

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

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

Tuesday

August 16, 2016

Convened at 5:31 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 5:32 p.m. for Conference with Legal Counsel - Existing Litigation. One case: Douglas Maner v. County of Stanislaus, et al., United States District Court Eastern District, Case No. 1:14-CV-01014-DAD-MJS. Government Code Section 54956.9(d)(1).

Supervisor Withrow arrived at 5:38 p.m

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

Invocation was given by Pastor Carl Bryant from True Light Community Church.

Carmen Sabatino spoke regarding the Modesto Bee concerning a YCCD Trustee. He voiced concerns regarding the cost and length of time for the preliminary hearing for the Corey Kaufman case. He submitted a public records request regarding the appraisal and purchase of the Fink Road Landfill property.

Matt Rickard from Turlock voiced concerns regarding R.A.M. Farms in the Turlock area not meeting the conditions of their use permit, and asked the County to look into this matter.

Stephen Bratset of Salida asked about the status of getting a Community Services Officer for Salida. He spoke regarding the construction near the highway and noted that trucks are driving on residential streets.

Chiesa/Withrow unan. Adopted the consent calendar

***A1** Approved the minutes of 08/02/2016

***A2** Reappointed Vicki Bauman and Manuela Paredes-Walsborn to the Children and Families Commission to three year terms ending on 08/31/2019 2016-403

***A3a** Appointed John Nydam to the Keyes Fire Protection District to a term ending 06/30/2019 2016-404

***A3b** Appointed Richard Ross Ardis to the Oakdale Rural Fire Protection District to a term ending 06/30/2019 2016-405

***A3c** Appointed Kathryn Harwell to the Children and Families Commission 2016-406

***A3d** Appointed Carmen Maldonado as a Supervisorial District Three representative to the Mental Health Board to a term ending on 06/30/2019 2016-407

***A4a** Accepted the resignation of Chief Rick Fortado from the Fire Code Board of Appeals 2016-408

- ***A4b** Accepted the resignations of Mary Ruiz and Chad Brown from the Workforce Development Board 2016-409
- ***A5** Declared a vacancy on the Economic Development Action Committee 2016-410
- ***B1** Approved Amendment No. 4 to the Professional Design Services Agreement with Jacobson James and Associates for preparation of the Programmatic Environmental Impact Report in support of the implementation of the County’s Groundwater Ordinance in the amount of \$585,000; and, authorized the Director of DER to execute and sign the amendment – DER 2016-411
- ***B2** Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding the property at 4355 Messa Drive, Riverbank, California, CE No. 15-0052 – DER 2016-412
- ***B3** Approved the Purchasing Agent to negotiate an expanded agreement with AssetWORKS FLEETFfocus for vehicle maintenance software to be used in Public Works and GSA-Fleet Services division; authorized the Purchasing Agent to execute the agreements and to sign any necessary documents, including any amendments to the agreements not to exceed 10% of the original estimated cost of \$137,312; and, authorized the Purchasing Agent to take any appropriate action necessary to carry out the purpose and intent of these recommendations – GSA 2016-413
- ***B4** Accepted the fourth update on the state of the emergency remediation and repairs at HSA Central Unit in accordance with Public Contract Code Section 20134 and 22050 to repair water damage and restore essential County operations – CEO 2016-414
- ***B5** Authorized the Project Manager to enter into agreements with Global Tel*Link Corporation for installation of an Inmate Video Visitation System at the Public Safety Center AB 900 Phase II Projects One and Three for an amount of \$374,795 conditioned upon the final approval of the contract by the State of California; authorized the Project Manager to take all actions necessary to negotiate and finalize the agreements; authorized the use of Construction Contingency funds in the amount of \$343,577 for AB 900 Phase II Project One and \$31,218 for Project Three; directed the Auditor-Controller to adjust the project budgets as detailed in the Budget Journal Form, attached to the agenda item; authorized the Project Manager to negotiate separate agreements with Global Tel*Link Corporation for SB 1022 REACT Center and the existing Public Safety Center facilities to expand the system throughout the Public Safety Center campus; authorized the Project Manager to issue a Notice to Proceed upon receipt of proper insurance and bonds; authorized the Project Manager to sign change orders up to \$25,000, consistent with the County’s Change Order Policy; amended the Salary and Position Allocation Resolution to reflect the changes, detailed in the Staffing Impact Section of the agenda item, to be effective the beginning of the first pay period of February 2017; and, authorized the Project Manager to seek informal bids and award a contract to retrofit a portion of the County owned facility located at 801 11th Street, using previously allocated funds in the Plant Acquisition budget for the Public Safety Center Expansion Project, for an off-site Visitor’s Center – CEO 2016-415
- ***B6** Appointed Ryan Kegley as the Stanislaus County Veterans Services Officer for the Department of Aging and Veterans Services; and, authorized the Chairman to sign the Annual Medi-Cal Cost Avoidance Program and Annual Subvention Program Certificates of Compliance issued by the California Department of Veterans Affairs – Aging and Veterans Services 2016-416
- ***B7** Approved strategic initiatives and enhancements related to the Stanislaus County Employee Wellness Program; and, authorized the use of County facilities in support of employee wellness programs subject to approval of the County CEO or designee – Risk Management 2016-417

