

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

Special and Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

December 15, 2015

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

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 5:31 p.m. for Conference with Labor Negotiator: Agency Negotiators: Nancy Bronstein and Jody Hayes. Labor Organizations: Stanislaus Regional Emergency Dispatchers' Association. Government Code Section 54957.6

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

Moment of Silence was held for Stanislaus County Sheriff's Department Employee Sergeant Jeremy Fielder.

Invocation was given by Reverend Marvin Jacobo from Ministry Network.

Chairman Withrow recognized the Leadership Modesto Class who was present at the meeting.

Katherine Borges from the Salida MAC spoke regarding their graffiti abatement campaign and shared that they have abated 585 tags in the last year. She thanked Chairman Withrow, DER, Public Works, Sheriff, DA, OES and MPD for their assistance, and gave a special thank you to the Salida community. Chairman Withrow thanked Ms. Borges for everything she does to make this graffiti abatement program successful.

Chiesa/Monteith unan. Adopted the consent calendar

*A1 Approved the minutes of 12/08/2015

*A2a Appointed Ellie Temple Baumer to the Stanislaus Child Development Local Planning Council
2015-605

*A2b Appointed Doug Ridenour, Sr. to the Stanislaus Economic Development Action Committee
2015-606

*A2c Appointed Mani Grewal to the Stanislaus Economic Development and Workforce Alliance
Board of Directors
2015-607

*A2d Appointed Maria De Jesus Madrigal to the South Modesto Municipal Advisory Council
2015-608

*A2e Appointed Ron Macedo to the Water Advisory Committee
2015-609

*A3a Reappointed Peter Katsufakis, Gerald Merchant, and Tom Hallinan to the Assessment
Appeals Board
2015-610

*A3b Reappointed Bruce Merchant, Annette Patton, Adam Christianson, and Keimi Espinoza to the
Earl Pride Scholarship Committee
2015-611

*A3c Reappointed Daniel Cummins and Niamh Harrington Seavy, M.D. to the Emergency Medical
Services Committee
2015-612

