

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

Regular Session

Tuesday

October 9, 2018

All Supervisors Present

Pledge of Allegiance to the Flag

Invocation was given by Jeff Pishney, Executive Director of Love Our Cities.

Donna Ferreira from Sons of Italy accepted the resolution proclaiming October 2018 as Italian-American Heritage Month.

Will Richards from Code Enforcement received the resolution regarding Code Enforcement Officer Appreciation Week.

Frank Johnson, CEO and President for National Association for the Advancement of All People (NAAAP) and CEO of Interventional Health Administrative Services (IHAS) along with Kayla Inthalong, New York State President for NAAAP invited the Board to attend the Cambodian Temple Community Event. This will be the first event with the New Mobile Medical Unit to be held 10/13/2018, 8:00 a.m. - 4:00 p.m., at 1538 Grimes, Modesto.

Chiesa/Withrow unan. Adopted the consent calendar

- 5.A.1 Approved the minutes of 09/25/2018
- 5.A.2 Adopted and waived the second reading of Ordinance C.S. 1218 amending fares for transit services provided by StaRT  
ORD-56-D-1 2018-0482
- 5.A.3 Adopted and waived the second reading of Ordinance C.S. 1219 amending existing fees for the Stanislaus Animal Services Agency  
ORD-56-D-2 2018-0483
- 5.A.4 Proclaimed 10/21/2018 through 10/28/2018 as Family Promise Week in Stanislaus County  
2018-0484
- 5.A.5 Approved the Amended Conflict of Interest Code for the Shiloh Elementary School District  
2018-0485
- 5.A.6 Approved the Amended Conflict of Interest Code for the Del Puerto Health Care District  
DH-1-A-6 2018-0486
- 5.A.7 Approved the Amended Conflict of Interest Code for the Stanislaus County Regional Fire Authority  
DF-21-4 2018-0487
- 5.A.8 Approved the Amended Conflict of Interest Code for the Hughson Unified School District  
2018-0488
- 5.A.9 Approved the 2019 Meeting Calendar for the Stanislaus County Board of Supervisors  
2018-0489
- 5.A.10 Declared a vacancy on the Stanislaus County Parks and Recreation Commission  
2018-0490
- 5.A.11 Appointed Supervisor Chiesa as the Primary Member and Supervisor DeMartini as the Alternate Member to the 2018-2019 CSAC Board of Directors  
2018-0491
- 5.A.12 Appointed Kimberly Stokes to the Denair Municipal Advisory Council  
2018-0492
- 5.A.13 Appointed in lieu of election Daniel Robinson, Steven M. Pittson, and Sheree D. Lustgarten to the Del Puerto Health Care District  
2018-0493

- 5.A.14** Appointed in lieu of election John M. Azevedo, and Frank Trinta to the Patterson Irrigation District 2018-0494
- 5.A.15** Approved appointments in lieu of election where no candidates filed for the Westside Community Health Care District 2018-0495
- 5.B.1** Approved the Delta-Mendota Subbasin Sustainable Groundwater Management Act (SGMA) Coordination Agreement; authorized the Chairman to sign the Delta-Mendota Subbasin SGMA Coordination Agreement on behalf of Stanislaus County; approved the Cost Share Agreement related to the implementation of the Delta-Mendota Subbasin SGMA Coordination Agreement; authorized the Chairman to sign the Cost Share Agreement related to the implementation of the Delta-Mendota Subbasin SGMA Coordination Agreement on behalf of Stanislaus County; approved the Second Amendment to the SGMA Activity Agreement related to the creation of a Groundwater Sustainability Plan (GSP) Management Group to implement specific provisions of the Delta-Mendota Subbasin SGMA Coordination Agreement; authorized the Chairman to sign the consent form pertaining to the Second Amendment to the SGMA Activity Agreement relating to the creation of a Northern GSP Management Group to implement specific provisions of the Delta-Mendota Subbasin SGMA Coordination Agreement on behalf of Stanislaus County; and, approved the resolution approving the agreements, attached to the agenda item – DER GSA-3-3 2018-0496
- 5.B.2** Approved the request from the governing board of Turlock Irrigation District to consolidate and hold future elections on the same day as the Statewide General Election conducted in even-numbered years – Elections 2018-0497
- 5.B.3** Authorized the Auditor-Controller to transfer \$99,000 from Fixed Assets Equipment accounts into a Fixed Assets Structures and Improvements account to pay for the Data Line Installation – Child Support Services 2018-0498
- 5.B.4** Accepted the Stanislaus County Treasury Pool’s August 2018 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, 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 – Treasurer/Tax Collector 2018-0499
- 5.B.5** Approved a full day holiday for 12/24/2018; and, authorized the closure of County Offices on Monday, 12/24/2018 – CEO 2018-500
- 5.B.6** Approved using up to \$5,000 in Community Development Funds for a community cleanup in Keyes; and, directed the Auditor-Controller to make the necessary budget adjustments per the budget journal, attached to the agenda item – CEO 2018-0501
- 5.B.7** Authorized the CEO to negotiate and sign an Agreement with RxBenefits, Inc. for the administration of prescription drug benefits to support the County’s self-funded employee health insurance program under the terms listed in the agenda item – Risk Management 2018-0502
- 5.B.8** Approved Amendment No. 2 to the Independent Contractor Agreement with Dave L. Funk Consulting for Emergency Management Training including National Incident Management Systems (NIMS) and Incident Command System (ICS) Training; authorized the Assistant Director of Emergency Services, or designee, to execute Amendment No. 2 with Dave L. Funk and to sign any necessary documents; and, authorized the Assistant Director of Emergency Services or designee, to sign additional related amendments for an overall total not to exceed \$200,000 – OES 2018-0503

