

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

May 23, 2017

Invocation was given by Pastor Jeffrey Woods with Barnabas Leadership Foundation.

Marci Boucher, Executive Director of the Society for disABILITIES, received a resolution proclaiming June 2017 as Disability Awareness Month.

Withdraw/Monteith unan. Adopted the consent calendar

- *A1 Approved the minutes of 05/16/2017
- *A2a Adopted and waived the second reading of Ordinance C.S. 1188 to amend existing fees for the Department of Environmental Resources ORD-55-Y-6 2017-258
- *A2b Adopted and waived the second reading of Ordinance C.S. 1189 to modify the existing Intersystem Bus Transfer Fee for Stanislaus Regional Transit ORD-55-Z-1 2017-259
- *A2c Adopted and waived the second reading of Ordinance C.S. 1190 to establish new fees and amend existing fees for Planning Services ORD-55-Z-2 2017-260
- *A3 Proclaimed the week of 06/05/2017 through 06/09/2017 as Family Services Specialist Recognition Week 2017-261
- *A4 Adopted a resolution ordering the transfer of territory between the Patterson Joint Unified School District and the Ceres Unified School District as required by Education Code §§ 35530 and 35765; directed that the transfer of territory be entered into the county's Record of School Districts in compliance with Education Code § 35765; directed the Department of Public Works to review the maps and legal descriptions indicating the boundary change submitted by the Stanislaus County Office of Education for compliance with State Board of Equalization Requirements; and, ordered the Stanislaus County Office of Education, the Patterson Joint Unified School District, and the Ceres Unified School District to file, on or before 12/01/2017, a copy of the resolution and map or plat of the reorganized territory conforming to State Board of Equalization requirements with the following offices: (a) Patterson Joint Unified School District of Stanislaus County and Santa Clara County, (b) Ceres Unified School District of Stanislaus County, (c) Stanislaus County Superintendent of Schools, (d) Stanislaus Assessor, (e) Stanislaus County Auditor-Controller, (f) Stanislaus County Registrar-Recorder/County Clerk, (g) Stanislaus County Treasurer, (h) State Board of Education, (i) State Board of Equalization, (j) State Superintendent of Public Instruction, and, (k) Stanislaus County Local Agency Formation Commission 2017-262
- *B1 Adopted the retirement contribution rates for BY 2017-2018 as contained in the Stanislaus County Employees' Retirement Association Actuarial Valuation as of 06/30/2016 and as recommended by the Stanislaus County Employees' Retirement Association Board; and, directed the Auditor-Controller to change the employer and employee retirement contribution rates for BY 2017-2018 in accordance with the actuarial valuation of 06/30/2016 on the payroll check date of 08/02/2017 – CEO 2017-263

- ***B2** Approved the agreements with service providers for the CSA effective 07/01/2017 for FY 2017-2018 as reflected in the agenda item; authorized the CSA Director, or her designee, to sign the agreements for FY 2017-2018 as reflected in the agenda item; authorized the CSA Director, or her designee, to negotiate and sign amendments to all agreements discussed in the agenda item, as Attachment A of the agenda item, to add services and payment for services up to \$75,000 per agreement, budget permitting, throughout FY 2017-2018; authorized the CSA Director, or her designee, to negotiate and sign amendments to all agreements discussed in the agenda item, as Attachment B of the agenda item, to add services and payment for services up to \$25,000 per agreement, budget permitting, throughout FY 2017-2018; and, authorized the County Purchasing Agent, to negotiate and sign amendments to the United Way 2-1-1 Services agreement in Attachment B, of the agenda item, to add services and payment for services up to \$25,000, budget permitting throughout FY 2017-2018 – CSA 2017-264
- ***B3** Approved an agreement with ASPIRAnet for the provision of transitional housing services for former foster youth, as a result of a RFP process for such services; and, authorized the CSA Director, or her designee, to sign the agreement, and any amendments up to \$75,000 with ASPIRAnet to provide transitional housing services for former foster youth – CSA 2017-265
- ***B4a** Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding the property at 507 Kerr Avenue, Modesto, CA, CE No. 17-0004, as set forth in Attachment 1 of the agenda item – DER 2017-266
- ***B4b** Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding the property at 505 Kerr Avenue, Modesto, CA, CE No. 17-0003, as set forth in Attachment 1 of the agenda item – DER 2017-267
- ***B5** Set a public hearing for 06/27/2017, at 9:05 a.m., to consider adjustments to Stanislaus County franchise maximum rates for solid waste collection services in Franchise Areas 1, 2, 3 and 4 – DER 2017-268
- ***B6** Adopted the plans, specifications, and working details for the Fink Road Landfill’s Class II Landfill-3, Cell Number 4 Base Liner and Leachate Collection System; directed the Department of DER to send the “Notice Inviting Bids,” electronically and by mail to trade journals and newspaper advertisement as required by law; authorized the Director of DER, or designee, to oversee the public works of improvements associated with the project; and, directed the Clerk of the Board to publish the attached “Invitation to Bidders (Contractors)” for the project as required by the law and set the deadline for submission of the bids as Wednesday, 07/12/2017, at 2:00 p.m. – DER 2017-269
- ***B7** Approved a contract with Servi-Tech Controls, Inc. in the amount of \$180,417 for HVAC Control System at the Stanislaus County Agricultural Center - Tuolumne Building; authorized the County Purchasing Agent to execute the contract with Servi-Tech Controls, Inc. and to sign any necessary documents; and, authorized the Purchasing Agent to execute change orders in accordance with Public Contract Code Section 20142 – GSA 2017-270
- ***B8** Approved the list of Independent and Personal Services Contractor Agreements between the Stanislaus County HSA and various contractors for FY 2017-2018; authorized the HSA Managing Director or her designee to sign the agreements included in the agenda item; and, authorized the HSA Managing Director, her designee or successor, to negotiate and sign individual amendments to the agreements, not to exceed \$75,000 per agreement – HAS 2017-271

