

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

Regular Session

Tuesday

August 27, 2013

All Supervisors Present

Pledge of Allegiance to the Flag

Employee Service Awards were given to Soledad Raya of the Sheriff's Department for thirty-five years of service and to Dorothy Nunes from the Animal Services Agency and Rachel White from GSA for twenty-five years of service.

Tom Changnon, Stanislaus County Superintendent of Schools, gave an up date on "Choose Civility Initiative".

Susan Medieta Beasley invited everyone to attend the 22nd International Heritage Festival on Saturday, 10/05/2013, between 11:00 a.m. and 5:00 p.m., at Modesto Junior College East Campus on College Ave, in Modesto.

Astrid Zuniga spoke regarding In-Home Supportive Service (IHSS) Providers and their involvement in the community. She spoke in support of a wage increase for these individuals.

Mike Loza spoke regarding the labor negotiations with the County for IHSS Providers, and the needs of the IHSS clients.

Alan Bruce noted the important work that IHSS Providers perform.

Withrow/De Martini unan. Adopted the consent calendar after removing from consent item *C1 Approval to Award a Construction Contract for the Salida Sidewalk Repair Project, Phase 1, to Sinclair General Engineering Construction, Inc., of Oakdale, California

*A1 Approved the minutes of 08/20/2013

*A2 Reappointed Vicki Bauman and Manuela Paredes-Walsborn to the Stanislaus County Children and Families Commission 2013-425

*A3 Approved amendments to the Conflict of Interest Code for Denair Unified School District 2013-426

*A4 Proclaimed September 2013 as National Recovery Month 2013-427

*B1 Authorized the Auditor's Office to issue checks totaling \$22,738.69 per list of claims for excess proceeds submitted in accordance with Revenue and Taxation Code Section 4675; and, hold the distribution of \$19,192.56 for two parcels for further research per the recommendation of County Counsel – T/TC 2013-428

*B2 Accepted the Stanislaus County Treasury Pool's July 2013 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 has been 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 2013-429

*B3 Acceptance of the Annual Reports for the County of Stanislaus Tobacco Endowment Funds, Series 2002 and Series 2006, for FY Ending 06/30/2013; and, authorized the Chairman to

sign on behalf of the Board that the reports have been reviewed and accepted – T/TC
2013-430

- *B4** Approved the Agreement #13-20166 with the California Department of Public Health for the Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS) surveillance services for the term of 07/01/2013 through 06/30/2016; approved the Agreement #13-20257 with the California Department of Public Health for the HIV/AIDS prevention services for the term of 07/01/2013 through 12/31/2013; approved the Agreement #13-20077 with the California Department of Public Health for the HIV/AIDS Care Programs services for the term of 07/01/2013 through 03/31/2014; and, authorized the HSA Managing Director, or her designee, to sign and execute the agreements and subsequent amendments – HSA 2013-431
- *C2** Approved the conditional award of the contract in the amount of \$253,748.76 to California Pavement Maintenance Company of Sacramento, California for the construction of the 2013 Slurry Seal, subject to receipt of appropriate insurance and bonds; authorized the Director of Public Works to execute a contract with California Pavement Maintenance Company in the amount of \$253,748.76 and to sign necessary documents; authorized the Director of Public Works to execute change orders in accordance with Public Contract Code, Section 20142 and 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 2013-432
- *C3** Approved the conditional award of the contract in the amount of \$914,480 to Telfer Oil Company, of Martinez, California, for the Stanislaus County 2013 Chip Seal Program (Polymer Asphalt Rejuvenation Emulsion), subject to receipt of appropriate insurance and bonds; authorized the Director of Public Works to execute a contract with Telfer Oil Company for \$914,480 and to sign necessary documents; authorized the Director of Public Works to execute change orders in accordance with Public Contract Code, Section 20142; and, authorized the Construction Manager to issue a Notice to Proceed contingent on proper insurance and bonds – PW 2013-433
- *C4** Approved the conditional award of a contract in the amount of \$645,000 to Aztec Consultants, Inc. of San Ramon, California for the construction of the Frank Raines Regional Park Water Filtration System project, Phase 1, subject to receipt of appropriate insurance and bonds; authorized the Director of Public Works to execute a contract with Aztec Consultants, Inc., for \$645,000 and to sign necessary documents; directed the Auditor-Controller to make the necessary budget adjustments per the attached budget journal. Approve the decrease in the committed fund balance of \$67,221; authorized the Director of Public Works to execute change orders in accordance with Public Contract Code, Section 20142 and 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 2013-434
- *C5** Approved summarily vacating all of Gallo Park Way, a portion of Santa Rita Ave., S. Santa Ana Ave., Hermosa Ave., portions of three undeveloped alleys located between Santa Rita Ave. and S. Santa Cruz Ave. and south of Tenaya Drive, lying within Lots 8 and 9 of the Hermosa Tract, south of the City of Modesto; pursuant to Street and Highway Codes 8334(a & b), 8335, and 8340, the Board finds based on the reasons stated in the agenda item, that this portion of streets and alley described, are not required for street and highway purposes; finds all public utility easements will be retained for the benefit of in-place public utility facilities; adopted the resolution vacating that portion of the streets and alleys lying in Lots 8 and 9 of the Hermosa Tract as described in Exhibits “A” and “B”; and,

created a Temporary Emergency Vehicle Access Easement located on Hermosa Ave. as described in Exhibits "C" and "D" of the agenda item – PW 2013-435