- 5.B.9** Accepted the seventh update in accordance with Public Contract Code Sections 20134 and 22050 for emergency remediation/repairs at 10th Street Place, to repair water damage and restore essential government operations – CEO 2018-0504
- 5.B.10** Approved the amendment 1A to provider agreements with Telecare Corporation to operate the Psychiatric Health Facility and Crisis Stabilization Unit at 1904 Richland Avenue, Ceres, California for the period of 10/10/2018 through 10/31/2018 or through the date of execution of a new agreement, whichever occurs first; approved the new provider agreement with Telecare Corporation for the Psychiatric Health Facility and Crisis Stabilization for the period of 10/01/2018 through 06/30/2019; approved the license and lease agreements with Telecare Corporation to operate the Psychiatric Health Facility and Crisis Stabilization for FY 2018-2019; ratified the second amendment to the provider agreements with Telecare Corporation to operate the Psychiatric Health Facility and Crisis Stabilization Unit to add services and payment for services up to \$100,000, budget permitting, for the period of 06/29/2018 through 09/30/2018; and, authorized the Behavioral Health Director, or his designee to sign the amendments and agreements with Telecare Corporation for the provision of services for the Psychiatric Health Facility and Crisis Stabilization Unit, as approved by the Board of Supervisors for the period of 10/10/2018 through 06/30/2019 – BHRS 2018-0505
- 5.B.11** Authorized the Chief Operations Officer to execute a Real Property Purchase Agreement with Civic Partners Modesto Inc., for the purchase of 28,608 square feet of retail and office space, located on the first floor of 1010 10th Street/1025 J Street APN's: 105-037-033 and 105-037-034 in Modesto, California for \$4,477,000; finds that (1) the Notice of Intent to purchase Real Property, 28,608 square feet of space on the first floor of 1010 10th Street, APN's: 105-037-033 and 105-037-034, was published by the Clerk of the Board, as per Government Code Section 25350, and (2) pursuant to Government Code Section 65402(b), the City of Modesto Planning Commission confirmed the purchase of this property is consistent with the City's General Plan; authorized the Chief Operations Officer to execute any agreements and escrow documents needed to complete the purchase of the property; authorized the Chief Operations Officer to issue a RFP's for a Property Management firm to provide oversight of retail tenants and leases in the 28,608 square feet of purchased space; authorized the Auditor-Controller to increase the CEO – County Facilities budget by \$4,477,000, using an assignment of fund balance in the General Fund to execute escrow instructions to complete the purchase of Real Property known as APN's: 105-037-033 and 105-037-034; directed the Auditor-Controller to transmit an initial \$50,000 deposit to the escrow account and transmit the balance of \$4,427,000 after the successful close of escrow; and, authorized the Chief Operations Officer to take any action necessary to execute escrow instructions to complete the purchase of the Real Property known as APN's: 105-037-033 and 105-037-034 – CEO 2018-0506
- 5.B.12** Adopted the resolution opposing the State Water Resources Control Board Substitute Environmental Document – CEO 2018-0507
- 5.B.13** Approved the provisions contained with the tentative agreement reached between the County and the Stanislaus County District Attorney Investigators Association bargaining unit; amended the Salary and Position Allocation Resolution to reflect the changes included in the tentative agreement; and, authorized the Chairman and all parties to sign the agreement – CEO 2018-0508