- *B8 Authorized the DA to accept the California Governor’s Office of Emergency Services Elder Abuse Program grant; and, authorized the DA to sign the grant award agreement, including extensions or amendments – DA 2016-418
- *C1 Approved the Master Agreement with the Department of Transportation (Caltrans) as the Administering State Agency for Federal-Aid Projects; and, authorized the Chairman to sign the Master Agreement with Caltrans – PW 2016-419
- *C2 Approved the Cooperative Agreement between San Joaquin County and Stanislaus County for the Construction Phase of the Victory Road Bridge over Lone Tree Creek Replacement Project; and, authorized the Chairman to execute the Cooperative Agreement between San Joaquin County and Stanislaus County for the Construction Phase of the Victory Road Bridge over Lone Tree Creek Replacement Project – PW 2016-420
- *C3 Adopted the plans and specifications for the Modesto Reservoir Regional Park Marina Fuel Station Upgrade Project; directed the Department of PW to set the bid opening date and time; and, directed the Department of PW to issue the notice inviting bids to trade journals as required by law – PW 2016-421

O’Brien/DeMartini unan. **6:35 p.m.** Conducted the scheduled public hearing on matters related to the financing of the installation of a HVAC system at the Stanislaus County Community Services Facility; approved a resolution authorizing the execution and delivery of certain documents and authorizing certain actions to finance the installation of a HVAC system at the Stanislaus County Community Services Facility through a private placement financing with the Bank of the West, which documents include: a) the form of the Site Lease between the County of Stanislaus and the Stanislaus County Capital Improvements Financing Authority; b) the form of the Facilities Sublease by and between the Stanislaus County Capital Improvements Financing Authority and the County of Stanislaus relating to the Community Services Facility HVAC; and, c) the form of Supplemental Agreement between the County of Stanislaus and Bank of the West; authorized the execution and delivery of certain documents and authorized certain actions in connection therewith in order to defease (pay off) the balance of indebtedness relating to Certificates of Participation (Capital Improvement Program) Series 2007 in accordance with the provisions of the 2007 Trust Agreement, which documents include: a) the form of Termination Agreement by and among the Stanislaus County Capital Improvements Financing Authority and the County of Stanislaus and the Bank of New York Mellon Trust Company, N.A. relating to Certificates of Participation (Capital Improvement Program) Series 2007; and, b) the form of Escrow Agreement Authorization; authorized the Chairman to take all actions necessary to execute and deliver any and all documents deemed necessary and advisable to complete the defeasance of the 2007 financing and to finance the installation of a HVAC system at the Stanislaus County Community Services Facility; and, authorized the Chief Operations Officer to negotiate and execute all necessary agreements and all other documents necessary to complete the defeasance of the 2007 financing and to commence the 2016 financing of the Community Services Facility HVAC Project – CEO 2016-422

Recessed to sit as the Stanislaus County Capital Improvements Financing Authority (CIFA) at 7:09 p.m.

