

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

Regular Session

Tuesday

December 10, 2002

All Supervisors Present

Pledge of Allegiance to the Flag

A presentation to Tony Borba, Superintendent of Salida Union School District, for Space for the Interim Salida Library was postponed until the Board meeting of 1/7/02.

P/B unan. Adopted the consent calendar after removing item ***C3** Approval to Authorize the Purchasing Agent to Negotiate and Sign an Agreement with Kleinfelder, Inc., for the Quality Assurance Program (QAP) for the Shackelford Improvements Project and to Make the Necessary Budget Adjustments, from the consent calendar

***A1** Approved the minutes of 12/3/02

***A2** Adopted and waived the second reading of Ordinance C.S. 814 to amend Title 11 of the Stanislaus County Code, adding no parking zones on Merced Avenue (Denair)

ORD-54-L-7 2002-925

***A3** Approved amendments to the COI Codes for the Stanislaus Union School District; Sylvan Union School District; Housing Authority of the County of Stanislaus; LAFCO; Stanislaus Regional 9-1-1; Stanislaus Economic Development and Workforce Alliance; Ceres Fire Protection District; West Stanislaus Resource Conservation District; Del Puerto Health Care District; Denair CSD; and, the County of Stanislaus

2002-926

***A4a** Commended Frank Ashworth upon his retirement from the Regional Fire Training Center

2002-927

***A4b** Commended Mike De Ferrari, Assessor, upon his retirement from Stanislaus County

2002-928

***B1** Approved an agreement with SODEXHO Operations, LLC to extend food and housekeeping services at Stanislaus Behavioral Health Center and Stanislaus Recovery Center through FY 03/04 and authorized the Director, or his designee, to sign the agreement with SODEXHO Operations, LLC

2002-929

***B2** Authorized proceeding with two projects for tenant improvements at 1021 I St., the former Bank of America building, for the Grand Jury and Public Defender; approved bid documents for tenant improvements for the Grand Jury at 1021 I St. on the 3rd floor; authorized the Project Manager to issue invitations and advertise for bids; set the bid date for 1/8/03, no later than 10:30 a.m.; authorized staff to review bids and recommend award; authorized the CEO to negotiate and execute agreements for professional services to include construction management, specialty inspection, environmental consulting services, architectural services, and engineering services for the tenant improvements for the Public Defender at 1021 I St. on the 2nd and 3rd floors; and, authorized staff to prepare a master plan for the Clerk-Recorder at 1021 I St. on the 1st floor

2002-930

***B3** Approved the standard agreement for the California Healthcare for Indigents Program (CHIP) for FY 02/03 for tobacco tax funds to support clinics and community providers; and, authorized the HSA Managing Director, or her Designee, to sign the standard agreement

2002-931

- *B4 Approved the standard agreement for the Emergency Medical Services Appropriation (EMSA) for FY 02/03 and authorized the HSA Managing Director, or her Designee, to sign the standard agreement 2002-932
- *B5 Approved the Description of Proposed Expenditure of California Healthcare for Indigents Program (CHIP) funds for FY 02/03 and authorized the HSA Managing Director, or her Designee, to sign the Description of Proposed Expenditure Certification 2002-933
- *C1 Approved Project Agreement 2002-08, for Groundwater Monitoring at the Fink Rd. Landfill with Kleinfelder, Inc. and authorized the Chairman to sign the agreement 2002-934
- *C2 Awarded the contract for the North Salida Storm Drainage Basin Expansion to Blue Iron, Inc., of Lodi, CA for the amount of \$872,889 and authorized the Purchasing Agent to establish a contract with Blue Iron, Inc., for the contract amount 2002-935
- *D1 Rescinded a portion of Williamson Act Contract #71-0185 (Monte Vista Ave., District 2), and approved new contracts pursuant to Minor Lot Line Adjustment Application 2002-43 and authorized the Planning Director to execute new contracts; finds the new contract or contracts 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; finds 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; finds at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; finds 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; finds 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; finds the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; and, finds 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 2002-936
- *D2 Rescinded a portion of Williamson Act Contract #69-0458 (Eaton Road, District 1), and approved new contracts pursuant to Minor Lot Line Adjustment Application 2002-40 and authorized the Planning Director to execute new contracts; finds the new contract or contracts 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; finds 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; finds at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; finds 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; finds 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; finds the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; and, finds 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 2002-937
- *D3 Set a public hearing on 1/14/03 at 9:35 a.m. for Rezone Application No. 2002-07 - Valley Peterbilt, Inc. ORD-54-L-9 2002-938

B/S (4-0 Caruso abstained) *C3 Authorized the Purchasing Agent to negotiate and sign an agreement with Kleinfelder, Inc., for the Quality Assurance Program (QAP) for the construction phase of the Shackelford Improvements Project not to exceed \$142,000; and, directed the Auditor-Controller to increase appropriations in the project account in the amount of \$142,000 to cover the costs of the QAP
2002-939

P/S unan. B6 Authorized the development of a contract between the County and American Prosecutors Research Institute (APRI) to conduct a workload assessment for the DA; authorized the CEO to negotiate and sign an agreement with APRI for a workload assessment; and, authorized the expenditure of up to \$38,000 from the CEO special project budget to cover the contract cost
2002-940

Recessed to sit as the Stanislaus County Redevelopment Agency at 9:30 a.m.