- ***A3d** Reappointed Rod Hawkins, Michael Pratt, and Rick Fortado to the Fire Code Board of Appeals 2015-613
- ***A3e** Reappointed Dorothy Griggs and John Degele to the Housing Authority of the County of Stanislaus 2015-614
- ***A3f** Reappointed Valerie Mitchell, Juanita Cochran, Joan Blackwell, and Alma Avina to the In-Home Supportive Services Advisory Committee 2015-615
- ***A3g** Reappointed John Doering and Bruce Ramsey to the Law Library Board of Trustees 2015-616
- ***A3h** Reappointed Leslie Beggs to the Stanislaus County Equal Rights Commission 2015-617
- ***A3i** Reappointed Peter Dean, Charmaine Lazar, and Michael Kummer to the Stanislaus County Hazardous Waste Management Advisory Committee 2015-618
- ***A3j** Reappointed George Carr, Koosun Kim, Jose Aldaco, Kathleen Cleek, and Perfecto Millan to the Stanislaus County Local Task Force on Solid Waste Management 2015-619
- ***A3k** Reappointed Ed Persike to the Stanislaus County Parks and Recreation Commission 2015-620
- ***A3l** Reappointed Vince Dykzeul, Cooper Rossiter, Neil Hudson, Francisco Canela, Richard Gemperle, Thomas Smith, Jim Mortensen, Sean Roddy, and Daniel Bays to the Stanislaus County Water Advisory Committee 2015-621
- ***A3m** Reappointed William Pringle, Carl Ott, and Kandis Schmidt to the East Side Mosquito Abatement District Board of Directors 2015-622
- ***A3n** Reappointed Charmaine Monte, Kathy Rupe, and John Robin to the Advisory Board on Substance Abuse Programs 2015-623
- ***A3o** Reappointed Marc Etchebarne and Kenneth Buehner to the Stanislaus County Planning Commission; and, **amended** the item to reflect that these reappointments are for 4 year terms ending on 12/31/2019 2015-624
- ***A3p** Reappointed Bobby Yamamoto, Bruce Thompson, and Kenneth Buehner to the Patterson Cemetery District Board of Directors 2015-625
- ***A3q** Reappointed Alfred Scheuber, Patrick Alves, and Steve Amador to the Storm Drain District #8 Board of Directors 2015-626
- ***B1** Approved the Stanislaus County Public Facilities Fee Annual Financial Report for FY ending 06/30/2015 – Auditor-Controller M-64-K-3 2015-627
- ***B2** Appointed the following members to the 2016 term of the Stanislaus County Discipline/Equal Employment Opportunity (EEO) Grievance Appeal Board: Jill Silva, Chief Probation Officer as the Department Head Member; Richard Hull, AFSCME Bargaining Unit as the Employee Member; and Local Attorney Darrell Champion to serve as the Chairperson; and, appointed Alternates to the panel as follows: a. Local Attorney Dave Walker to serve as Alternate Chairperson; b. Tamara Thomas, Department of Child Support Services as Department Head Alternate; and, c. Kelly Jacquay, SEIU, as the First Alternate Employee Member and Kevin Davis, Stanislaus County Sheriff’s Supervisors Association, as the Second Alternate Employee Member – CEO 2015-628
- ***B3** Authorized the Purchasing Agent, on behalf of the CSA, to enter into a 36-month lease agreement with Bill Coppedge, Inc. at 617 Winmoore Way, Suites D and E in Modesto; and, authorized the Purchasing Agent to sign the lease agreement, future amendments and related documentation with Bill Coppedge, Inc. at 617 Winmoore Way, Suites D and E in Modesto – CSA 2015-629
- ***B4** Approved a contract with Mountain Valley Emergency Medical Services (MVEMS) to administer local and emergency medical services for FY 2016-2017, authorized the Managing Director of HSA or her designee to negotiate and execute the agreement with MVEMS, approved the System Enhancement Funds policy to be administered by MVEMS; and, approved the initiation of a Strategic Planning process to focus on

- continuous improvement through a more integrated approach to the Emergency Medical Services system – HSA 2015-630
- *B5** Accepted the fifth 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 2015-631
- *B6** Approved changes to the County Deferred Compensation Committee Charter; approved changes to the Deferred Compensation Participant Loan Program; and, authorized the County Risk Manager to sign the approved updated Deferred Compensation Participant Loan Program document – Risk Management 2015-632
- *B7** Approved the recommended list of pre-qualified Design-Build teams and key subconsultants and key subcontractors as a result of the Request for Statements of Qualifications process approved by the BOS on 06/30/2015 for the Re-Entry and Enhanced Alternatives to Custody Training (REACT) Center Project, as follows: Hensel Phelps Construction Company, Roebbelen Contracting, Inc., Sundt Construction, Inc.; authorized the Chief Operations Officer serving as Project Manager to issue a Request for Proposals for the design-build construction of the REACT Center Project; to set a Proposal due date of 02/24/2016 no later than 2:00 p.m. and authorized the Project Manager to modify the Proposal due date if necessary; authorized the Project Manager to advance three Design-Build teams to the final selection process for the REACT Center Project and authorized the Project Manager to award a stipend of \$100,000 to each of the two Design-Build teams not awarded the final design-build construction contract; authorized the Project Manager to return to the BOS to recommend a conditional award of the design-build construction contract subject to final approval by the State Agencies of a Design/Build Contract to the recommended Proposer for the REACT Center Project; approved the Bridging Documents/Performance Criteria for the SB 1022 REACT Center Project, as prepared by the HOK/LDA Design Team and as recommended by the Project Team, as previously accepted by the BOS and subject to final approval by the State Agencies; and, authorized the Project Manager to negotiate and sign contracts, work authorizations, and purchase orders for professional services needed in the proposal and award phase of the project as long as they are within the project budget approved by the BOS – CEO 2015-633
- *B8** Accepted the FY 2015 Homeland Security Grant from the California Governor’s Office of Emergency Services to enhance local Emergency Management and Homeland Security efforts; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the Homeland Security Grant Fund by \$610,759 as detailed in the budget journal – OES 2015-634
- *C1** Approved the Amended and Restated Memorandum of Agreement between the County of Stanislaus and City of Riverbank for the acquisition, certification, and construction phase of the Claribel Road at Roselle Avenue Signalization Project; and, authorized the CEO to execute the Amended and Restated Memorandum of Agreement – PW C-1-B-12 2015-635
- *C2** Approved the termination (quitclaim) of the existing lease for the old McHenry Bridge with the California State Lands Commission; approved the New General Lease Agreement for the new McHenry Bridge with the California State Lands Commission; authorized the Director of Public Works to sign the quitclaim on existing McHenry Avenue Bridge lease; and, authorized the Director of Public Works to sign the new General Lease Agreement with the California State Lands Commission for the McHenry Avenue Bridge over the Stanislaus River – PW 2015-636
- *C3** Approved the purchase agreement for the acquisition of the parcel identified as APN 018-065-019 (portion), parcel owner: Mina M. Benedict, Trustee of The Mildred A. Garber Revocable Trust under instrument dated 10/05/2000 to acquire road right of way for the