***D1** Authorized the release of the FY 2012-2013 Draft Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) and Emergency Solutions Grant (ESG) Programs; and set a public hearing on 09/17/2013 at 6:35 p.m. to consider adoption of the FY 2012-2013 Draft CAPER for the CDBG and ESG Programs – Planning 2013-436

Withrow/O'Brien unan. ***C1** Approved the conditional award of a contract in the amount of \$177,239.75 to Sinclair General Engineering Construction, Inc. of Oakdale, California for the construction of the Salida Sidewalk Repair Project, Phase 1, subject to receipt of appropriate insurance and bonds; authorized the Director of Public Works to execute a contract with Sinclair General Engineering Construction, Inc., for \$177,239.75 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 2013-437

Withrow/Monteith unan. **B5** Approved the Fourth Annual Stanislaus County Board of Supervisors' Effective Partnership Recognition for the Community Services Agency and Public Works Geographic Information System (GIS) – CEO 2013-438

De Martini/O'Brien unan. **B6** Accepted the report of the DA's Office regarding Real Estate Fraud Prosecution Trust Fund covering FY 2012-2013 pursuant to California Government Code section 27388, sub-sections (d)(1) and (d)(2); and, approved the continuation of this program and current funding levels in the 2013-2014 Fiscal Year – DA 2013-439

Monteith/O'Brien unan. **B7** Authorized the Project Manager to submit Schematic Design Drawings to the State of California, Board of State and Community Corrections, the State Fire Marshal and the California Department of Corrections and Rehabilitation for Project One (Housing and Medical/Mental Health); Project Two (Day Reporting Center) and Project Three (Intake Release, Transportation) as prepared by the HOK/LDA Design Team; as approved by Board of Supervisors Resolution, authorized the Project Manager to seek a possible project scope change from the Board of State and Community Corrections from two 192 maximum bed units to up to two 240 maximum bed units if within the Approved Project Budget and already allocated State funding; approved the Public Safety Center Expansion Site Development Study and Neighborhood Plan as prepared by HOK which recommends the exact location at the approved site, the Stanislaus County Public Safety Center for the Housing Project (Project One) and the Day Reporting Center (Project Two) and authorized the Project Manager to completed the required Real Estate Due Diligence with the State Agencies as required for AB 900 Phase II funding; authorized the Project Manager, in coordination with County Counsel, to negotiate, draft and execute the Board of State and Community Corrections Agreement and the Project Delivery and Construction Agreement between Stanislaus County and the State Public Works Board, the Department of Corrections and Rehabilitation, and the Board of State and Community Corrections for the Assembly Bill 900 (AB 900) Phase II Jail Financing Program for the construction of portions of the Stanislaus County Public Safety Center Expansion/Jail Construction Project; directed the Auditor Controller to increase appropriations and estimated revenue in the Jail Expansion Project budget in the amount of \$83,446,177 as detailed in the Budget Journal form to fully appropriate the approved Project Budget for all the remaining phases of work pursuant to the approved Project Plan; and, directed the Auditor Controller to increase appropriations and estimated revenue in the Project Three companion project budget in the amount of

\$22,596,619 as detailed in the Budget Journal form to fund the remaining phases of work pursuant to the approved Project Plan – CEO 2013-440

Corr 1 Referred to the Agricultural Commissioner and Sealer of Weights and Measures, a letter from Jensen and Jensen Attorneys regarding a Tulare County ordinance relating to walnut theft.

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 172 employees at their 3250 Patterson Road, Riverbank, CA facility beginning the week of October 20, 2013 and expects to recall employees in January 2014 per the Workers Adjustment and Retraining Notification (WARN Act) requirements.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Evgeniy Viktorochich Gubanov; Anushik Ebeyan, and Ronald E Dafford.

Stan Risen, Interim CEO, reported that staff is closely watching SB 594(Hill) which would severely limit the ability of non-profits like our CSAC organization and the State Sheriff's Association to participate in State and local ballot campaigns. He gave an update regarding the Rim fire, and stated that our thoughts and prayers go out to those in Tuolumne County. He noted that significant resources have been sent from Stanislaus County, including 14 fire engines with over 51 fire personnel, as well as 20 law enforcement personnel from various agencies including our Sheriff's Department. FEMA has stepped in and has authorized the use of federal funds. The last report he received is that the fire is about 20 percent contained.

The Chairman announced that there will be a Public Dedication Ceremony for the Public Safety Center - Unit 2 New Jail Facility on Tuesday, 09/10/2013 at 4:00 p.m. located at the Stanislaus County Public Safety Center on 200 E. Hackett Road, Ceres, CA.

Adjourned to closed session at 11:50 a.m. for Conference with Legal Counsel - Existing Litigation: One case: County of Stanislaus v. City of Modesto, Stanislaus County Superior Court Case No. 667396. Government Code Section 54956.9 (a). Conference with Legal Counsel - Significant Exposure to Litigation: One matter. Government Code Section 54956.9 (d)(2)

Adjourned at 1:05 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.)