

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

Regular Session

Tuesday

August 12, 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.

Milton O'Haire, Agricultural Commissioner and Sealer of Weights and Measures, presented the 2013 Stanislaus County Agricultural Crop Report.

John Booker, representing the Stanislaus Water Coalition, spoke regarding the newly planted orchards on the east side of the County and the impact on groundwater. He voiced concerns regarding the County issuing well drilling permits. The Stanislaus Water Coalition requests that the County place an immediate moratorium on all new agricultural industrial sized well drilling permits, and prohibit the drilling of industrial wells that are permitted but have yet to start construction. They ask that this moratorium stay in place until a focused EIR is performed to determine the impact of these proposed wells on the long term sustainability of the groundwater table.

Sharon Getchel, from the rural Oakdale area, spoke regarding the conversion of range land to orchards and voiced concerns about the sustainability of groundwater. She asked how the County will protect the groundwater until a sustainable groundwater management program is in place. She suggested that the County reevaluate the well permitting process, suspend the issuance of permits for industrial wells during the drought, or create a rigid permit system that requires impact and review studies, and provide information and emergency low interest loans for domestic well owners.

Frank Clark, from Oakdale, spoke regarding the decreasing groundwater levels and domestic wells going dry. He stated that the current demand for groundwater is unsustainable. He noted that the Department of Water Resources has put the local irrigation districts on notice that they are expected to give up 40% unimpaired flow in the rivers that serve their districts. With less surface water irrigation, there is little hope for groundwater recharge. He asked the Board to place a moratorium on large wells.

Kathy Smith, from the Knights Ferry area, stated in 2009 there was 30 feet of water in their well, but in 2011 it went dry and they had to rebuild it. She noted that orchards have been planted on the properties surrounding them, which have caused problems for her family including noise from the large pumps. She voiced concerns about planting orchards on range land in areas outside surface water irrigation. She requested that the County cease issuing large well permits, and monitor and restrict pumping from the aquifers.

Mary Blanc, from Oakdale, noted that she is in the process of losing her well. She voiced concerns about new homes being built, and new orchards being planted in this area that are affecting the groundwater levels. She requested that the County place a moratorium on wells being drilled for both agriculture and new homes.

Reyanne Sponsel, from the west side of Oakdale, noted that there are almond orchards being planted in her area. She requested that the County place a moratorium on deep water wells for irrigation, and provide assistance for the people that have 100 feet wells that are being impacted.

Emerson Drake spoke regarding the domestic water wells being impacted by the deep agricultural wells. He suggested that the County require farmers to report how much water they are pumping and place a moratorium on deep wells. He also spoke regarding a stingray device being used by the Sacramento County Sheriff's Department, and noted that he will expand his public records request, in this County, for the procurement of records and grant applications with the Harris Corporation since 2005.

Supervisor O'Brien thanked all the residents from the Oakdale, Knights Ferry, and Valley Home area that attended today's meeting. He noted that County staff is working quickly on the development of a well loan program for wells that have gone dry. He reported that there are some well drilling machines exempt from air pollution rules in the event of an emergency. However, the exemption does not apply to the type of drilling machines used in the Central Valley. The County is working with the State, and all our state legislators, regarding this issue. He spoke regarding the Department of Water Resources requirement of 40% unimpaired river flow diversion for river fish, and noted that instead of the emphasis being placed on fish, the emphasis needs to be on people.

Supervisor Chiesa noted that surface water is linked to underground water supplies. As we receive less surface water, there is less of a chance to expand our irrigation districts. He emphasized the importance of keeping all of the water in our basin, and not selling the water out of this basin.

Supervisor Withrow gave an update on the Water Advisory Committee and County staff's efforts in addressing groundwater matters including the development of the well loan program, working on State legislation, looking at future land uses, and addressing the surface water issue with the Department of Water Resources. He noted that the County is making good progress, but the ultimate solution is surface water, improving the infrastructure, and increasing the water conveyance systems. He noted that funding is needed for these improvements, and water rates need to be looked at.