O’Brien/Chiesa unan. **6:40 p.m.** Approved the consent calendar
6:40 p.m. *II-A Approved the minutes of 08/02/2016 2016-423

Withrow/O'Brien unan. **6:40 p.m. III-B** Approved the resolution authorizing the execution and delivery of certain documents and authorizing certain actions in order to finance the installation of a HVAC system at the Stanislaus County Community Services Facility through a private placement financing with the Bank of the West, which documents include: a) the form of the site lease between the County of Stanislaus and the Stanislaus County Capital Improvements Financing Authority; b) the form of Facilities Sublease by and between the Stanislaus county Capital Improvements Financing Authority and the County of Stanislaus relating to the Community Services Facility HVAC Project; and, c) the form of Assignment Agreement by and between the Stanislaus County Capital Improvements Financing Authority and Bank of the West relating to the County of Stanislaus Community Services Facility HVAC Project; authorized the execution and delivery of the following document and authorize certain actions in order to defease the balance of indebtedness relating to Certificates of Participation (Capital Improvement Program) Series 2007 in accordance with the provisions of the 2007 Trust Agreement: a) the form of Termination Agreement by and among the Stanislaus County Capital Improvements Financing Authority and the County of Stanislaus and The Bank of New York Mellon Trust Company, N.A. relating to Certificates of Participation (Capital Improvement Program) Series 2007; and, authorized the Chairman, Secretary and other officers of the Authority, jointly and severally, to do any and all things and to execute and deliver any and all documents deemed necessary and advisable to complete the defeasance of the 2007 financing and to finance the installation of a HVAC system at the Stanislaus County Community Services Facility – CEO 2016-424

Reconvened to sit as the Stanislaus County Board of Supervisors at 7:11 p.m.

O'Brien/Withrow unan. **B11** Approved the award of a Design-Build contract for the Community Services Facility Heating Ventilation and Air Conditioning Project to Champion Industrial Contractors, Inc. of Modesto, California in the amount of \$5,832,235, conditioned on the successful close of financing for this Project; authorized the Project Manager to take all actions necessary to finalize and execute the Construction Agreement and to issue a Notice to Proceed upon the receipt of proper insurance and bonds; authorized the Project Manager to issue a RFP for Construction Inspection Services for the Project; directed the Auditor-Controller to establish a new interest bearing fund for the Project as detailed in the Budget Journal form, attached to the agenda item; authorized the use of \$1.3 million of previously committed fund balance; authorized the Project Manager to negotiate and sign contracts, work authorizations and purchase orders for professional services needed for the design-build construction of the project, as long as they are within the project budget approved by the Board; and, authorized the Project Manger to sign Change Orders within the approved budget for up to \$25,000, consistent with the County's Change Order policy – CEO 2016-427

DeMartini/O'Brien unan. **B9** Authorized the Alliance Worknet to retain Workforce Innovation and Opportunity Act funded Career Services internally and retain current county staff as the agents to deliver these services; thus amending the previous authorized action taken for the Purchasing Agent to issue a RFP for Career Services – Alliance Worknet 2016-425

Chiesa/Withrow unan. **B10** Accepted the report of the DA's Office regarding the Real Estate Fraud Prosecution Fund pursuant to California Government Code section 27388 – DA 2016-426

Corr 1 Referred to the Alliance Worknet and the Workforce Development Board, a Worker Adjustment and Retraining Notification (WARN) letter from Silgan Containers Manufacturing regarding the temporary layoff of employees at its facility located at 567 S. Riverside Drive Modesto.

Corr 2 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Donald Ward; Estela Rodriguez and Maria Zarnudio; Mathew Rollins; and, Pedro M Padron.

Supervisor Chiesa acknowledged Modesto City Councilmember Kenoyer who was in attendance for this meeting.

Adjourned at 7:48 p.m.

ATTESTED: ELIZABETH A. KING, Clerk
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: PAM VILLARREAL, 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.)