Hatch Road Channelization Phase II Project; authorized the Chairman to execute the Agreement for Acquisition of Property; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2015-637

- *C4 Approved the acquisition of the parcel identified as APN 018-065-003 (portion), parcel owner: Roger H. Berner and Nancy Elaine Berner, husband and wife as joint tenants to acquire road right of way for the Hatch Road Channelization Phase II Project; authorized the Chairman to execute the Agreement for Acquisition of Property; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2015-638
- *C5 Approved Amendment No. 2 to the Legal Services Agreement with Meyers Nave for Eminent Domain Litigation Services for the Claribel Road Widening Project; and, authorized the Purchasing Agent to execute Amendment No. 2 with Meyers Nave and to take all appropriate actions necessary to carry out the purpose and intent of these recommendations – PW 2015-639
- *C6 Adopted the Plans and Specifications for the Woodward Reservoir Muir Point and T-Island Campground Projects; awarded a contract in the amount of \$2,509,637 to McGuire and Hester, of Oakland, California, for the construction of the Project, subject to receipt of appropriate insurance and bonds; authorized the Chairman to execute a contract with McGuire and Hester and to sign necessary documents; authorized the Director of Public Works to execute change orders, not to exceed 10%, in accordance with Public Contract Code, Sections 20137 and 20142; approved a project agreement for \$195,105 with Caltrop Corporation to perform construction management services under the master agreement approved by the BOS on 05/21/2013; authorized the Director of Public Works to execute the project agreement with Caltrop Corporation and sign the necessary documents; approved Amendment No. 3 to the Professional Design Services Agreement for all-inclusive engineering services with Welty Engineering, Inc. (Welty) in the amount of \$28,500 for a total not to exceed amount of \$234,574 for the Project; authorized the Director of Parks and Recreation, or designee, to execute the amendment with Welty and sign the necessary documents; authorized the Department of Parks and Recreation to increase the Project budget in the amount of \$291,376 funded by Regional Parks Public Facilities Fees, Fund 2405; directed the Auditor-Controller to increase revenue and appropriations in the amount of \$291,376, as detailed in the budget journal; and, authorized the Director of Parks and Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW M-64-K-4 2015-640
- *D1 Rescinded portions of Williamson Act Contract Nos. 1972-0895 and 1972-0577, located at 612 S. Hart Road, between State Route 132 and California Avenue, west of the City of Modesto; pursuant to Government Code Section 51257, determined that the following seven findings can be made based on the written evidence submitted by the applicant: (a) the new contract would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years except as authorized under the County's implementation of AB 1265; (b) there is no net decrease in the amount of the acreage restricted; in cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts; (c) at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; (d) after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as

defined in Section 51222; (e) the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts; (f) the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; (g) the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan; approved new contracts pursuant to Minor Lot Line Adjustment PLN2015-0066, Tony and Fatima Garcia; and, authorized the Director of Planning and Community Development to execute new contracts – Planning 2015-641

