

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

Regular Session

Tuesday

April 16, 1996

All Supervisors Present

Pledge of Allegiance to the Flag

C/S unan. Adopted the consent calendar after amending the title for *B-10 to say "Approval to Introduce and Waive First Reading of an Ordinance Governing Investment of Treasury Pool Funds and Qualifications for the Office of County Treasurer/Tax Collector in Accordance with Senate Bill 866 - Treasurer/Tax Collector" and after removing item *C-10 - Approval of Temporary Tire Bottom Ash Storage Agreements Between the County of Stanislaus and Reciclados California S.A. DE C.V. and Brambles, U.S.A., Inc. from the consent calendar

- Approved minutes of 03/19/96 96-299
- Adopted and waived second reading of Ordinance C.S. 619 Creating and Amending Parking Zones on Various County Roads 96-300 ORD-52-6
- Set a public hearing for 4/30/96 at 9:25 a.m. regarding a letter from Mid-Valley Engineering appealing the Planning Commission's denial of Variance Application #95-08; Exception Application #95-06; and Parcel Map Application #95-32 for William Loretelli 96-301 S-30-AH-6
- Proclaimed 4/28 to 5/4/96 as Child Passenger Safety Week 96-302 M-33-AH-20
- Proclaimed 4/21-27/96 as National Infant Immunization Week and May 1996 as Toddler Immunization Month 96-303 M-33-AH-21
- Proclaimed 4/21-27/96 as Stanislaus County Volunteer Appreciation Week 96-304 M-33-AH-22
- Approved consolidating the Keyes Union School District bond election with the Patterson Unified School District's election on 6/4/96 96-305 M-13-J-5
- Accepted resignation of Joe Jorge and approved appointment of Bill Beaty to the Mt. View Fire Protection District Board 96-306 DF-11-31
- Approved FY 1996/97 Nematode Control Program MOU with the California Department of Food and Agriculture and authorized the Agricultural Commissioner to sign the MOU 96-307 S-28-E-23
- Set public hearing on 6/18/96 at 7:15 p.m. to receive public input on the Community Based Punishment Project 96-308 S-4-G-11, S-24-W-4 & S-16-C-2
- Approved participation of Special Districts' full time employees and dependents in the County Vision Services Plan 96-309 M-3-A-15 & S-45-B-24
- Approved annual inspections/evaluations of local jail/detention facilities – DER 96-310 S-11-O-8
- Approved agreement with Career Crossroads for the operation of a Drug Diversion Program and authorized the Director of Mental Health to sign the agreement - Mental Health 96-311 S-17-AK-6
- Authorized the Director of Parks to receive funding from the Wildlife Conservation Board in the amount of \$125,000; directed the Auditor-Controller to set up a new special revenue fund for the Parks Department, titled "Fox Grove Renovation", and specified that all interest earned by the account remain in the account; approved the 1995-96 fund budget and authorized the Department to carry over unencumbered funds into FY 1996-97; and, authorized the Director of Parks to seek and select a contractor to perform outlined projects – Parks 96-312 S-32-W-31
- Authorized the Director of Parks to issue a RFP to operate an equestrian center at Woodward Reservoir and authorized the Director of Parks to review the responses to the RFP, select and sign all contract documents relating to the operation of the equestrian center – Parks 96-313 S-32-W-32

