

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

Regular Session

Tuesday

September 30, 2014

All Supervisors Present

Pledge of Allegiance to the Flag

Mary Burch spoke regarding last Thursday's Modesto Bee article concerning groundwater pumping. She voiced concerns regarding the membership of the Water Advisory Committee (WAC). She noted that her neighbors' wells have gone dry and that she is concerned for her well. Supervisor Withrow invited her to attend the next WAC meeting on 10/08/2014 at 6:00 p.m.

Carmen Sabatino spoke regarding two Superior Court cases that the County is currently involved with, and voiced concerns regarding the District Attorney's office.

Emerson Drake spoke regarding Mayor Marsh's comments concerning Wood Colony and Modesto's General Plan. He asked the Board for their continued support of Wood Colony community. He voiced concerns regarding groundwater pumping and noted he supports a moratorium for issuing well permits. He also spoke regarding MID supporting candidates in a local magazine.

Monteith/Withrow unan. Adopted the consent calendar after removing from consent item **B5** Approval of a Contract with the California Department of Public Health for the Women, Infants, and Children (WIC) Supplemental Nutrition Program from October 1, 2014 through September 30, 2015 – HSA

***A1** Approved the minutes of 09/23/2014

***A2** Accepted the appointment of Stephen Perez to the El Solyo Water District Board of Directors
2014-493

***A3** Accepted the resignation of Manuel Vierra from the West Stanislaus Fire Protection District
2014-494

***B1** Authorized the Agricultural Commissioner, or designee, to sign an agreement with the California Department of Pesticide Regulation for Pesticide Disposal in FY 2014-2015; and, authorized the Auditor-Controller to adjust appropriations and revenue in the amount of \$100,000 as detailed on the Budget Journal for FY 2014-2015 – Ag Commissioner
2014-495

***B2** Accepted the ninth update on the emergency repairs at the Gallo Center for the Arts, Inc. in accordance with Public Contract Code Sections 20134 and 22050 to repair water damage and restore essential operations – CEO
2014-496

***B3** Adopted a resolution proclaiming the week of 10/20/2014 – 10/26/2014 as Second Chance Week in Stanislaus County, in conjunction with National and Statewide events promoting reuse and recycling activities – DER
2014-497

***B4** Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding nuisances at 101 North G Street, Empire, CA – DER
2014-498

***B6** Accepted the Stanislaus County Treasury Pool's August 2014 Monthly Investment Report as prepared by the 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
2014-499

- ***B7** Authorized an amendment to the Tait North America, Inc. contract to continue infrastructure build out of the P-25 linear simulcast trunking radio system; and, authorized the Purchasing Agent to negotiate, finalize and sign the amendment to the agreement and any subsequent amendments thereto, on behalf of the County – Sheriff 2014-500
- ***B8** Approved the selection and award of an independent contractor agreement for building maintenance services to ABM Onsite Services – West, Inc. of San Francisco, CA as a result of an RFP process for building maintenance services for the County’s Psychiatric Health Facility located at 1904 Richland Ave., Ceres, CA; and, authorized the BHRS Director, or her designee, to sign the agreement, and any amendments thereto – BHRS 2014-501
- ***B9** Approved and authorized the CEO to sign the Sixth Amendment to the Joint Exercise of Powers Agreement of the California County Tobacco Securitization Agency relating to the creation of the Bond Issue Standing Committee – T/TC 2014-502
- ***C1** Rejected the only bid received for the Crows Landing Air Facility Test Well Project from Nor-Cal Pump and Well Drilling, Inc.; finds that a single bid is not sufficient to determine competitiveness; authorized staff to re-advertise the Crows Landing Air Facility Test Well Project in the Fall and Winter of FY 2014-2015 to receive and open the proposals, and to return to the Board of Supervisors to recommend an award to the most responsible proposer – PW 2014-503
- ***C2** Approved a purchase agreement to acquire Right-of-Way and Temporary Construction Easement for APN: 075-024-001 (Portion) for the Claribel Road at Burlington Northern Santa Fe Railroad Crossing Project (Parcel Owners: Elza Youngman, Barbara Youngman, Perry R. Youngman, and The Randy and Cheryl Youngman Living Trust.); and, authorized the Chairman to execute the agreement – PW 2014-504
- ***C3** Approved the Easement Agreement for the acquisition of the easement for the Claribel Road Truck Turning Radius identified in Exhibit "A" for the Claribel Road at Burlington Northern Santa Fe Railroad (BNSF) Crossing Project (Property Owner: BNSF Railway Company, a Delaware Corporation); and, authorized the Director of Public Works to execute the agreement with BNSF and sign all necessary documents – PW 2014-505
- ***C4** Awarded a contract for all-inclusive bridge engineering services to Drake Haglan and Associates of Rancho Cordova, CA, in the amount of \$385,167 for the Gilbert Road over Turlock Irrigation District (TID) Ceres Main Canal Bridge Rehabilitation/Replacement Project, Federal Project Number: BRLO-5938 (190); and, authorized the Director of Public Works to execute a contract with Drake Haglan and Associates in the amount of \$385,167 and to sign necessary documents, including any amendments to the agreement not to exceed 10% – PW 2014-506