- ***B9** Authorized the purchase of portable radios for the Stanislaus County Sheriff’s Department using Homeland Security Grant funds; approved the use of a master agreement with Motorola Radio Communications for the purchase of 34 radios; and, authorized the Purchasing Agent to issue a purchase order to Motorola Radio Communications in the amount of \$174,972.79 – OES 2017-272
- ***B10** Approved the 2017 Community Corrections Partnership Plan for the 2011 Public Safety Realignment; authorized the Chief Probation Officer to sign all documents related to the 2011 Public Safety Realignment, including all contracts and amendments; and, authorized the Chief Probation Officer and the Sheriff to sign all contracts related to the 2017 Community Corrections Plan for BY 2017-2018 – Probation 2017-273
- ***B11** Accepted the third update on the state of the emergency repairs at the Fink Road Landfill in accordance with Public Contract Code Sections 20134 and 22050 to replace 333 feet of perimeter litter barrier fencing – DER 2017-274
- ***B12** Authorized the County Purchasing Agent to finalize and execute a three-year agreement with Accela for a Legislative Management Solution in the amount of \$141,840 and to sign any necessary documents; and, directed the Auditor-Controller to transfer Technology Innovation Program funds approved in FY 2015-2016 from Appropriations for Contingencies as detailed in the budget journal, attached to the agenda item – CEO 2017-275
- ***B13** Accepted the twenty-fourth update on the Temporary Water Assistance Program in Stanislaus County; approved to continue the Countywide proclamation of a local emergency due to a multi-year water shortage; and, directed staff to continue working with those individuals who are currently receiving assistance to find a permanent water supply solution by 06/30/2017 – OES 2017-276
- ***C1** Approved the installation of Speed Humps on Santa Rosa Avenue, south of Yosemite Boulevard, in the City of Modesto – PW 2017-277
- ***C2** Approved an agreement between Modesto Junior College, City of Modesto Transit Division (MAX) and Stanislaus County Public Works Transit Division to coordinate a bus pass program for the fixed route bus system for Modesto Junior College students; and, authorized the Public Works Department Head to sign the agreement on behalf of the County – PW 2017-278
- ***D1** Authorized the Director of Planning and Community Development to submit an Administrative Entity (AE) Award Recommendation Package, as outlined in the 05/23/2017 Board report, to the California Department of Housing and Community Development (HCD); authorized the County to accept, if awarded, the HCD Emergency Solutions Grants Program funding and authorized the Chairman, CEO, or the Director of Planning and Community Development to execute an Administrative Entity Standard Agreement with HCD; authorized the Director of Planning and Community Development to execute a MOU with the Stanislaus Community System of Care (CoC) and to submit to HCD all documents required for release of funds; and, authorized the Director of Planning and Community Development to execute any related program agreements, contracts, or other documentation required for implementation of Emergency Solutions Grants Program funding awarded to Stanislaus County by HCD, this authorization includes the use of any program income in accordance with applicable program guidelines – Planning 2017-279

