

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

March 1, 2016

Invocation was given by Pastor Dave Kerr from the Trinity United Presbyterian Church.

Christine Ferraro Tallman, Clerk of the Board of Supervisors, was recognized upon her retirement from Stanislaus County and was presented with a commendation and gift.

Chiesa/O'Brien unan. Adopted the consent calendar

- *A1 Approved the minutes of 02/09/2016
- *A2 Appointed Elizabeth King as the Americans with Disabilities Act Title II and Civil Rights Title VI Coordinator for Stanislaus County 2016-87
- *A3 Accepted the resignation of Deidre Thomas from the Denair Community Services District Board of Directors 2016-88
- *A4 Reappointed Marla Uliana to the Youth Advisory Council of the Stanislaus Economic Development and Workforce Alliance Board 2016-89
- *A5a Appointed Sean McCarthy to the Knights Ferry Community Services District Board of Directors 2016-90
- *A5b Appointed Tonya Woody and Megan Vivo to the Hickman Municipal Advisory Council 2016-91
- *A6 Approved a commendation for Brenda McCormick upon her retirement from the Stanislaus County Department of Planning and Community Development 2016-92
- *A7 Proclaimed March 2016 as Social Worker Recognition Month in Stanislaus County 2016-93
- *B1 Approved the three-year agreement for Federal Government Relations with Pillsbury Winthrop Shaw Pittman LLP; and, authorized the Purchasing Agent to sign the agreement – CEO 2016-94
- *B2 Approved a concession lease agreement with PFD Management, a California Corporation, for the provision of a Cafeteria Solution at the Stanislaus County Community Services Facility, as a result of a RFP process for such services; and, authorized the Purchasing Agent to sign the concession lease agreement, future amendments and related documentation with PFD Management – CSA 2016-95
- *B3 Accepted the Stanislaus County Treasury Pool's January 2016 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's Office, 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 2016-96
- *B4 Accepted the Accountant's Report on the Stanislaus County Treasurer's Statement of Assets as of 09/28/2015 – Auditor-Controller 2016-97
- *B5 Authorized the Project Manager for AB 900 Project One and Project Three to issue a RFP for a First Responder Distributed Antenna System at the AB 900 Public Safety Center Expansion Projects One and Three – CEO 2016-98
- *C1a Awarded a contract for All-Inclusive Engineering Services to Mark Thomas and Company of Fresno, California, in the amount of \$182,099 for the Geer Road at Whitmore Avenue

