

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

Regular Session

Tuesday

May 6, 2014

All Supervisors Present

Pledge of Allegiance to the Flag

Mary Ann Lee, Managing Director of HSA, gave a presentation and accepted a resolution proclaiming May 2014 as Asthma Awareness Month.

Carlos Yamzon, Executive Director of StanCOG, gave a presentation and accepted a resolution proclaiming 05/12-16/2014 as Bike to Work Week.

Sheriff Christianson was presented with a commendation from Senator Cannella's and Assemblymember Olsen's offices upon being installed as the President of the California State Sheriff's Association.

Carmen Sabatino voiced concerns regarding investigations conducted by the DA's office, and he played a portion of an audio recording regarding one of the investigations.

Birgit Fladager spoke in support of her staff and stated that the comments made previously about the DA investigators are not accurate. She noted that those making these comments are subjecting themselves to liability for libel, slander and defamation.

Sheriff Christianson was presented with a Certificate of Special Congressional Recognition from Congressman Denham's office upon becoming the President of the California State Sheriff's Association.

Emerson Drake spoke highly of the services provided by the Stanislaus County Library. He voiced concerns about incorrect information reported in the Modesto Bee regarding Salida and the funding for fire services and bus services. He also voiced concerns about City of Modesto's appointments to the Modesto Regional Fire Authority.

Monteith/Chiesa unan. Adopted the consent calendar after removing from consent item **\*B5** Approval to Declare County Property Located at 700 17th Street, Modesto, California, Formerly Known as the Medical Arts Building, as Surplus, and Adopt a Resolution Declaring the County's Intent to Sell the Surplus Property, Set the Minimum Price, Retain a Licensed Realtor to Market the Property, and Related Actions – CEO

**\*A1** Approved the minutes of 04/29/2014

**\*A2** Appointed Matthew Jacob to the Stanislaus County Equal Rights Commission 2014-205

**\*A3** Accepted the resignation of Linda Nowak from the Economic Development Action Committee  
2014-206

**\*A4** Approved request from the City of Oakdale to consolidate their Municipal Election with the  
11/04/2014 Gubernatorial General Election 2014-207

**\*A5** Proclaimed May 2014 as CalFresh Awareness Month and approved a resolution highlighting  
the need for CalFresh awareness in Stanislaus County – CSA 2014-208

**\*A6** Proclaimed 05/18/2014 through 05/24/2014 as Stanislaus County Public Works Week  
2014-209

- \*A7 Appointed Steve Hallam as the representative for the City of Ceres, replacing Bryan Briggs, on the Stanislaus County Economic Development Action Committee 2014-210
- \*B1 Authorized the Director of DER, or her designee, to submit a Letter of Commitment to develop a Local Agency Management Plan to comply with Assembly Bill 885: Onsite Sewage Treatment Systems – DER 2014-211
- \*B2 Authorized the Department of Parks and Recreation to hold the Nineteenth Annual Fireworks Celebration on Friday, 07/04/2014, at Woodward Reservoir Regional Park located at 26 Mile Road in the unincorporated area of Stanislaus County; authorized the Director of Parks and Recreation to promote and support activities related to the Nineteenth Annual Fireworks Celebration; authorized the Director of Parks and Recreation, or her designee, to sign the necessary contractual agreements for the event – Parks 2014-212
- \*B3 Approved the closure of the Workers’ Compensation Bank Account through Bank of the West – Risk Management 2014-213
- \*B4 Appointed Peggy Huntsinger, Assistant Risk Manager, as Stanislaus County’s Primary Representative to the CSAC – Excess Insurance Authority (EIA); and, appointed Kevin Watson, Liability and Insurance Manager, as Stanislaus County’s Alternate Representative – Risk Management 2014-214
- \*C1 Awarded a contract for All-Inclusive Bridge Engineering Services to Quincy Engineering of Sacramento, CA, in the amount of \$466,366 for the Milton Road over Rock Creek Tributary bridge replacement project; and, authorized the Director of Public Works to execute a contract with Quincy Engineering in the amount of \$466,366, and to sign necessary documents, including any amendments to the agreement not to exceed 10% – PW 2014-215
- \*C2 Finds that Ordinance C.S. 1149 is not subject to CEQA (Public Resources Code, Sections 2100 et. seq.); and, introduced and waived the first reading of Ordinance C.S. 1149 amending Title 11, Section 11.08.020, Red Curb Marking – Streets Designated, of the Stanislaus County Code, by adding Beckwith Court in Stanislaus County, Modesto area – PW ORD-55-S-9 2014-216
- \*C3 Approved the purchase agreement to acquire right-of-way for the Crows Landing Road at West Main Intersection Upgrade Project, Parcel Owner: Arthur F. Silva and Tina M. Silva, Trustees, APN: 058-004-017 (portion); and, authorized the Chairman to execute the agreement – PW 2014-217
- \*D1 Rescinded a portion of Williamson Act Contract No. 1972-2491, located at 13330 Valley Home Road, between Lambuth and Valley Home Roads, in the Valley Home area; approved and established the following findings: (a) the new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years except as authorized under the County's implementation of AB 1265; (b) there is no net decrease in the amount of the acreage restricted; in cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts; (c) at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; (d) after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222; (e) the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts; (f) the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; (g) the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan;