Withrow/Chiesa unan. Adopted the consent calendar after removing from consent item ***B6** Acceptance of the Annual Reports for the County of Stanislaus Tobacco Endowment Funds – Series 2002 and Series 2006 for Fiscal Year Ending June 30, 2014 – Treasurer-Tax Collector

- *A1** Approved the minutes of 07/29/2014
- *A2** Accepted the resignation of Officer John Wohler from the Advisory Board on Substance Abuse Programs 2014-409
- *A3** Approved consolidating the Del Puerto Health Care District Election with the Gubernatorial General Election to be held on Tuesday, November 4, 2014 2014-410
- *B1** Approved contracts with the California Department of Aging, and authorized the Director of Aging and Veterans Services, Area Agency on Aging (AAA), to sign Contract Nos. AP-1415-30 for the Area Plan (Older Americans Act Programs), HI-1415-30 for the Health Insurance Counseling and Advocacy Program, TV-1415-30 for the Title V Senior Community Service Employment Program, and MS-1415-14 for the Multipurpose Senior Services Program – Aging & Veterans 2014-411
- *B2a** Authorized GSA Purchasing Division to issue a RFP on behalf of BHRS for the provision of specialized mental health services to adults residing in locked facilities and adults needing transitional rehabilitation with intensive case management support services for the contract period of 07/01/2015 through 06/30/2016 with an option to renew the agreement on a year-to-year basis up to a maximum of four additional years – BHRS 2014-412

- ***B2b** Authorized GSA Purchasing Division to issue a RFP on behalf of BHRS for the provision of specialized mental health services for adults with serious and persistent behavioral health issues that require rehabilitation and intensive case management support for the contract period of 07/01/2015 through 06/30/2016 with an option to renew the agreement on a year-to-year basis up to a maximum of four additional years – BHRS 2014-413
- ***B2c** Authorized GSA Purchasing Division to issue a RFP on behalf of BHRS for the provision of mental health services for children for the contract period of 07/01/2015 through 06/30/2016 with an option to renew the agreement on a year-to-year basis up to a maximum of four additional years, and to include Children's Home Based services, ADHD services, Outpatient services, Early Intervention Program services, Day Treatment services, Non-Public Schools Outpatient Program services and SELPA services – BHRS 2014-414
- ***B3** Approved the provisions contained within the tentative agreement reached between the County and the California Nurses Association; amended the Salary and Position Allocation Resolution to reflect the changes included in the tentative agreement; and, authorized the Chairman of the Board of Supervisors and all parties to sign the agreement – CEO 2014-415
- ***B4** Approved and accepted the fifth update on the status of the emergency repairs at the Gallo Center for the Arts, Inc. in accordance with the Public Contract Code Sections 20134 and 22050 for the Emergency Repairs to repair water damage and restore essential operations – CEO 2014-416
- ***B5** Authorized the Chairman, or his designee, to execute the necessary documents transferring ownership of real property to and from the County of Stanislaus and the City of Turlock to accommodate an existing City-owned radio tower at the Turlock Superior Court, 300 Starr Avenue, Turlock; authorized the Chairman, or his designee, to execute Amendment No. 1 to the Turlock Superior Court Transfer Agreement approved by the Board of Supervisors on 09/16/2008 to modify the description of the County property at 300 Starr Avenue, Turlock, to be transferred in title to the State of California per the original intent of the transfer agreement; authorized the Chairman, or his designee, to sign all documents, which will be approved as to form by County Counsel, for Turlock Lot Line Adjustment 13-06 of Stanislaus County Assessor's Parcel Nos. 042-037-005 and 042-037-008, "300 Starr Avenue Turlock Courthouse Property and Old Turlock Police Facility Property" as authorized by Turlock City Council Resolution No. 2013-195; authorized the Chairman, or his designee, to sign the Grant Deed for the conveyance of the Turlock Courthouse to the State, which will be approved as to form by County Counsel, similar in form and content to that included in Attachment 3 to Amendment No. 1 to the Transfer Agreement upon agreement to accept title by the State of California; and, authorized the CEO, or his designee, to execute any other documents necessary to complete the transfer and to record Amendment No. 1 to the Transfer Agreement and the Lot Line Adjustment documents, upon approval as to form by County Counsel – CEO 2014-417
- ***B7** Authorized the Project Manager to relocate the Sheriff's Bureau of Administrative Services Offices at the Public Safety Center to prepare the site for the construction of Project One (Maximum-Security/Medical-Mental Health Housing Units); authorized the Project Manager to use existing budgeted funds from project savings in the California Energy Efficiency Block Grant Capital Project fund through an operating transfer of existing budgeted funds to the CEO-Plant Acquisition budget; delegated to the Project Manager the authority to award a purchase order for construction of the project consistent with the Public Contract Code Sections 22032(b) and 22034(e) which allow public projects of \$175,000 or less to be let to contract by informal procedures and take any other necessary actions that are consistent with the procedures set forth in the informal bid provisions of