Monteith/O'Brien unan. **6:35 p.m.** Conducted a public hearing to consider the Planning Commission's recommendation for approval of Ordinance Amendment Application No. PLN2015-0047, Housing Related Code Amendment, a request to amend Title 21 of the Stanislaus County Code to fulfill State Housing Element requirements; finds the project is generally exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(d)(3) and ordered the filing of the Notice of Exemption with the Stanislaus County Clerk-Recorder pursuant to CEQA Guidelines Section 15062; finds that there is no substantial evidence the project will have a significant effect on the environment and that the general exemption reflects Stanislaus County's independent judgment and analysis; finds the project is consistent with the overall goals and policies of the Stanislaus County General Plan; approved Ordinance Amendment Application No. PLN2015-0047, Housing Related Code Amendment, and introduced, waived the reading, and adopted Ordinance C.S. 1169 for the approved Ordinance Amendment – Planning
ORD-55-V-2 2015-643 & 2015-644

O'Brien/DeMartini unan. **6:40 p.m.** The Board did not approve the Planning Commission Recommendations Nos. 1-5 as set forth in the staff report; approved the **Amended** Recommendations as follows: (1) conducted a public hearing to accept comments regarding the proposed draft 2015-2023 Housing Element; and, (2) accepted the proposed draft 2015-2023 Housing Element and directed staff to address any comments received, including review comments from California Department of Housing and Community Development, and return the 2015-2023 Housing Element to the Board of Supervisors for adoption – Planning
2015-645

O'Brien/Chiesa unan. **B9** Authorized the GSA to enter into a one-year agreement with Everbridge, Inc, to provide a mass notification system in Stanislaus County with four one-year renewal options, first year cost not to exceed \$98,150; and, **amended** the item to direct staff to make the mass notification system and training available to the cities within Stanislaus County – OES
2015-642

Chiesa/Monteith unan. **B10** Adopted the FY 2015-2016 Mental Health Services Act (MHSA) Plan Update of December 2015; authorized the BHRS Director to sign and submit the FY 2015-2016 MHSA Plan Update of December 2015 to the Mental Health Services Oversight and Accountability Commission (MHSAOAC); authorized the GSA Purchasing Division to issue a RFP on behalf of BHRS for services discussed in the agenda item; approved the first amendment to the agreement with Aspiranet for the provision of a 24/7 crisis intervention program for children and youth through the end of FY 2015-2016; directed the Auditor-Controller to adjust the FY 2015-2016 appropriations and estimated revenue as detailed in the budget journal; and, **amended** the item to add Staff Recommendation No. 6 to direct staff to bring back to the Board an annual report on the Child and Youth Full Service Partnership – BHRS
2015-646

Corr 1 Acknowledged receipt of the FY 2014-2015 annual audit report of the CSA Child Care and Development Alternate Payment Programs Stage 2 and 3 Contracts by Brown and Armstrong Accountancy Corporation completed on 11/10/2015.

Corr 2 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Daniel Schaut; Molina Long; Jose Valdez; Timothy S. Reed; Eugenia D. Harrison; Mercury Insurance; Carla Skiles; Lizbeth Flores; Stephanie Morrow; Adrian Alcala; Joel Vargas; and, Dennis R. Dahl.

CEO Risen reported that he will bring a request to the Board in January to establish a Solid Waste Ad Hoc Committee.

Adjourned at 7:42 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.)