA returns for the last fiscal year which ended on 06/30/2013. The total fund is now over \$1.5 billion and the return was 14.6%, which is a return of over \$200 million.

**Recessed to sit as the Stanislaus County In-Home Supportive Services (IHSS) Public Authority 9:07 p.m.**

O'Brien/Withrow (4-0)(Monteith absent) Approved the consent calendar  
X. \*II-A Approved the minutes of 07/02/2013

**Reconvened to sit as the Stanislaus County Board of Supervisors at 9:08 p.m.**

Adjourned at 9:08 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.)