

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

Special and Regular Session
Chairman Withrow absent
Pledge of Allegiance to the Flag

Tuesday

October 20, 2015

Convened at 5:30 p.m. for Special Session

Chairman Withrow arrived at 5:35 p.m.

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

Recessed to closed session at 5:31p.m. for Conference with Legal Counsel - Existing Litigation: One Case: Irina Engert, et al. v. Stanislaus County, et al., United States District Court, Eastern District of California Case No. 1:13-CV-00126-LJO-BAM. Government Code Section 54956.9 (d)(1). Conference with Legal Counsel – Anticipated Litigation: One Case. Government Code Section 54956.9 (d)(4).

Reconvened at 6:30 p.m. for Regular Session

Invocation was given by Pastor Richard Hanshew, Sr. from Sunshine Tabernacle.

Marcia Cunningham, Director of Strategic Business Technology, presented the new Stanislaus County Website.

Reid Johnson spoke regarding the need for affordable healthcare. He encouraged the Board to watch the video Wait Till It's Free, a look at the current U.S. healthcare. He recommended that the County adopt an ordinance regulating medical care pricing by local providers.

Miguel Donoso spoke regarding quality of life issues of the Hispanic community in Stanislaus County, and questioned whether it has improved over the years.

John X. Mataka, member of Valley Improvement Projects (VIP), spoke regarding environmental issues that have affected the west side of the County. He noted that he previously participated in a tour of the materials recovery facility in Monterey and he described their various programs including: recycling, composting yard waste, the Last Chance Mercantile, and utilizing methane gas from the landfill to run all onsite operations from energy produced. He spoke regarding the State requiring increased landfill diversion to 75% by 2020, the development of an organic waste recycling plan, and the goal of 50% renewable energy.

Thomas Helme from VIP spoke regarding waste diversion, and what they learned from tours of Gilton, Bertolotti, and the Covanta Waste-to-Energy facility. He voiced concerns regarding the use of waste incinerators, and noted that when renewable material is burned it is removed from the recycling cycle.

Bianca Lopez from VIP also spoke regarding waste diversion in the County. She noted that waste, air quality and poverty all are problems in the County. She voiced concerns regarding the Waste-to-Energy plant, and stated that due to our air quality, we should not burn trash. She urged Stanislaus County and the City of Modesto to burn only the trash that cannot be reused, recycled or composted. She requested that the Board not allow trash to be brought from out of the County to be burned, and to create a strong waste recycling program.

Marissa Chavez from VIP spoke regarding the Modesto Earth Day event. She had suggestions for event sponsors, demonstrations, and making the event carbon neutral. She spoke regarding potential grant funding to help with the cost for this event.

Shivaugn Maureen from VIP gave an overview of State policies and legislation including SB 375, the Sustainable Communities and Climate Protection Act. She noted that VIP is in support of the recently formed Stanislaus Sustainable Community Strategy Coalition that promotes waste diversion, recycling, air quality, smart growth, renewable energy, healthy lifestyles, access to nutritious food, improving public health, and eliminating pollution. She spoke regarding the benefits of sustainable communities.

CEO Risen reported that after the County toured the materials recovery facility in Monterey, they visited one in Calaveras County, and commissioned a waste analysis and a feasibility study. He stated that the County could benefit from improved recycling efforts, and he hopes to shift focus to developing an improved recycling program. He noted that the County did consider utilizing methane for energy purposes, but that our landfill is a dry landfill, which does not produce much methane as compared to other wet landfills.

Carmen Sabatino spoke regarding the County's past purchase of property adjacent to the Fink Road landfill. He noted that he has been attending the Korey Kauffman trial. He voiced complaints regarding the DA's office in regards to this case, the former case against himself, and the past A.J. Pontillo trial.

Amanda Sorenson from the Salida MAC is pleased with the new County website, and in particular the link to local events, and the new social media page. She recently returned from a trip to Southern California and stated that she did not see any law enforcement on the freeway on the way home until she arrived in Salida. She thanked the Sheriff and CHP for their presence in the Salida area.

Katherine Borges thanked the Board and CEO for creating the Focus on Prevention Program and the 10/01/2015 Summit on Homelessness. She noted that she was the only representative from the unincorporated communities. She asked if Laura's Law, which allows for court-ordered assisted outpatient treatment, was adopted in Stanislaus County.

