

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

Regular Session

Tuesday

May 13, 2014

All Supervisors Present

Pledge of Allegiance to the Flag

Chairman De Martini spoke about the Adopt a Pet program and Stanislaus Animal Services staff presented a cat and dog that are eligible for adoption.

BHRS Director Madelyn Schlaepfer spoke regarding May 2014 as Mental Health Month.

Mountain Valley EMS Executive Director Richard Murdock gave a presentation regarding 05/18-24/2014 as Emergency Medical Services Week

Sheriff Adam Christianson presented the new Stanislaus County Sheriff Recruitment video.

Carmen Sabatino spoke regarding the low turnout at an event yesterday that featured the candidates for the District Attorney. He voiced concerns about the driving activities of a black sedan after this event. He also voiced concerns about the Sheriff's SWAT Team, and the investigation of the Anthwal brothers in Turlock.

Dave Geer, former Modesto City Councilmember, voiced concerns about the new Common Core school curriculum and provided a book by Glenn Beck regarding this issue.

Emerson Drake spoke regarding the public comments made at last week's Board meeting, and his recent public records request to the County. He voiced concerns regarding the selection of the new City of Modesto Interim City Manager and about the incomplete campaign contribution Form 460 by a candidate. He inquired about the County's liability insurance and if the rates were impacted by lawsuits, and he asked questions regarding the DA's prosecution of elder abuse cases.

Withdraw/O'Brien unan. Adopted the consent calendar

*A1 Approved the minutes of 05/06/2014

*A2 Adopted and waived the second reading of Ordinance C.S. 1149 to amend Title 11, Section 11.08.020, Red Curb Marking – Streets Designated, of the Stanislaus County Code to include Beckwith Court in Stanislaus County, Modesto Area ORD-55-S-9 2014-224

*A3 Adopted and waived the second reading of Ordinance C.S. 1147 adopting new and amending existing fees collected by the Department of Environmental Resources

ORD-55-S-7 2014-225

*A4 Approved commendations for the 2014 Stanislaus County Outstanding Senior Citizens in Celebration of Older Americans Month in May 2014-226

*A5 Proclaimed May 2014 as Foster Care Awareness Month 2014-227

*B1 Approved the 2014-2015 Megabyte Automated Property Tax System Maintenance Agreement with Megabyte Systems, Inc.; and, authorized the CEO upon the recommendation of the Assessor, Auditor-Controller, Treasurer-Tax Collector to sign the 2014-2015 Megabyte Automated Property Tax System Maintenance Agreement with Megabyte Systems, Inc. – Assessor 2014-228

- *B2 Accepted a Grant from the National Children’s Alliance for the Child Abuse Interview, Referral and Evaluation (CAIRE) Center; and, authorized the CSA Director, or her Assistant Director designee, to sign the Sub-Award Agreement with the California Network of Child Advocacy Centers not to exceed the total contract amount of \$9,000 for the period 01/01/2014 through 12/31/2014 – CSA 2014-229
- *B3 Approved the Agreement Amendment #13-20257 A01 with the California Department of Public Health for HIV/AIDS prevention services for the term of 07/01/2013 through 12/31/2015; approved the Agreement Amendment #13-20077 A01 with the California Department of Public Health for HIV/AIDS Care Program services for the term of 07/01/2013 through 03/31/2016; approved the Agreement #13-20731 with the California Department of Public Health for AIDS Drug Assistance Program services for the term of 07/01/2013 through 06/30/2016; approved the Agreement #13-20975 with the California Department of Public Health for HIV/AIDS Medi-Cal Waiver Programs for the term of 01/01/2014 through 12/31/2016; and, authorized the HSA Managing Director, or her designee to sign and execute the Agreements and Amendments – HSA 2014-230
- *B4 Set a public hearing for consideration and adoption of the 2014-2015 Recommended Proposed Budget on 06/10/2014 at 9:05 a.m., and Continue to 06/11/2014 at 9:00 a.m., and 06/12/2014 at 9:00 a.m. if necessary; and, directed the COB to advertise the public hearing; and authorized the COB to make appropriate changes to the public notice if fee increases are proposed as part of the budget process – CEO 2014-231
- *C1 Approved a Professional Design Services Master Agreement with Harris & Associates to provide on-call construction management services for various Public Works Department projects through 05/13/2017 at an amount not to exceed \$1,000,000; authorized the Public Works Director to sign the agreement; and, authorized the Public Works Director to sign future amendments during the life of the agreement and with the approved compensation limits – PW 2014-232
- *C2 Approved and adopted the Stanislaus County Department of Public Works Standards and Specifications 2014 Edition Update – PW 2014-233
- *C3 Approved a purchase agreement to acquire right-of-way for the Crows Landing Road at West Main Intersection Upgrade Project, Parcel Owner: The Mountain View School District, a Public Corporation, and Mountain View School District of Stanislaus County, APN: 058-004-007 (portion); and, authorized the Chairman of the Board to execute the agreement – PW 2014-234
- *C4 Approved a purchase agreement to acquire a temporary construction easement for the Crows Landing Road at West Main Intersection Upgrade Project, Parcel Owner: Gerald A. Wagner and Rosemary J. Wagner, Trustees, APN: 022-039-003 (portion) and 022-039-004 (portion); and, authorized the Chairman of the Board to execute the agreement – PW 2014-235
- *C5 Approved the purchase agreement to acquire right-of-way and temporary construction easement for the Crows Landing Road at West Main Intersection Upgrade Project, Parcel Owner: Arthur F. Silva and Tina M. Silva, Trustees, APN: 058-006-002 (portion); and, authorized the Chairman of the Board to execute the agreement – PW 2014-236