the Public Contract Code; authorized the Project Manager to manage all aspects of the project, including to negotiate and sign contracts, work authorization, and purchase orders for professional services needed in this phase of the project as long as they are within the approved project budget; and, authorized the Project Manager to negotiate and sign change orders up to \$25,000 consistent with the County's Change Order Policy, as long as they are within the previously approved project budget – CEO 2014-418

- ***B8** Awarded a contract to Labware, Inc. for the purchase of a Laboratory Information Management system (LIMS) for HSA, Public Health Laboratory enabling the required use of Electronic Laboratory Reporting; authorized the Managing Director of HSA, or her designee, to finalize and execute a contract with Labware, Inc. for purchase of software, installation, and five years of software support and maintenance related to the LIMS Project and any amendments thereafter; and, approved the use of up to \$327,544 of PFF for partial funding of the purchase and installation of the LIMS system – HSA M-64-J-7 2014-419

- ***C1** Adopted the Plans and Specifications for the Empire Park Pathway Lighting and Sidewalk Project; approved the award of the contract in the amount of \$84,300 to Garrett Thompson Construction, Inc., of Modesto, CA for the construction of the Empire Park Pathway Lighting and Sidewalk Project, subject to receipt of appropriate insurance and bonds; authorized the Director of Public Works to execute a contract with Garrett Thompson, Inc., for \$84,300 and to sign necessary documents; authorized the Construction Manager to issue a Notice to Proceed contingent upon receipt of proper insurance and bonds; authorized the Director of Public Works to execute change orders in accordance with Public Contract Code, Section 20137 and 20142; and, upon project completion, authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities – PW 2014-420

- ***D1** Authorized the Director of Planning and Community Development to negotiate and execute a MOU with the City of Turlock, pending Turlock City Council approval, for the joint preparation of a Regional Consolidated Plan, Annual Action Plan, and Analysis of Impediments; authorized the Director of Planning and Community Development to negotiate and execute the contract with Pacific Municipal Consulting for a cost not to exceed \$124,025 and to sign any necessary documents relating to the contract for preparation of a Regional Consolidated Plan, Annual Action Plan, Analysis of Impediments, and an update to the Housing Element of Stanislaus County – Planning 2014-421

Withrow/Monteith unan.***B6** Accepted the Annual Reports for the County of Stanislaus Tobacco Endowment Funds – Series 2002 and Series 2006 for Fiscal Year Ending 06/30/2014; and, authorized the Chairman to sign on behalf of the Board that the reports have been reviewed and accepted – T/TC 2014-422

Monteith/Chiesa unan. **B9** Authorized the DA's office to re-hire Gay McDaniel as an extra help Victim Services Coordinator prior to the 180 day waiting period under Public Reform Act (AB 340 and AB 197) – DA 2014-423

O'Brien/Monteith unan. **B10** Approved the plans and specifications for the Coroner's Facility Project at 921 County Center III Court, Building Two, Modesto, California as prepared by Pacific Design Associates and authorized the Project Manager to finalize the bid alternates to meet the project financing strategy; authorized the Project Manager to pre-qualify the full list of eleven General Contractors for the design-bid-build construction of the Coroner's Facility Project at County Center III Court, Building Two: F&H Construction of Lodi, California; Soltek Pacific Construction of San Diego, California; lomlan