Amended Item B14 Approval to Accept an Update on the Focus on Prevention Initiative and a Plan to Integrate the Program within the County Organization Supported by a Multi-Year Financing Strategy for Long Term Sustainability, and Approval to Proceed with the Initial Homelessness Access Center and Related Actions to take **two votes as follows:**

First Vote: Withrow/Olsen unan. Approved Staff Recommendations Nos 1-5 and 7-9 as follows: (1) accepted an update on the Focus on Prevention Initiative; (2) approved the revised Board Priorities, Motto and Values to align with the Focus on Prevention Results Areas, thereby embedding the Initiative within the County organization; (3) approved the multi-year financing strategy for long-term sustainability of Focus on Prevention using the existing Board annual commitment of funding and authorized the CEO and the Auditor-Controller to make the necessary adjustments described in the Fiscal Impact section and detailed in the budget journal of the agenda item; (4) approved the staffing plan to support Focus on Prevention and amended the Salary and Position Allocation Resolution to reflect the recommendations outlined in the Staffing Impacts section of the agenda item, to be effective the start of the first full pay period beginning on or after 07/01/2017; (5) authorized an allocation of \$250,000 annually for costs related to the support of the Stewardship Council and authorized the CEO or designee to finalize and sign an agreement with United Way of Stanislaus County to continue Fiscal Agent and Administrator services, including facilitation, planning and outcomes, beginning 07/01/2017, not to exceed \$5,000; (7) authorized the Chief Operating Officer to negotiate and sign a lease for the acquisition of a modular building for use as the Initial Homelessness Access Center, and authorized start-up funding for the lease, purchase, and renovation of the modular facility in an amount not to exceed \$150,000 over 36 months; (8) directed Focus on Prevention staff to continue working with the Stanislaus Community System of Care on the establishment of a new Collaborative Applicant for the U.S. Department of Housing and Urban Development Continuum of Care Program Funding, and complete the administrative procedures to finalize the establishment of the Stanislaus Community System of Care Board; and, (9) directed staff to complete the collaborative planning effort and return to the Board with a plan for the Access Center “One Stop Shop” for programs and low barrier shelter options, working with the Stanislaus Community System of Care and other Community Partners to develop the Vision for the creation of a center for the community where all can access services with dignity, care and compassion to break the cycle of homelessness – CEO 2017-280

Second Vote: Withrow/DeMartini (4-0)(Olsen abstained) Approved Staff Recommendation No. 6 to establish an Initial Homelessness Access Center located at 825 12th Street in downtown Modesto, CA, including financing, operating and staffing plans as detailed in the agenda item using existing budgeted resources – CEO 2017-280

Monteith/Olsen unan. Approved opening the scheduled public hearings and to continue the hearings to later in the day after 12:00 p.m.

Recessed at 9:52 a.m.

Reconvened at 12:05 p.m.

Olsen/DeMartini unan. **9:05 a.m. (continued to 12:05 p.m.)** Conducted the public hearing to receive comments regarding the proposed change in the method of calculating the amount of the annual assessment, and the levy of the annual assessment for County Service Area 8 – Honey Bee Estates, Empire; finds that the notice of the public hearing was given pursuant to Government Code Sections 25211.3(b) and 6061 on 05/09/2017 and 05/16/2017; finds that the California Constitution Article XIII D, “Proposition 218,” requirements for public hearing and assessment ballot procedure have been satisfied upon closure of the public hearing regarding this matter on 05/23/2017; authorized the Clerk of the Board to oversee the tabulation of the sealed ballots upon closure of the public meeting, determine whether a majority protest against the proposed method of calculating the amount of the annual assessment exists, and submit the results to the Board at the 06/13/2017 meeting; and, made the County Service Area No. 8 – Annual Engineer’s Report part of the record of this proceeding – PW 2017-281

Corr 1 Referred to the Office of Emergency Services, and the Agricultural Commissioner and Sealer of Weights and Measures, letters from the Governor’s Office of Emergency Services regarding the U.S. Department of Agriculture and the U.S. Small Business Administration disaster designations for primary and contiguous counties, including Stanislaus County, caused by excessive rain, high winds, cold temperatures, and hail that occurred 03/01/2016 through 05/07/2016.