- Intersection Project, Federal Project Number: CML-5938(180); and, authorized the Director of Public Works to execute a contract with Mark Thomas and Company in the amount of \$182,099 and to sign necessary documents, including any amendments to the agreement not to exceed 10% – PW 2016-99
- ***C1b** Awarded a contract for All-Inclusive Engineering Services to Mark Thomas and Company of Fresno, California, in the amount of \$396,547 for the Carpenter Road at Whitmore Avenue Intersection Project, Federal Project Number: CML-5938(225); and, authorized the Director of Public Works to execute a contract with Mark Thomas and Company in the amount of \$396,547 and to sign necessary documents, including any amendments to the agreement not to exceed 10% – PW 2016-100
 - ***C1c** Awarded a contract for All-Inclusive Engineering Services to Mark Thomas and Company of Fresno, California, in the amount of \$299,827 for the Crows Landing Road at Grayson Road Intersection Project, Federal Project Number: CML-5938(223); and, authorized the Director of Public Works to execute a contract with Mark Thomas and Company in the amount of \$299,827 and to sign necessary documents, including any amendments to the agreement not to exceed 10% – PW 2016-101
 - ***C1d** Awarded a contract for All-Inclusive Engineering Services to Mark Thomas and Company of Fresno, California, in the amount of \$213,704 for the Geer Road at Santa Fe Avenue Intersection Project, Federal Project Number: CML-5938(224); and, authorized the Director of Public Works to execute a contract with Mark Thomas and Company in the amount of \$213,704 and to sign necessary documents, including any amendments to the agreement not to exceed 10% – PW 2016-102
 - ***C1e** Awarded a contract for All-Inclusive Engineering Services to Mark Thomas and Company of Sacramento, California, in the amount of \$187,420 for the Bridge Preventive Maintenance Program Project, Federal Project Number: BPMPL-5938(230); authorized the Director of Public Works to execute a contract with Mark Thomas and Company in the amount of \$187,420 and to sign necessary documents, including any amendments to the agreement not to exceed 10%; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2016-103
 - ***C2** Approved the purchase agreement for the acquisition of the properties for the Santa Fe Avenue over the Tuolumne River Bridge Replacement Project, Grantor: Vincent E. Lane, Trustee of The Vincent E. Lane and Billie J. Lane 1993 Revocable Living Trust, Assessor's Parcel Number: 009-020-015,016 (portion); authorized the Chairman to execute the agreement for Acquisition of Properties; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2016-104
 - ***C3** Approved the purchase of four Compressed Natural Gas paratransit demand response light-duty transit buses in the amount of \$547,108 for Stanislaus County Regional Transit (StaRT) public transit bus fleet from Creative Bus Sales, Inc.; approved the purchase of one clean diesel paratransit demand response heavy-duty transit bus in the amount of \$149,036 for Stanislaus County's StaRT public transit bus fleet from Creative Bus Sales, Inc.; and, authorized the Public Works Transit Division Manager to sign and execute all necessary documents – PW 2016-105
 - ***C4** Adopted a resolution initiating proceedings for the annexation of 192 parcels into County Service Area 27-Empire; and, directed the Public Works Department to prepare and file the required amended Engineer's Report – PW CSA-27-5 2016-106
 - ***C5** Authorized the purchase of a clean transit commuter 45-foot bus in the amount \$626,343 for Stanislaus County's public transit system, Stanislaus Regional Transit (StaRT) bus fleet from Motor Coach Industries in Los Alamitos, CA – PW 2016-107

***C6** Adopted a resolution initiating proceedings for the formation of the Fruit Yard Lighting District; and, directed the Public Works Department to prepare and file the required Engineer's Report – PW DL-46-1 2016-108

9:05 a.m. The Appellant submitted a written withdrawal of the appeal of the Planning Commission's approval of Use Permit Application No. 2015-0023 - Verizon Wireless, Moffett Road; and, no action was taken on this matter – Planning 2016-109

DeMartini/Withrow unan. **9:10 a.m.** Conducted the public hearing to receive public comment, under the requirement of the Tax and Equity Fiscal Responsibility Act (TEFRA) and the Internal Revenue Code of 1986, as amended, in connection with the proposed issuance of conduit revenue bonds by the California Municipal Finance Authority, a JPA and public entity of the State of California; adopted the resolution to exercise membership in the JPA and approved the issuance of tax-exempt bonds by the California Municipal Finance Authority, not to exceed \$9.5 million, for the benefit of Golden Valley Health Centers, a California non-profit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, or a subsidiary or affiliate thereof (the borrower) to provide for the financing of the capital project including the acquisition, construction, improvement and equipping of health facilities located at 1510 Florida Avenue in Modesto, 1200 West Main Street in Turlock, 5201 First Street in Empire and 1902 Memorial Drive in Ceres; and, authorized the Chairman, or his designee, to sign and execute the JPA relating to the California Municipal Finance Authority – CEO 2016-110

Withrow/Chiesa unan. **B6** Accepted a report on the County Employee Safety Program; and, approved the use of FY 2014-2015 savings in the Workers' Compensation Program to fund employee recognition activities in the amount of \$11 per employee – Risk Management 2016-111

