

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

Regular Session

Tuesday

October 27, 2015

All Supervisors Present

Pledge of Allegiance to the Flag

Invocation was given by Pastor Michael Douglas from The Servant's Church.

David Cooper and MaryAnn Lee from the Children and Families Commission presented the 2015 Annual Report.

Regina Valentine, Associate Planner for StanCOG, presented the Transportation Development Act and the Unmet Transit Needs Process for Stanislaus Council of Governments.

Reid Johnson provided his recommendations on how to address the need for affordable and available healthcare in our County. He spoke regarding the Constitution laws and principles.

Katherine Borges gave a presentation regarding the homeless in Salida and in other unincorporated communities in Stanislaus County.

Emerson Drake voiced concerns regarding the tracking of the rape cases referred to the DA's office. He also voiced concerns regarding the formation of new Downtown Modesto Community Benefit District. In addition, he spoke regarding campaign statements for the committee opposing Measure I on the November ballot.

Supervisor Chiesa noted that starting in January 2016, the Registrar of Voters will have campaign statements online for the Board of Supervisors and other elected County Officials.

Chiesa/Monteith unan. Adopted the consent calendar after removing from consent item ***C4** Approval to Award a Construction Contract for the Hatch Road at Santa Fe Avenue Intersection Improvement Phase 3 Project, to George Reed, Inc., of Modesto, California; and, after removing from the agenda item ***A4b** Approval of Appointments In Lieu of Landowner Election of Fred E. Beltran and Frank Arnaudo to the Oak Flat Water District Board of Directors and Declare a Vacancy

***A1** Approved the minutes of 10/20/2015

***A2** Proclaimed the Month of November 2015 as Adoption and Permanency Awareness Month in Stanislaus County – CSA 2015-484

***A3** Accepted the resignation of Kay Dunkel from the Stanislaus County Local Task Force on Solid Waste Management 2015-485

***A4a** Approved appointments in lieu of landowner election of Joe Sallaberry and Butch Watkins to the Reclamation District 2063 Board of Directors; and, finds no candidate filed for one full term position 2015-486

***A5a** Approved appointments in lieu of landowner election of Ivan E. Bays, John Esobar, Earl Perez, and James Jasper to the Del Puerto Water District Board of Directors 2015-487

***A5b** Approved appointment in lieu of landowner election of Lee Scully to the Reclamation District 2092 Board of Directors 2015-488

- ***A5c** Approved appointments in lieu of landowner election of Henry Bettencourt, Greg Nunes, and Stephen Perez to the El Solyo Water District Board of Directors 2015-489
- ***A5d** Approved appointments in lieu of landowner election of Roy Orlando and Donald Harper to the Rock Creek Water District Board of Directors 2015-490
- ***A5e** Approved appointments in lieu of landowner election of Douglas Kearney and Maria Loeza to the Western Hills Water District Board of Directors 2015-491
- ***A5f** Approved appointments in lieu of landowner election of Frank Freitas, Patrick Cerutti, Douglas Lucas, and Michael Dompe to the Newman Drainage Water District Board of Directors 2015-492
- ***B1** Approved the Total Appropriations/Budgetary Limit of \$337,597,700 for Annual Appropriations of Tax Revenue for FY 2015-16 in accordance with the provisions of Proposition 4 and 111, using the Population and Inflation Methodology as outlined in the agenda item– Auditor-Controller 2015-493
- ***B2** Approved the award of an agreement with JHK Construction, Inc., a California Corporation, as a result of an Invitation to Bid (BID) process for the CSA Impact-Resistant Glass and Workstations with Pass-Through Reception Counters Project in an amount not to exceed \$160,000; authorized the Purchasing Agent (or Project Manager) to issue a Notice to Proceed to JHK Construction, Inc. contingent upon proper receipt of an executed agreement and certificates of insurance and bonds; authorized the Purchasing Agent to negotiate and sign contracts, work authorizations and purchase orders necessary for the Project as long as they are within the previously approved project budget; and, authorized the Purchasing Agent 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 budget – CSA 2015-494
- ***B3** Authorized one CSA Manager to be assigned and loaned to the California State Department of Health Care Services (DHCS) to perform the duties as the Division Chief of Medi-Cal Eligibility beginning 12/01/2015 – 06/30/2019; authorized the CSA Director, or her designee, to sign the Inter-Jurisdictional Loan Contract Agreement 15-92194, and any amendments thereto, with DHCS which outlines the loaned Manager’s responsibilities and job duties as the Division Chief of Medi-Cal Eligibility; and, adopted a resolution that acknowledges that the Board has given authorization of an Inter-Jurisdictional Loan Contract with DHCS to loan one CSA Manager to perform duties as the Division Chief of Medi-Cal Eligibility – CSA 2015-495
- ***B4a** Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 716 Turner Street, Modesto, California, CE No. 14-0056, as set forth in Attachment 1 – DER 2015-496
- ***B4b** Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 1717 Donald Street, Modesto, California, CE No. 13-0169, as set forth in Attachment 1 – DER 2015-497
- ***B4c** Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 921 Dover Avenue, Modesto, California, CE No. 14-0020, as set forth in Attachment 1 – DER 2015-498
- ***B5** Approved the extension of the Stanislaus County Refuse Removal Franchise Agreement (Area 3) with Turlock Scavenger Company, through 11/05/2019; and, authorized the CEO to execute the contract extension for Stanislaus County Refuse Removal in Franchise Area 3 with Turlock Scavenger Company – DER 2015-499
- ***B6** Approved Amendment No. 1 to the Amended and Restated Farm Lease Agreement with Melvin T. Wheeler & Sons, L.P. to extend the lease expiration date to 11/09/2017; and, authorized the County Purchasing Agent to sign Amendment No. 1 to the Amended and Restated Farm Lease Agreement – GSA 2015-500