approved new contract pursuant to minor Lot Line Adjustment, PLN2013-0089, Lois E. Hoffman Trust; and, authorized the Director of Planning and Community Development to execute a new contract – Planning 2014-218

- \*D2** Rescinded a portion of Williamson Act Contract No. 2002-4494, and all of Williamson Act Contract No. 2002-4468, located at 3818 Shoemake Avenue, east of Dakota Avenue and south of North Avenue, in the Modesto area; approved and established the following findings: (a) the new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years except as authorized under the County's implementation of AB 1265; (b) there is no net decrease in the amount of the acreage restricted; in cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts; (c) at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; (d) after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222; (e) the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts; (f) the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; (g) the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan; approved new contract pursuant to minor Lot Line Adjustment, PLN2014-0037, Byrd/Meirinho; and, authorized the Director of Planning and Community Development to execute a new contract – Planning 2014-219

O'Brien/Monteith unan. **\*B5** Declared the County-owned property located at 700 17th Street, and the adjacent County-owned parking lot in Modesto, CA as surplus; adopted a resolution declaring the County's intent to sell the County-owned facility and property previously occupied by HSA and known as the former Medical Arts Building located at 700 17th Street, Modesto; the resolution shall further state: (a) the minimum sale price shall be set at \$1,363,603, (b) sealed offers to purchase the property will be received and considered at the CEO's Office, 1010 10th Street, Suite 6800, Modesto CA, on 06/11/2014 at 10:00 a.m., and (c) following the opening of sealed offers, potential purchasers will have an opportunity to participate in an oral auction, to be conducted by the County's Purchasing Agent Mr. Keith Boggs, so long as any price offered is at least 5% higher than the highest written price; directed the Clerk of the Board to make the appropriate publications in accordance with Stanislaus County Code 4.24.030 regarding the sale of surplus real property; in accordance 4.24.030.D, directed staff to hire licensed real estate broker, Brekke Real Estate, Inc. and authorized the payment of a total not to exceed 5% commission (from the proceeds of the sale) to be split between the County's broker and the purchaser's broker in the event a purchaser identified by Mr. Brekke submits a successful offer to purchase the property; and, **amended** the agenda item to remove the formal resolution from the agenda item – CEO 2014-220

**Amended Item B6** Consideration and Approval of the Third Quarter Financial Report for Fiscal Year 2013-2014 and Related Actions, **to take two votes as follows:**

First Vote: O'Brien/Withrow unan. **B6** Accepted the CEO's Third Quarter Financial Report for FY 2013-2014; **amended** Staff Recommendation No. 2 and authorized the CEO and Auditor-Controller to make the necessary adjustments as recommended in the Third Quarter Financial Report, except the adjustments for the Sheriff-Court Security budget; authorized the Auditor-Controller to make necessary

fiscal year-end accounting entries to accurately report expenses and revenue in the appropriate fiscal year, and adjust appropriations as necessary, as approved by the CEO; **amended** Staff Recommendation No. 4 and authorized the use of \$613,000 (\$622,200 less the \$9,200 for Sheriff-Court Security) in Appropriations for Contingencies as recommended in the Third Quarter Financial Report; amended the Salary and Position Allocation Resolution to reflect the recommendations included as part of the Third Quarter Financial Report, as outlined in the Staffing Impacts section and detailed in Attachment B of the agenda item, to be effective the start of the 05/17/2014 pay period; and, approved contracts and/or agreements listed on Attachment C of the agenda item in cumulative amounts of \$100,000 or greater since 07/01/2011, and authorized the Chairman of the Board, the GSA Director/Purchasing Agent or Department Head to sign