Chiesa/O'Brien unan. **B7** Approved the award of an agreement to Sally Swanson Architects of San Francisco, CA to perform a Countywide Self-Evaluation and Transition Plan in compliance with the Americans with Disabilities Act; authorized the Chief Operations Officer to sign the agreement with Sally Swanson Architects of San Francisco, California to perform a Countywide Self-Evaluation and Transition Plan in compliance with the Americans with Disabilities Act; established a Project Budget of \$799,700, funded from \$606,180 of existing appropriations within the CEO-County Facilities budget, and an increase in appropriations of \$193,520 funded from transfer from the Public Works Road and Bridge budget and the Public Works Local Transit System budget; directed the Auditor-Controller to establish project appropriations in the amount of \$799,700, and to increase other operating transfers out in the amount of \$175,455 in the Public Works Road and Bridge budget and increase other operating transfers out in the amount of \$18,065 in the Public Works Local Transit Fund budget, as detailed in the Budget Journal Form; and, authorized the Project Manager to take any additional and necessary actions with the project budget to complete the Self-Evaluation and Transition Plan – CEO 2016-112

Corr 1 Referred to the Stanislaus Economic Development and Workforce Alliance, a letter from the Governor's Office of Emergency Services regarding the U.S. Small Business Administration's declaration of several counties and their contiguous counties, including Stanislaus County, as disaster areas due to the economic impacts caused by the ocean conditions resulting in delayed commercial Dungeness Crab Season.

Corr 2 Referred to the Department of Public Works, a copy of the Stanislaus County Audit Report, Road Fund from 07/01/2010 through 06/30/2013.

Corr 3 Referred to the Fish and Wildlife Commission, a letter from the California State Fish and Game Commission regarding the incidental take of the tri-colored black bird.

Corr 4 Referred to the Stanislaus Economic Development and Workforce Alliance, and the Alliance Worknet, a letter from Sutter Health, per the Worker Adjustment and Retraining Notification Act, regarding the elimination of positions and plans to terminate the employment of a number of employees at Memorial Medical Center and other locations in Modesto, California commencing on 04/25/2016.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Jeremy Robert Allen; Jhovany Lopez; David Bernal; Dorothy Bernal; Robert Bernal individually and as Guardian Ad Litem for Angelica Bernal; Nicolas Charron; Brian Fawlkes; Maria Hermenegildo; Claude Womak; Gilliland Lucas; Justin Kier; NuPhaeya Hassen, a minor by and through her Guardian Ad Litem Rita Tilley; Cypress Insurance Company, as subrogee of Bertolotti Modesto Disposal; and, Suzanne P. Bristow.

CEO Risen expressed his appreciation to the Clerk of the Board, Chief Operations Officer and their teams for their work on item B7 on today's agenda. He reported that on 02/17/2016 there was a water leak in the data center which resulted in a shutdown of a number IT systems, and he recognized the quick response of Caleb Cox, Juan Calpotura, and Robert Garcia from GSA; Tim Schmier and Michael Pless from SBT; and, Nate Olson and Kurt Kline from SR911. CEO Risen also reported that the Managed Care Organization tax passed the Assembly and State Senate, and the Governor has indicated he will sign it. This was important legislation as it relates to Medi-Cal because it provides matching money for federal money. If this tax had expired, the State would have lost \$1 billion in Medi-Cal funding per year.

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 10:00 a.m. for Conference with Legal Counsel - Existing Litigation: Two Cases: Martin Ontiveros, et al. v. County of Stanislaus, et al., Stanislaus County Superior Court Case No. 2001997 and Dennis Wallace vs. County of Stanislaus, et al, Stanislaus County Superior Court Case No. 663764. Government Code Section 54956.9(d)(1). Conference with Legal Counsel - Anticipated Litigation: One Case. Government Code Section 54956.9 (b)(4).

Closed Session Announcement A: Withdraw/Monteith unan. In the case of Dennis Wallace vs. County of Stanislaus, et al, Stanislaus County Superior Court Case No. 663764, the Board authorized legal counsel for the County to file a Petition for Re-Hearing before the Fifth District Court of Appeal
2016-113

Closed Session Announcement B: O'Brien/Chiesa unan. In regards to the one case of anticipated litigation, the Board authorized legal counsel for the County to initiate litigation. The action, defendants and other particulars of the case are not disclosed at this time pursuant to Government Code section 54957.1 (a)(2)
2016-114

Adjourned at 12:19 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.)