Monteith/Chiesa unan. Adopted the consent calendar after removing from consent items ***A2** Approval of the 2016 Meeting Calendar for the Stanislaus County Board of Supervisors; ***B4** Approval to Transfer County Property to the City of Modesto for a New Well Site in Grayson, CA; and, ***B5** Approval of Participating Group Agreement with CaremarkPCS Health for Pharmacy Benefit Management Services to Support the County's Self-Funded Employee Health Insurance Program

***A1** Approved the minutes of 09/29/2015

***A3a** Accepted the resignation of Rosemary Banuelos from the Housing Authority of the County of Stanislaus 2015-466

***A3b** Accepted the resignation of Troy Hubbard from the Youth Advisory Council of the Stanislaus Economic Development and Workforce Alliance Board 2015-467

- *A4 Appointed Supervisor Chiesa as the Primary Member and Supervisor DeMartini as the Alternate Member to the 2015-16 California State Association of Counties Board of Directors 2015-468
- *B1 Accepted the third update on the state of the emergency repairs at County Center II in accordance with Public Contract Code Sections 20134 and 22050 to repair electrical power supply and replace an emergency generator and other equipment to restore essential County operations – CEO 2015-469
- *B2 Authorized the GSA Purchasing Division to issue a RFP on behalf of CSA for the provision of refugee social services, targeted assistance and employment services for the contract period of 07/01/2016 - 06/30/2019 – CSA 2015-470
- *B3 Accepted the third update on the Temporary Water Assistance Program in Stanislaus County; and, approved to continue the Countywide declaration of a local emergency due to a multi-year drought – OES 2015-471
- *B6 Pursuant to Section 3694 of the Revenue and Taxation Code, approved the sale of the tax-defaulted properties under agreement sale to the City of Waterford; and, authorized the Chairman to sign the agreement in order to send it to the State Controller for approval – T/TC C-8-B-9 2015-472
- *B7 Authorized the Project Manager to process a Change Order with Hensel Phelps Construction Company for the lump sum not-to-exceed amount of \$292,759 to add 8 interior egress sallyports to Project One (Maximum Security Housing/Medical/Mental Health) pursuant to requirements newly mandated by the Office of the State Fire Marshal (OSFM); authorized the Project Manager to process a Change Order with Hensel Phelps Construction Company for the lump sum not-to-exceed amount of \$53,425 to add a security water management system to detention plumbing fixtures at Project Three (Intake, Release, Transportation) that allows the Sheriff to electronically control the amount of water the inmates use; and, authorized the Project Manager to process a Change Order with Hensel Phelps Construction Company for the lump sum not-to-exceed amount of \$32,211 to add additional low-voltage security electronic equipment to help monitor access controls and to increase safety in Project Three (Intake, Release, Transportation) – CEO 2015-473
- *C1 Approved summarily vacating a Public Utility Easement (PUE) located at the northeast corner of Crows Landing and Service Roads, south of the City of Modesto and west of the City of Ceres; pursuant to Street and Highway Codes 8333(c), 8335, and 8340, the Board finds based on the information stated in agenda item, the PUE as shown on Parcel Map Volume 45, Page 36, is no longer required for utility purposes; and, adopted the resolution vacating the PUE, as described in Exhibit “A” legal description of area to be abandoned and Exhibit “B,” plat of area to be abandoned – PW 2015-474
- *C2 Approved Amendment No. 1 to the Professional Design Services Master Agreement with Caltrop Corporation in the amount of \$500,000 and extended the Agreement for an additional 12 months to expire on 05/21/2017; and, authorized the Public Works Director to sign the amendment – PW 2015-475
- *D1 Set a public hearing for 11/03/2015, at 9:05 a.m. to consider the Planning Commission's recommendation for approval of Rezone Application No. PLN2015-0032, Belkorp AG, a request to rezone a 17.3± acre project site, from expired P-D 302 (Planned Development) and A-2-10 (General Agriculture) to a new P-D zone, to allow H-1 (Highway Frontage) uses, establish an agricultural equipment dealership, construct a two story 57,000 square-foot building, and allow outdoor display areas for agricultural equipment on property located at 4618 Nunes Road, east of Highway 99, north of E. Keyes Road, in the Keyes area; and to consider the introduction and waiving of the reading of an ordinance for the proposed rezone ordinance upon approval; and authorized the Clerk of the Board to publish notice of hearing as required by law – Planning ORD-55-V-1 2015-476

Chiesa/Monteith (4-1)(O'Brien opposed) ***A2** Approved the 2016 Meeting Calendar for the Stanislaus County Board of Supervisors 2015-477

DeMartini/O'Brien unan.***B4** Approved the transfer of property to the City of Modesto for a new well site in Grayson, CA; finds that the property owned by Stanislaus County on Mary Street, Grayson, CA, consisting of a portion of APN 016-034-006 (property) is not required for use by the County; finds that the property, currently owned by the County, is required for City of Modesto use in order to construct a well for the Grayson water service area; finds that the recommended actions are exempt from the provisions of the CEQA according to Section 15312 and Class 12 of the CEQA Guidelines (sales of government property), and authorized the Director of Parks and Recreation, or designee, to file the Notice of Exemption; authorized the Chairman to execute the Grant Deed conveying all interest in the Property, a portion of Parcel "B" as per Parcel Map filed 12/21/1967 in Book 4 of Parcel Maps, Page 103; and, authorized the Director, or designee, to administer and execute any other documents necessary to complete the transfer of real property – Parks and Recreation C-6-K-5 2015-478