- ***B7** Declared the list of vehicles and heavy equipment as surplus and authorized the sale; and, directed the Auditor-Controller to deposit proceeds from the disposal of Public Works vehicles and heavy equipment into account 5121-0042100-46000 – GSA 2015-501
- ***B8** Accepted the Stanislaus County Treasury Pool’s September 2015 Monthly Investment Report as prepared by the Stanislaus County Treasurer-Tax Collector’s Office and reviewed for conformity with the Stanislaus County Treasury Pool Investment Policy by the Treasurer-Tax Collector, and 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 2015-502
- ***B9** Approved the appointment of Andrew Johnson to the position of Manager III with the CEO-Capital Projects Division at an annual salary of \$96,000, which is above the midpoint of the salary band – CEO 2015-503
- ***C1** Utilized the Board's authority under Public Contract Code Section 22031 to allow County workforce to perform work on the following paving projects: Quincy Road, Elm Avenue, and Washington Road – PW 2015-504
- ***C2** Approved Amendment No. 1 to the Professional Design Services Master Agreement with Harris & Associates in the amount of \$500,000; and, authorized the Public Works Director to sign the amendment – PW 2015-505
- ***C3** Adopted the Negative Declaration Pursuant to CEQA Guidelines Section 15074(B), by finding that on the basis of the whole record, including the Initial Study and any comments received, there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis; directed the Department of Public Works to file a Notice of Determination with the Stanislaus County Clerk Recorder's office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; approved the Preliminary Plans for the Shiells Road over Central California Irrigation District Main Canal Bridge Replacement Project, Federal Project Number BRLO-5938 (192); and, authorized the Public Works Director to finalize the plans and specifications and advertise the project for construction – PW 2015-506

Chiesa/O’Brien unan. ***C4** Awarded a contract in the amount of \$1,449,515 to George Reed, Inc., of Modesto, California, for the construction of the Hatch Road at Santa Fe Avenue Intersection Improvement Phase 3 Project, upon receipt of appropriate insurance and bonds; authorized the Director of Public Works to execute a contract with George Reed, Inc., for \$1,449,515 and to sign necessary documents; and, authorized the Construction Manager to issue a Notice to Proceed, upon receipt of proper insurance and bonds; authorized the Director of Public Works to execute change orders, not to exceed 10%, in accordance with Public Contract Code, Sections 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 2015-507

O’Brien/Monteith unan. **A6a** Approved appointments in lieu of election of Henry R. Galvan and Donald Little to the Westley Community Services District; and, finds that no candidate filed for one full term and one short term position – C/R 2015-508

O’Brien/Monteith unan. **A6b** Approved appointment in lieu of election of James Brugger to the Denair Municipal Advisory Council; and, finds that no candidate filed for two full term positions and one short term position – C/R 2015-509

O'Brien/Monteith unan. **A6c** Approved appointment in lieu of election of Hortencia Franco to the South Modesto Municipal Advisory Council; and, finds no candidate filed for one full term position – C/R
2015-510

O'Brien/Monteith unan. **A6d** Approved appointments in lieu of election of Christopher D. Hempleman and Winnie Mullins to the Valley Home Municipal Advisory Council; and, finds that no candidate filed for one short term position – C/R
2015-511