- Approved contracting with Andon College Incorporated to provide clinical and office experience for Andon College Students and authorized the HSA Managing Director or her Designee to sign the contract with Andon College Inc. – SMC 96-314 S-12-LQ-18
- Approved contract with Yosemite Community College District, Modesto Junior College to provide clinical experience for MJC Medical Assisting and Respiratory Care Students and authorized the HSA Managing Director or her Designee to contract with Yosemite Community College District, Modesto Junior College – SMC 96-315 S-12-LQ-19
- Introduced and waived first reading of an Ordinance governing investment of treasury pool funds and qualifications for the Office of County Treasurer/Tax Collector in accordance with Senate Bill 866 - Treasurer/Tax Collector 96-316 ORD-52-7
- Approved Treasurer/Tax Collector's request for discharge of accountability covering certain Stanislaus County Departmental accounts charged to the Collection Division and instructed the Auditor-Controller to reduce our charge in the amount of \$544,430.80 - Treasurer/Tax Collector 96-317 S-25-L-27
- Adopted the Retirement Contribution Rates and Rate of Interest Posting for FY 1996/97 as recommended by the Board of Retirement on 3/13/96 and directed the Auditor-Controller to change the Employer and Employee Retirement Contribution Rates for FY 1996-97 in accordance with the actuarial valuation of 7/1/95 on the payroll to be paid on 7/17/96 - Treasurer/Tax Collector – Retirement 96-318 S-23-C-13
- Approved submitting funding agreement for Program Supplement No. 132 for the Lester Road, Merced Avenue, and Finney Road Bike Lane Project and authorized the Chair to execute agreements 96-319 CON-393-3
- Authorized the Auditor-Controller to increase appropriations and estimated revenue by \$1,300 for River Road improvements to cover PG&E cost of extending electrical service to proposed flashing beacons 96-320 CON-410-2
- Approved Project and Environmental Findings for Cooperstown Road Bridge at Gallup Creek; considered the proposed mitigated negative declaration together with any comments received during the public review process; approved an environmental finding for the project of mitigated negative declaration under CEQA guidelines; approved the finding of the mitigated negative declaration that although the proposed project could have a significant effect in this case because the mitigation measures described on the document submitted have been added to the project; and, directed a mitigated Negative Declaration be prepared 96-321 CON-367-4
- Approved submitting agreements for Railroad Crossing Improvement funding for Garner Road at M & ET Crossing No. 28-4.2 and authorized the Chair to sign agreements 96-322 CON-418-1
- Find that the Modesto Toyota property (APN: 046-11-17) is owned by petitioner, and that petitioner's ownership represents 100% of the total assessed valuation of all taxable property within the territory proposed to be annexed into North of McHenry Lighting District; find that Stanislaus County CS 21.40.040 requires the installation of a street lighting system to serve territory; find that the territory proposed to be annexed is not within the limits of any other lighting district; find that public necessity and welfare require that the territory be annexed to the lighting district; ordered the requirements of notice, hearing and election shall not be applicable to this proceeding pursuant to Streets and Highways Code Section 19056; ordered that the territory shall be annexed to the North McHenry Lighting District; find the fact of filing of the petition was received by the Clerk of the Board on 4/2/96; and, ordered that pursuant to the Streets and Highway Code Section 19000, et seq., the cost of conducting and maintaining the lighting district shall be assessed against the individual parcels of land within the District's boundaries 96-323 DL-29-19

Find that Watkins property (APN: 046-05-21) is owned by petitioner, and that petitioner's ownership represents 100% of the total assessed valuation of all taxable property within the territory proposed to be annexed into North of McHenry Lighting District; find that Stanislaus County C.S. 21.40.040 requires the installation of a street lighting system to serve territory; find that the territory proposed to be annexed is not within the limits of any other light district; find that public necessity and welfare require that the territory be annexed to the lighting district; ordered the requirements of notice, hearing and election shall not be applicable to this proceeding pursuant to Streets and Highways Code Section 19056; ordered that the territory shall be annexed to the North McHenry Lighting District; find the fact of filing of the petition was received by the Clerk of the Board on 4/2/96; and, ordered that pursuant to the Streets and Highway Code Section 19000, et seq., the cost of conducting and maintaining the lighting district shall be assessed against the individual parcels of land within the District's boundaries 96-324 DL-29-20

Approved summary abandonment for a portion of an irrigation easement across Parcel A of Book 23 Parcel Maps Page 45 96-325 S-22-AM-19

Approved request by Knights Ferry History and Museum Association to hold a Peddler's Faire on the Covered Bridge Road and authorized the Director of Public Works to issue a permit for the event

Approved funding agreement for the Sonora Road at Little John Creek (Eugene) Bridge No. 38C-002A, Program Supplement #133 and authorized the Chair to the sign agreement 96-326 S-22-AM-20

96-327 CON-307-5

Find that the Final Map is in substantial compliance with the previously approved Tentative Map for Wittfield Park Unit No. 5; find that the County has adopted a specific plan covering the area proposed to be included within the Final Map; find that the Final Map, together with the provisions for its design and improvements, is consistent with the specific plan for the area; authorized the Chair to execute for and on behalf of the County the Subdivision Improvement agreement; find that all improvements required for Wittfield Park Unit #5 have been completed to the satisfaction of the County; and, authorized the Final Map to be filed and recorded, and accept all streets, avenues, roads, and the drainage system within Wittfield Park Unit #5 upon verification of payment of all taxes 96-96-328 M-27-G-4

Set public hearing to introduce and waive first reading of Ordinance amendment to repeal Title 16, Building and Construction Section, of the County Code and replace with a revised Title 16 on 5/14/96 at 9:25 a.m. 96-329 S-21-AM-16

Set public hearing for Rezone Application #95-09 and Parcel Map Application #95-35 for Bill and Don Beck on 5/7/96 at 9:30 a.m. 96-330 S-30-AH-7

Accepted report on Salida Park Land Acquisition and Development 96-331 S-18-XX-10