Second Vote: O'Brien/Chiesa unan. **B6 Denied** funding the additional \$9,200 for Sheriff-Court Security; and, directed staff to return this matter to the Board with an update 2014-221

Chiesa/Withdraw unan. **B7** Accepted the conditional award of \$40 million from the State of California Board of State and Community Corrections under SB 1022 Adult Local Criminal Justice facilities Construction Financing Program for the design build construction of the Stanislaus County Re-Entry and Enhanced Alternatives to Custody Training (REACT) Center Project; authorized the Project Manager to issue a Request for Qualifications and Proposals for professional programming and architectural design services for the REACT Center Project and to return to the Board of Supervisors with a recommendation to award a Professional Services Agreement; authorized the Project Manager to exercise an option to proceed with the programming design component to expedite the architectural design process of the REACT Center Project, in the event the project establishment process is delayed by the State of California; authorized the Project Manager in collaboration with County Counsel, and outside legal counsel to negotiate the terms of Construction Agreement, the Project Delivery and Construction Agreement (PDCA), and Site Access Agreements between Stanislaus County, the State Public Works Board (SPWB), the Department of Corrections and Rehabilitation, and Board of State and Community Corrections of the State of California for the design-build construction of all components of the REACT Center Project; directed the Auditor-Controller to increase appropriations in the amount of \$44,695,000 and to increase revenue in the amount of \$40,000,000 in the SB 1022 Adult Local Criminal Justice Facilities Capital Project Fund as outlined in the budget journal form; directed the Auditor-Controller to increase other operating transfers out in the amount of \$79,535 in Fund 6402 Public Facilities Fees-Jails and increase other operating transfers out in the amount of \$170,465 in Fund 2402-Detention, increase operating transfers in the amount of \$250,000 in the SB 1022 Adult Local Criminal Justice facilities Capital Project Fund; and, authorized the Project Manager to negotiate and sign contracts, work authorizations, and purchase orders for professional services needed in this phase of the project as long as they are within the project budget – CEO 2014-222

Monteith/O'Brien unan. **B8** Authorized the Sheriff's Department to rehire Kim Unruh as an extra-help Legal Clerk IV prior to the 180-day waiting period per the Public Pension Reform Act (AB 340 and AB197) – Sheriff 2014-223

**Corr 1** Referred to the Stanislaus Economic Development and Workforce Alliance and the Alliance WorkNet, a letter from Silgan Containers giving notice of the temporary layoff of employees at their Riverbank location at 3250 Patterson Road; employees are expected to be recalled on July 7, 2014, per the Worker Notification and Retraining Act (WARN Act).

**Corr 2** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Danny Williams; and, State Farm Mutual A/S/O Dan Crisp.

Supervisor Chiesa reported that the CSAC Leadership Conference will be held in Sacramento on Wednesday, 05/14/2014. The main topic will be water, and there will also be break out sections regarding administration of justice, housing, land use, transportation and health.

Supervisor De Martini reported that this evening he, along with the LAFCO Executive Director, will go to the Westside Community Healthcare District to discuss the possible merger of the Westside Community Healthcare District with the Del Puerto Health Care District.

CEO Risen reported that the Governor will release the May Revised Budget next Wednesday, and noted that State revenue is trending a little ahead of budget. He reported that progress is being made in including Orestimba Creek into the Water Resources Development Act. Congressman Denham has been advocating for the inclusion of this project, and the County is grateful to him and his staff for their support. The CEO congratulated Sheriff Christianson upon being named the President of the California State Sheriff's Association, and noted that this is an important and prestigious position.

Adjourned at 10:54 a.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.)