O'Brien/Monteith unan. **A7a** Approved appointments in lieu of election where no candidates filed for the Crows Landing Community Services District Board of Directors – C/R
2015-512

O'Brien/Monteith unan. **A7b** Approved appointments in lieu of election where no candidates filed for the Grayson Community Services District Board of Directors – C/R
2015-513

O'Brien/Monteith unan. **A7c** Approved appointments in lieu of election where no candidates filed for the Knights Ferry Community Services District Board of Directors – C/R
2015-514

O'Brien/Monteith unan. **A7d** Approved appointments in lieu of election where no candidates filed for the Empire Municipal Advisory Council – C/R
2015-515

O'Brien/Monteith unan. **A7e** Approved appointments in lieu of election where no candidates filed for the Hickman Municipal Advisory Council – C/R
2015-516

O'Brien/Monteith unan. **A7f** Approved appointments in lieu of election where no candidates filed for the Knights Ferry Municipal Advisory Council – C/R
2015-517

O'Brien/Monteith unan. **A7g** Approved appointments in lieu of election where no candidates filed for the Westport Fire Protection District Board of Directors – C/R
2015-518

O'Brien/Monteith unan. **A8a** Approved appointments in lieu of election of Ronald Roberts, Curtis D. King, and Diana Culwell-Caro to the Burbank-Paradise Fire Protection District – C/R
2015-519

O'Brien/Monteith unan. **A8b** Approved appointments in lieu of election of Harlan E. Smith and Jerry Hancock to the Ceres Fire Protection District – C/R
2015-520

O'Brien/Monteith unan. **A8c** Approved appointments in lieu of election of Emil Rusca, Mark Brubaker, and Tom Bert to the Salida Fire Protection District – C/R
2015-521

O'Brien/Monteith unan. **A8d** Approved appointments in lieu of election of David Landers, Jr., William Alexander, Jeff Reed, and Mario Amaya to the Keyes Municipal Advisory Council – C/R
2015-522

O'Brien/Monteith unan. **A8e** Approved appointments in lieu of election of T.J. McDonald, Ronald C. Allen, and Karl F. Curnow to the Denair Community Services District Board of Directors – C/R
2015-523

O'Brien/Monteith unan. **A8f** Approved appointments in lieu of election of Francisco J. Diaz and Susan Stransky to the Monterey Park Tract Community District Board of Directors – C/R
2015-524

O'Brien/Monteith unan. **A8g** Approved appointments in lieu of election of John Martin and Karen Gorne to the Salida Municipal Advisory Council – C/R
2015-525

O'Brien/Monteith unan. **A8h** Approved appointments in lieu of election of Larry Byrd and Nick C. Blom to the Modesto Irrigation District Board of Directors – C/R 2015-526

O'Brien/Monteith unan. **A8i** Approved appointment in lieu of election of John M. Azevedo to the Patterson Irrigation District Board of Directors – C/R 2015-527

O'Brien/Monteith unan. **A8j** Approved appointment in lieu of election of Rob Santos to the Turlock Irrigation District Board of Directors – C/R 2015-528

O'Brien/Monteith unan. **A8k** Approved appointment in lieu of election of L.B. Haney to the Empire Sanitary District Board of Directors – C/R 2015-529

O'Brien/Monteith unan. **A8l** Approved appointments in lieu of election of Gary Horton, Donna J. Murphy, and Brad Johnson to the Salida Sanitary District Board of Directors – C/R 2015-530

O'Brien/Monteith unan. **A8m** Approved appointments in lieu of election of Greg Petz and Lee DelDon to the West Stanislaus Irrigation District Board of Directors – C/R 2015-531

Corr 1 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: John T. Kerestesy, II.

CEO Risen gave an update regarding the recently passed bills that together form the Medical Marijuana Regulation and Safety Act. These bills involve the licensing of medical marijuana. The CEO noted that the bills do not preempt local control, but includes procedures if a local government allows medical marijuana dispensaries or cultivation. Stanislaus County does not allow these; therefore, the Act has little effect on the County. State licenses will be issued starting in January 2018 for those local agencies that allow it, and will be monitored by over 11 State departments. At the federal level, the CEO reported that the current Highway Transportation Authorization Bill expires this week and that the House and Senate leaders are in negotiations. He noted that the County will continue to monitor this issue.

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 10:04 a.m. for Conference with Legal Counsel - Significant Exposure to Litigation: One case related to Measure F on the November 3, 2015 ballot. Government Code Section 54956.9 (d)(2).

Adjourned at 10:27 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.)