Corr 2 Referred to the Clerk-Recorder and Registrar of Voters, a resolution from the Hickman Community Charter District requesting the change of school district elections from odd to even years.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Christopher Mark Petros; Ofelia Barrera; Dariel Nieto Barrera, by and through, Ofelia Barrera (mother); William J. Gradford; and, Lorenzo Guevara.

CEO Risen expressed his appreciation for the tremendous support from all the local law enforcement agencies that the County has received due to the recent loss of a Deputy and Community Services Officer from the Sheriff’s Department.

Chairman Chiesa noted that the services for Deputy Jason Garner today were very uplifting.

Recessed at 12:18 p.m.

Reconvened at 12:33 p.m.

Monteith/Withrow unan. **9:10 a.m. (continued to 12:10 p.m.)** Conducted a public hearing to consider an environmental alternative and adopt and certify the Environmental Impact Report, dated March 2017, for the Seventh Street Bridge Project; adopted Alternative 2B as the least impactful bridge alternative; considered and adopted the Mitigation Monitoring and Reporting Program dated March 2017; and, considered and adopted the findings and statements required under CEQA for the Seventh Street Bridge Project, listed in Attachment 3 of the agenda item – PW 2017-282

Withrow/Olsen unan. **9:15 a.m. (continued to 12:15 p.m.)** Conducted a public hearing to consider Planning Commission’s recommendation for approval of Rezone Application No. PLN2016-0066, Bronco Wine Company, located at 800 E. Keyes Road and 6342 Bystrum Road, at the southeast corner of Bystrum and E. Keyes Roads; adopted the Mitigated Negative Declaration and Mitigation Monitoring Plan pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County’s independent judgment and analysis; ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; finds that: (a) the project is consistent with the overall goals and policies of the County General Plan; (b) the proposed Planned Development zoning is consistent with the Agriculture General Plan designation; (c) the alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards; (d) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; approved Rezone Application No. PLN2016-0066 – Bronco Wine Company, subject to the Development Standards/Mitigation Measures and Development Schedule, attached to the agenda item; and, introduced, waived the reading, and adopted an Ordinance C.S. 1193 for the approved Rezone Application No. PLN2016-0066, Bronco Wine Company – Planning

ORD-56-2 2017-283 & 2017-284

Recessed at 3:42 p.m.

Reconvened at 3:55 p.m.

Withrow/Monteith(4-1)(DeMartini Opposed). **9:20 a.m. (continued to 12:20 p.m.)** Conducted a public hearing to consider an appeal of the Planning Commission’s approval of Use Permit Application No. PLN2015-0130 – The Fruit Yard Amphitheater, located at 7924 & 7948 Yosemite Boulevard (Hwy 132), at the Southwest corner of Yosemite Boulevard and Geer Road, and adoption of a Mitigated Negative Declaration; the Board **amended** Development Standard No. 15 (Attachment 2, of the agenda item) to read as follows: “No alcohol consumption or tail gating is permitted in the parking areas designated for on-site events. Any sale of alcohol on-site must obtain and comply with all of the necessary Alcohol Beverage Control (ABC) Licensing. No alcohol sales shall be permitted at the amphitheater site after 10 p.m.”; the Board approved Staff Recommendations Nos. 1-6 as **amended** as follows: (1) denied the appeal of the Planning Commission’s 04/20/2017 approval of Use Permit PLN2015-0130 – The Fruit Yard; (2) finds that the Amended Mitigation Measures presented in the agenda item are equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment; (3) adopted the Amended Mitigated Negative Declaration and Amended Mitigation Monitoring Plan pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County’s independent judgment and analysis; (4) ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; (5) finds that the establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use, and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County; and, (6) approved Use Permit PLN2015-0130 – The Fruit Yard, subject to the Amended Development Standards included as Attachment 2 of the agenda item, and as **amended** by the Board of Supervisors – Planning 2017-285

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 4:00 p.m. for Conference with Labor Negotiator: Agency Negotiators: Stan Risen, Tamara Thomas, Brandi Hopkins, and Dania Torres-Wong. Labor Organizations: California Nurses’ Association; and, Stanislaus County Deputy Probation Officers’ Association. Government Code Section 54957.6.

Adjourned at 4:58 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.)