Chiesa/Withrow (4-0)(O’Brien abstained) ***B5** Approved Contract No. 14-10287 with the California Department of Public Health for the Women, Infants, and Children (WIC) Supplemental Nutrition Program, from 10/1/2014 – 09/30/2015; and, authorized the HSA Managing Director, or her designee, to sign and execute the contract and any subsequent amendments thereafter – HSA 2014-507

O’Brien/Monteith unan. **B10** Authorized the Project Manager to negotiate and execute the construction contract with Synagro-WWT, Inc. for the wastewater treatment facility decommissioning/closeout project for the lump sum amount not to exceed \$425,417; authorized the Auditor-Controller to increase appropriations and revenues as outlined in the Budget Journal; authorized the Project Manager to issue a Notice to Proceed upon receipt of the proper insurance and bonds for each of the Projects; approved the sale and authorized the execution by the County of an Agreement for Purchase and Sale of the Honor Farm property to Camp Taylor, a nonprofit benefit corporation, conditioned on the County’s completion of various maintenance and decommissioning activities; directed staff to initiate proceedings for the

abandonment of the former public right of way within Laird Park; approved the preparation and execution of those easement and access agreements necessary to accomplish the transfer in fee simple title of the Honor Farm to Camp Taylor; authorized the Project Manager to sign a Conditional Use Permit Application to be submitted to the Stanislaus County Planning Commission by Camp Taylor; and, authorized the Project Manager to proceed with all other necessary actions to close out and complete the County's activities at the former Honor Farm property and deliver the former Honor Farm property to Camp Taylor as long as project costs are within the Project Budget – CEO 2014-508

Chiesa/Withrow (4-0)(O'Brien abstained) **B11** Approved the agreement with Financial Marketing Concepts, Inc. (FMC) for participation in the Coast2Coast Rx Discount Card Program; and, authorized the Chairman to sign the Coast2Coast Rx Card County Marketing Agreement with Financial Marketing Concepts, Inc. – CEO 2014-509

Chiesa/Withrow (4-1)(O'Brien opposed) **B12** Approved the filing of a Notice of Exemption finding that the proposed event is exempt under the provisions of CEQA pursuant to State Guidelines Section 15323; approved the Exclusive Use Agreement/Permit with Symbiosis Events, LLC, to hold a Symbiosis Gathering and Music Festival, in the back area of Woodward Reservoir Regional Park from Thursday, 09/17/2015 through Sunday, 09/20/2015; authorized the Director of Parks and Recreation, or designee, to direct Symbiosis Events, LLC, to adhere to the requirements set forth as outlined in the Temporary Exclusive Use Event Agreement/Permit; and, authorized the Director of Parks and Recreation to negotiate and approve future events with the Symbiosis event promoters – DER 2014-510

Withrow/Chiesa unan. **B13** Adopted the Fiscal Year 2014-2015 Mental Health Services Act (MHSA) Plan Update; authorized the BHRS Director to submit the FY 2014-2015 MHSA Plan Update to the Mental Health Services Oversight and Accountability Commission (MHSOAC); amended the Salary and Position Allocation Resolution to reflect the recommended changes outlined in the Staffing Impact section, effective the first pay period following the Board of Supervisors' approval; approved contracts listed in Attachment 1 where cumulative compensation paid exceeds \$100,000 or greater since 07/01/2012 and authorized the Behavioral Health Director, or her designee, to sign the related contracts and future amendments up to \$75,000 as detailed in Attachment 1; authorized the GSA Purchasing Division and CEO Capital Projects Division to issue RFPs on behalf of BHRS for services discussed in the agenda item; and, directed the Auditor-Controller to adjust the FY 2014-2015 appropriations and estimated revenue as detailed in the Budget Journal – CEO 2014-511

Corr 1 Referred to the Department of Public Works, a letter from the San Joaquin Valley Air Pollution Control District regarding a new grant opportunity for public agencies to fund clean-air transportation projects.

Corr 2 Designated Chairman De Martini as the Board member to serve on the Election Observer Panel for the Gubernatorial General Election on Tuesday, 11/04/2014.

Corr 3 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 in January 2015, per the Worker Adjustment and Retraining Notification Act (WARN Act).

Corr 4 Referred to the Agricultural Commissioner and Sealer of Weights and Measures, Department of Environmental Resources, Department of Public Works, Office of Emergency Services, and the Stanislaus Economic Development and Workforce Alliance, letters from the Governor's Office of Emergency Services regarding the disaster designation of Stanislaus County, and other California

counties, by the U.S. Department of Agriculture and the U.S. Small Business Administration due to agricultural losses caused by drought that occurred on January 1, 2014 and continuing.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Clifton Williams, Jr.; and, Irma Felix.

CEO Risen reported that today is the deadline for Governor Brown to sign or veto bills on his desk.

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 12:08 p.m. for 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 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 Attorney's Association (CAA); Deputy Sheriff's Association (DSA); Stanislaus County Sheriff's Supervisor 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's Management Association (SCSMA); Stanislaus County District Attorney Investigators' Association (SCDAIA); and, Stanislaus Sworn Deputies Association (SSDA). Government Code Section 54957.6.

Adjourned at 1:45 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.)