Chiesa/Monteith (4-0)(O'Brien abstained) ***B5** Approved the Participating Group Agreement with CaremarkPCS Health to become retroactively effective 08/01/2015 to coincide with the recently executed medical insurance Third Party Administrator (TPA) agreement with POMCO Administrators; and, authorized the County Risk Manager to sign the approved Participating Group Agreement – Risk Management 2015-479

O'Brien/Monteith unan. **B8** Approved proceeding to develop the CSA, Heating, Ventilation, and Air Conditioning (HVAC) Project to be returned to the Board for final approval; authorized the Project Manager to Enter into an Agreement with the previously selected Capital Engineering Consultants, Inc. to perform architectural and engineering services through the design-build phase for the Community Services Facility HVAC System Replacement Design-Build Project; authorized the Project Manager to engage KNN Public Finance to develop a financing plan for the Community Services Facility HVAC System Replacement Project and refer the matter to the Debt Advisory Committee; increased appropriations and estimated revenue in the CEO-Plant Acquisition budget by \$100,000 as reflected in the Budget Journal form, funded from existing departmental appropriations; authorized the Project Manager to issue a Request for Statement of Qualifications for the pre-qualification of design-build teams for the Community Services Facility HVAC System Replacement Project, the bridging design for which was prepared by the Capital Engineering Consultants, Inc. design team; authorized the Project Manager to retain Stradling Yocca Carlson & Rauth to prepare a Reimbursement Resolution providing for reclamation and reimbursement of interest on a quarterly basis and providing for reimbursement recovery over the 15-year life of the asset and providing for reimbursement of all expenses incurred up to 60 days prior to close of funding; authorized Project Manager to take such other and further actions necessary to advance the financing and procurement of the HVAC repair project; and, directed the Project Manager to return to the Board with a final design and financing plan for consideration by the Board – CEO 2015-480

O'Brien/DeMartini unan. **B9** Accepted the update on groundwater management and other water resources related matters; authorized the Chairman to sign the amended MOU regarding the Stanislaus and Tuolumne Rivers Groundwater Basin Association; authorized the Chairman to sign the MOU with the Turlock Groundwater Basin Association pertaining to elements of the Sustainable Groundwater Management Act (SGMA); and, authorized staff to complete and submit the necessary paperwork to become a formal member of the East San Joaquin SGMA Workgroup and designate Walter Ward, Water Resource Manager, as the member representative and Supervisor Terrance Withrow as the alternate member representative – DER 2015-481

Chiesa/Monteith unan. **B10** Approved recommended health insurance rates as provided in Attachment A to be charged in the employee medical, dental, and vision self-insurance programs for calendar year 2016; and, approved recommended County-Funded Health Savings Account Contribution changes effective 01/01/2016 – Risk Management 2015-482

O'Brien/Monteith unan. **C3** Accepted the Feasibility Study prepared by Dokken Engineering for the Santa Fe Avenue over Tuolumne River Bridge Replacement Project; finds that construction of a public access facility to the Tuolumne River as part of the Santa Fe Avenue over Tuolumne River Bridge Replacement Project is not feasible; determined that a public access facility to the Tuolumne River as part of the Santa Fe Avenue over Tuolumne River Bridge Replacement Project will not be provided; and, authorized the Director of Public Works to negotiate and execute a new General Lease Agreement with the State Lands Commission – PW 2015-483

Corr 1 Acknowledged receipt of the Annual Report for the Stanislaus County Law Library for the FY ending 06/30/2015.

Corr 2 Referred to DER, a Notice of Wastewater Change Petition from the California Water Boards regarding the City of Turlock request to cease discharge of treated wastewater to the San Joaquin River and transfer the wastewater to the Del Puerto Water District for irrigation use and wildlife refuges.

Corr 3 Referred to the Agricultural Commissioner and Sealer of Weights and Measures, the Stanislaus Economic Workforce Alliance, and OES, two letters from the Governor's Office of Emergency Services regarding the U.S. President's disaster declaration of primary counties Calaveras and Lake, and Stanislaus, as a contiguous county, due to the Butte and Valley Fires and the availability of the U.S. Department of Agriculture Farm Service Agency Emergency Loan Program and the U.S. Small Business Administration's Economic Injury Disaster Loans.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Liberty Mutual, ASO Carol Shapiro; Reuben Woodfield; Cidro Mijares & USAA (amended claim); and Thomas Carl Miller.

Supervisor DeMartini reported that last week West Side Health Care Taskforce held their Biggest Loser Weight Contest and the winning team was Patterson Promotoras. The Taskforce will be holding their art and essay school contest next.

Adjourned at 9:06 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.)