C/B unan. Approved naming the park in Grayson, Leroy Fitzsimmons Memorial Park in honor of Mr. Leroy Fitzsimmons - Parks 96-332 S-32-W-33 (1-97)

S/M unan. Approved sending a letter in support of Merced County Human Services Agency's Development of an automated fingerprint imaging system - Social Services 96-333 S-27-AC-21 (1-398)

B/S unan. Approved temporary tire bottom ash storage agreements between the County of Stanislaus and Reciclados California S.A. DE C.V. and Brambles, U.S.A., Inc. and amended item to include requiring the firm furnish the County with proper security in sufficient amount to guarantee the ash removal by 4/19/96 or the County will immediately cease the operation, begin removing the ash and back bill the firm for the cost of removal

96-334 S-21-AM-15 (1-689)

S/B unan. Approved awarding a transit operations contract to Storer Transit Systems; authorized the CEO to sign and execute all necessary documents; based on staff report, testimony of witnesses, the documents received by the Board including the staff report, the RFP, the addendum, the proposal by Storer; the Board finds that the RFP process that was conducted was an open competitive process and that the RFP by Storer was the lowest proposal at \$5,024,064; finds that Storer's proposal #1 fulfills all material requirements and specifications set forth in the RFP; finds that Storer's proposal substantially conforms to the RFP; finds any variance from the requirements in the RFP in Storer's proposal #1 are inconsequential in that they cannot have effected the amount of the proposal or given Storer an advantage or benefit not allowed other proposers; finds that the meetings between Storer and County staff on and after 3/25/96 occurred after all proposals were submitted, after all interviews with proposers, and after all proposals were evaluated. The meetings clarified but did not modify, Storer's proposal; finds the amount of Storer's proposal No. 1 has not changed; finds Item #3 of Addendum #1 of the RFP requested proposals for a two-year or a three-year contract. Further, the request for a two-year proposal was for information or comparison only. A two-year proposal is not, and was never contemplated to be, a term or provision of the transportation contract; finds that the Separate Statement of Exceptions submitted with Storer's proposals is consistent with and allowed by Addendum #2 and all proposers could submit exceptions for considerations by the County. Further, the County reserves the right to reject such exceptions and, in fact, did reject all exceptions; finds Storer clarified and provided the County adequate assurance that Proposal #1 could fulfill all requirements in the RFP including, without limitations, the requirements to provide a separate computer system; finds there is a public benefit in awarding the contract to Storer based on the amount of past service and the new 1996 buses which are in the proposal #1; and, finds that the Board has received and considered the letters sent by the representatives of Laidlaw on 4/12/96 and has found the objections stated therein to be without substance and unconvincing and that the materials provided by Laidlaw at the hearing were also considered by the Board and were also found to be without substance and did not convince the Board that the proposal should not be awarded to Storer the low bidder

96-335 S-21-AM-17 (1-888

Recessed at 7:40 p.m.

Reconvened at 7:58 p.m.

Referred to the CEO and authorized a letter of support for State Senator Thompson's State Constitutional Amendment 26 requiring a simple majority vote of the Legislature to pass a state budget bill

Removed from the agenda a request by the Sheriff to oppose Assembly Bill 638 which mandates the Sheriff or Chief of Police issue permits to carry concealed firearms to all qualified citizens within his or her jurisdiction who requested them

Acknowledged receipt of letter from the Building Industry Association of Central California, Inc. commending and thanking this Board for its fairness, professionalism of staff, and for the expeditious manner in which the Board resolved the issue of revenue neutrality on the Master Property Tax Agreement

Acknowledged receipt of claims and referred to Risk Management the following claims: Katie Breanne Steeley; Raul Reyes; Michael G. Bacich; Joe Cuellar; Stewart Vaugh; James D. Rudd, Sr., James D. Rudd, Jr., Matthew C. Rudd, and Trisha Graybill; City of Modesto vs. Joseph N. Sciabici, Gemma S. Sciabici, Nicholas A. Sciabici, Daniel Sciabici, Modesto Irrigation District and Stanislaus County; Anthony Torres; Anthony and Crystal Torres; Beal Conmy; Marilyn J. Anderson; and, Imelda Maldonado Ramos

Supervisor Caruso requested plants be planted in the planters on the east of the County Administration Building. He announced his attendance at the San Joaquin Valley Supervisors Association meetings at Bass Lake on 4/17 & 18/96

The CEO informed the Board on the progress of the negative bailout legislations and on new legislation introduced, SB 2167, which would approach the negative bailout problems in an unique manner

Adjourned at 8:35 p.m.

ATTESTED: REAGAN M. WILSON, Clerk
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: CHRISTINE D. FERRARO, Deputy Clerk

(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.)