Corr 1 Referred to the DER, Department of Public Works, and, Agricultural Commissioner and Sealer of Weights and Measures, a letter from MBK Engineering regarding the temporary transfer of water from Plumas Mutual Water Company to participating State Water Contractors by groundwater substitution.

Corr 2 Referred to the DER, Department of Public Works, and, Agricultural Commissioner and Sealer of Weights and Measures, a letter from MBK Engineering regarding the temporary transfer of water from

Garden Highway Mutual Water Company to the San Luis & Delta-Mendota Water Authority by groundwater substitution.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Manuel Rosa; Carrie Turpin; DeeDee Martinez; Terre Duensing; David Hafey; and, Fred VanDyken.

Supervisor Chiesa reported that the CSAC Legislative Conference starts tomorrow in Sacramento, and there will be discussions regarding water, realignment and the Governor's May Revised Budget.

CEO Risen reported that the Governor released his May Revised Proposed Budget, in which revenues are projected to be up \$2.4 billion. This budget focuses on paying down debt and reducing long term liabilities, including placing \$1.6 billion aside for a rainy day fund, \$1.6 billion to pay off some economic recovery bonds, and funding to shore up CalSTRS. He noted that Medi-Cal has increased statewide by 46% after the implementation of Covered California and the Affordable Care Act, and that this budget reflects an additional \$1.2 billion to fund this Medi-Cal expansion.

Supervisor Chiesa noted that the May Revised includes \$100 million to pay back a portion of the money owed to counties, cities, and schools for mandated programs.

Adjourned to closed session at 10:03 a.m. for Closed Session: Conference with Legal Counsel - Existing Litigation: Three cases: Stanislaus Audubon Society v. County of Stanislaus, et al, Stanislaus County Superior Court Case No. 683325; West Stanislaus Irrigation District v. the Heirs and Devisees of J.P. Hammonds, et al., Stanislaus County Superior Court Case No. 2004207. West Stanislaus Irrigation District v. Burkhard Investment Company, et al., Stanislaus County Superior Court Case No. 2004208. Government Code Section 54956.9 (d)(1). Conference with Labor Negotiator - Agency Negotiators: Stan Risen, 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; 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 Probation Corrections Officers' Association (SCPCOA); Stanislaus County Sheriff Management Association (SCSMA); Stanislaus County District Attorney Investigators' Association (SCDAIA); and, Stanislaus Sworn Deputy Association (SSDA). Government Code Section 54957.6.

Closed Session Announcement: Chiesa/Withdraw unan. In the case of West Stanislaus Irrigation District v. the Heirs and Devisees of J.P. Hammonds, et al., Stanislaus County Superior Court Case No. 2004207, the Board authorized the Director of Public Works to sign a disclaimer of interest in the eminent domain lawsuit filed by West Stanislaus Irrigation District that protect public easements and applicable property taxes, and directed County Counsel to file the disclaimer in the lawsuit 2014-237

Closed Session Announcement: Chiesa/Withdraw unan. In the case of West Stanislaus Irrigation District v. Burkhard Investment Company, et al., Stanislaus County Superior Court Case No. 2004208, the Board authorized the Director of Public Works to sign a disclaimer of interest in the eminent domain lawsuit filed by West Stanislaus Irrigation District that protect public easements and applicable property taxes, and directed County Counsel to file the disclaimer in the lawsuit 2014-238

Supervisor Withdraw left at 10:15 a.m.

Closed Session Announcement: O'Brien/Chiesa (4-0)(Withrow abstained) In the case of Stanislaus Audubon Society v. County of Stanislaus, et al, Stanislaus County Superior Court Case No. 683325, the Board approved the terms of, and authorized the Chairman to sign, a Release and Settlement Agreement to resolve the lawsuit filed by Stanislaus Audubon Society challenging the County's approval of a Vesting Tentative Parcel Map No. 2006-44 project proposed by Real-Party-in-Interest Willms Ranch, LLC; and, authorized County Counsel and the Director of Planning and Community Development to negotiate and sign an agreement with Willms Ranch to implement the settlement agreement 2014-239

Supervisor Withrow returned at 10:35 a.m.

Adjourned at 11:15 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.)