B/S unan. Approved the consent calendar

Approved the minutes of 8/13/02

9:25 a.m., *VI-A Received Statement of Indebtedness
2002-941

9:25 a.m., *VI-B Accepted the Financial Report of the Stanislaus County Redevelopment Agency required by Health and Safety Code Section 33080.1
2002-942

9:25 a.m., *VI-C Approved amendment of the Stanislaus County Redevelopment Agency COI Code
2002-943

B/P unan. 9:25 a.m., V-A Conducted a public hearing and accepted the Midterm Update of the Implementation Plan
2002-944

S/B unan. 9:25 a.m., VI-D Accepted the 2001/2002 Redevelopment Agency Activities Report
2002-945

B/S unan. 9:25 a.m., VI-E Amended agreement with Self-Help Enterprises to continue the Housing Rehabilitation Program and allocated \$200,000 from FY 02/03 Housing Set-Aside
2002-946

Public Forum: Jim Duval, Deputy Director of the Redevelopment Agency, noted that the Governor has prepared a proposal to assist in reducing the state's budget deficit by mandating the deposit to the state general fund those housing set-aside dollars that were unencumbered as of 12/1/02. Staff will monitor this proposal. The County Redevelopment Agency balance at the end of November 2002 was \$623,911.11, of this total, \$611,033.47 is encumbered, leaving a little over \$12,000 at risk. Ron Freitas, Director of Stanislaus County Planning and Community Development, noted that this is Supervisor Blom's last meeting sitting on the Stanislaus County Redevelopment Agency Board. He presented a plaque of appreciation to Supervisor Blom from the Redevelopment Agency.

Reconvened to sit as the Stanislaus County Board of Supervisors at 9:58 a.m.

S/B unan. 9:30 a.m. Introduced, waived the reading, and adopted Ordinance C.S. 812, Setting Fares for Stanislaus Regional Transit ("StaRT"); finds and determined that the ordinance is not subject to the CEQA (Public Resources Code, Section 2100 et. seq.); and, authorized the Department of Public Works, Transit Division, and the Transit Manager to implement the ordinance

ORD-54-L-5 2002-947 & 2002-948

Corr 1 Referred to the Agricultural Commissioner and the Department of Planning and Community Development a copy of the minutes of the Wildlife Conservation Board, which includes the Wetland Habitat Restoration (San Joaquin Wetland Farms) in Stanislaus County.

Corr 2 Referred to the CEO, Treasurer-Tax Collector and Assessor, a letter from the Council of the City of New York requesting input on their proposal to the Federal Government to create a \$80 billion revenue

sharing program to help the nation's cash-strapped counties and local governments reduce escalating property taxes.

Corr 3 Referred to the DER, Department of Planning and Community Development and the Department of Public Works, a press release from the U.S. Fish and Wildlife Service regarding the extended comment period for the Draft Economic Analysis Released on Proposed Critical Habitat for Vernal Pool Species.

Corr 4 Referred to the Department of Emergency Services, CEO, and the Agricultural Commissioner a letter from the State Office of the Director of Emergency Services regarding the U.S. Department of Agriculture (USDA) granting a Secretarial disaster designation for Stanislaus County due to agriculture losses caused by drought.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Michael Blaine; Enterprise Rent-A-Car; Jane Craig; John Van Horn; Samoeun Phok; and, Jane M. Wilson.

Supervisor Simon noted the presence of the new Modesto Bee reporter, Jeff Jardine, in the Chambers.

Supervisors Caruso, Blom and Paul attended the Ag Dinner on 12/5/02, which honored the J.S. West family. As Chairman of StanCOG, Supervisor Caruso received a memo yesterday, regarding the job-housing balance in Stanislaus County in which the State rejected StanCOG's recommendation for building 20,000 homes, and instead the State recommended building 35,000 homes in the County.

Supervisor Paul noted that the Proposition 10 Commission (Stanislaus County Children and Families Commission) approved a portion of the cost for a piece of medical equipment that is used to exam children who may have been sexually assaulted. On Friday night, she attended the Women's Auxiliary Ball, which raises funds for scholarships for minority students. On Saturday she attended the City of Riverbank Christmas parade. Monday night she attended the League of Women Voters Holiday Fling presented by Marie Gallo and Grace Lieberman for the Gallo Arts Center.

The Assistant CEO reported on the State budget crisis. She noted that the Governor is proposing \$10.2 billion in budget cuts. Many of the budget cuts that are being suggested in the first round are referring to State government cuts. On January 10, 2003, Governor Davis will issue next year's budget proposals. Public library foundation funds will be wiped out if the Legislature adopts the State Budget proposals. Further reductions in Medical reimbursements could mean disaster statewide for the health care system. The whole County organization is paying attention to the State budget cuts, and will continue to update the Board regarding this issue. Supervisor Paul asked if the County is being aggressive enough in pursuing any legal options regarding the State taking money away from the counties. County Counsel noted that the County Counsel Association is reviewing the budget cuts. He expects that there will be litigation in the future. The Assistant CEO spoke regarding the proposed education cuts at \$1.7 billion.

Adjourned to closed session at 10:31 a.m. for Personnel-Public Employment: Performance Evaluation – Chief Executive Officer. Government Code Section 54954.5(e). Conference with Legal Counsel: Anticipated Litigation – Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9: One Potential Case.

Adjourned at 11:25 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.)