Construction Services of Turlock, California; Roebbelin Construction of El Dorado Hills, California; Ascent Builders of Sacramento, California; Diede Construction, Inc. of Woodbridge, California; Acme Construction Company, Inc. of Modesto, California; CT Brayton & Sons of Escalon, California; Broward Builders, Inc. of Woodland, California; Simile Construction Service, Inc. of Modesto, California; and, ProWest PCM, DBA ProWest Constructors of Wildomar, California; authorized the Project Manager to issue a Notice Inviting Bids for the construction of the project; set a due date of 10/01/2014 at 2:00 p.m., and authorized the Project Manager to modify the bid date if necessary; authorized the Project Manager to accept and open bids on 10/01/2014 immediately after 2:00 p.m., and return to the Board of Supervisors to recommend an award of the general construction contract to the lowest responsive bidder; and, authorized the Project Manager to negotiate and sign contracts, work authorizations, and purchase orders for professional services needed in the bid and award phase of the project as long as they are within the project budget approved by the Board of Supervisors – CEO

2014-424

Chiesa/Withrow unan. **9:05 a.m.** Finds that the notice of public hearing was published in compliance with Section 6066 of the Government Code; conducted the public hearing to receive comments regarding the FY 2014-2015 annual assessments; set the FY 2014-2015 annual assessments as shown on Exhibit "A" of the agenda item for the various County Service Areas (CSA), Landscape Assessment District (LAD) and Landscape and Lighting Districts (LLD); made the Engineer's Report a part of the record of this proceeding; and, authorized the Auditor-Controller to add the annual assessments to the FY 2014-2015 Tax Roll – PW

2014-425

Corr 1 Referred to the Department of Public Works, a notice from the California Department of Transportation (Caltrans) that a public information meeting regarding the State Route 132 West Freeway/Expressway Project will be held on Monday, August 18, 2014 at 6:30 p.m. at the King-Kennedy Memorial Center in Modesto.

Corr 2 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Roger H. Kienitz; Richard Nakamura; Natalie Lopez on behalf of Abraham Perez (minor); Praveen Singh and Joyoteshna Karan; Jesse and Maribel Rivera; and, Kenneth W. Dixon.

Chairman De Martini announced that Thursday 8/21/2014 will be the West Side Health Care Task Force's 6th Annual Health Summit and biggest loser weight contest. He invited the public to attend this event on Thursday, 8/21/2014 at the West Side Theater in Newman.

CEO Risen reported that yesterday Governor Brown signed a two day legislative extension, extending the deadline for a new water bond. He gave an update on the State Budget and noted that the State ended the year in the black, and that July revenue is exceeding expectations by 4.5%. He thanked Supervisor O'Brien for leadership regarding the air quality standards for well drilling equipment, and noted that they are working with State legislators regarding this issue.

The Chairman announced that there will be a Groundbreaking Ceremony for the Public Safety Center Expansion Project on Friday, August 15, 2014 at 9:30 a.m., located at 250 E. Hackett Rd, Ceres

Prior to adjourning into Closed Session an opportunity was given to the public to address matters listed under Closed Session.

Adjourned to closed session at 10:56 a.m. for 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 Deputy Probation Officers' Association (SCDPOA); Stanislaus Regional Emergency Dispatchers' Association (SREDA); Stanislaus County Probation Corrections Officers' Association (SCPCOA); and, Stanislaus County District Attorney Investigators' Association (SCDAIA). Government Code Section 54957.6. Conference with Legal Counsel - Existing Litigation: One Case: Lindsee Leonardo v. County of Stanislaus, et al, Stanislaus County Superior Court Case No. 630620. Government Code Section 54956.9 (d)(1). Conference with Legal Counsel - Significant Exposure to Litigation: One matter. Government Code Section 54956.9 (d)(2).

Adjourned at 12:22 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.)