- 5.C.1** Approved the plans and specifications for the SB 1 Roadway Reconstruction Project, Bentley Road and Warnerville Road; awarded a contract for construction services to T & S Intermodal Maintenance, Inc. of Linden, CA for SB 1 Roadway Reconstruction Project, Bentley Road and Warnerville Road; authorized the Director of Public Works to execute a contract with T & S Intermodal Maintenance, Inc. in the amount of \$3,573,928 and to sign necessary documents, including any amendments to the agreement not to exceed 10%, in accordance with Public Contract Code Section 20137 and 20142; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2018-0509
- 5.C.2** Approved the Agreement for Acquisition of Property for the Hickman Road over Tuolumne River Bridge Replacement Project, Grantor: Jeffrey B. Wilson, APN 080-011-001 (partial); authorized the Chairman to execute the Agreement for Acquisition of Property; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2018-0510
- 5.C.3** Approved the Agreement for Acquisition of Property for the Crows Landing Road over San Joaquin River Bridge Replacement Project, Grantors: Ronald K. De Pauw and Susan A. De Pauw, Trustees of the R & S De Pauw Trust 02/07/11, as amended, and Philip C. De Pauw, Trustees of P. C. De Pauw Trust 09/27/10, as amended, APN 049-003-010 (partial); authorized the Chairman to execute the Agreement for Acquisition of Property; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2018-0511
- 5.D.1** Rescinded all of Williamson Act Contract No. 1972-0966 and a portion of contract No. 1974-1563, located at 2627 Bancroft Road, between Paradise Road and the Tuolumne River, west of the City of Modesto, APN's: 017-027-017 and 048; finds that pursuant to Government Code Section 51257, determined that the following seven findings can be made based on the written evidence submitted by the applicant: (a) the new contract, or contracts, would enforceably restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the rescinded contract, or contracts, but for not less than ten years, except as authorized under the County's implementation of AB 1265; (b) 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; (c) at least 90 percent of the land under the former contract, or contracts, remains under new contract, or contracts; (d) after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Government Code Section 51222; (e) 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; (f) the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; (g) 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; approved new contracts, pursuant to Lot Line Adjustment Application No. PLN2018-0083, Ott-Dickerson; and, authorized the Director of Planning and Community Development to execute new contracts – Planning 2018-0512

Withrow/Monteith unan. **7.1** Accepted FY 2016-2017 Internal Audit Reports prepared by the Internal Audit Division of the Auditor-Controller's Office – Auditor-Controller 2018-0513

Withdraw/Olsen unan. **7.2** Accepted the 10<sup>th</sup> Street Place JPA authorization to take all actions and issue all contracts on behalf of or for the benefit of the 10<sup>th</sup> Street Place JPA that are necessary or expedient to remediate, restore, and recover the damaged facilities at the City-County Government Center at 10<sup>th</sup> Street Place; declared an emergency in accordance with Public Contract Code Section 22050 for emergency repairs needed at 10<sup>th</sup> Street Place due to damage caused by water intrusion due to weather that has occurred since the building was opened; approved actions in accordance with Public Contract Code Sections 20134 and 22050 in order to make the immediate repairs required at 10<sup>th</sup> Street Place; made the following findings: (a) that the damages occurred at 10<sup>th</sup> Street Place as a result of a water leak caused by inclement weather over time; (b) that immediate repairs are necessary to permit the continued activities of essential operations or services; (c) that the emergency will not allow for a delay that would result if the project were competitively bid, and that the action to immediately repair the building on an emergency basis is necessary; directed the Chief Operations Officer to serve as Project Manager for all aspects of this project; authorized the Project Manager to negotiate and execute an agreement with Solid Solutions, Construction Services Inc., of Modesto, California and other contractors as necessary to complete the emergency abatement, demolition and clean-up of the site; authorized the Project Manager to order any action appropriate to repair the water damage and restore the affected areas, and to take any directly-related immediate action required by that emergency, and to procure the necessary equipment, services and supplies for those purposes, without giving notice for bids to let a contract; and, required the CEO to report to the Board on the status of the emergency project at its next regularly scheduled meeting and every 14 days thereafter, as required by the Public Contract Code until the repairs are completed – CEO  
2018-0514

Withdraw/Olsen unan. **7.3** Accepted the update from Mountain Valley Emergency Medical Services Agency (MVEMSA) regarding Cumulative Response Compliance by Emergency Medical Service providers between 01/01/2018 through 07/2018; **corrected** the typographical error located on page one of the Response Time Compliance Table for Zone 1 Urban Code 2 to reflect the correct percentage of 93% (not 73%); and, **amended** the item to direct staff to provide another update to the Board in 6 months – HAS  
2018-0515

**Corr 1** Referred to the Department of Planning and Community Development, a resolution from the Ceres Unified School District regarding the increase of their school facilities fees for residential and commercial/industrial development.

**Corr 2** Designated CEO Hayes to represent the Board on the Election Observer Panel for the General Election on Tuesday, 11/06/2018.

**Corr 3** Referred to the Department of Public Works, a notice from the State Department of Transportation regarding the preparation of an Environmental Impact Report/Environmental Assessment and public meeting for the State Route 132 Dakota Avenue to Gates Road Project.

**Corr 4** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Alec (Alex) Macias Carlos; Christian Rangel; Susan Kelso; Robert Kelso; Jessica M. Franklin; and, Connie Asher.

Supervisor Chiesa reported that the County will be reconstructing two roads in District 1 using new advanced technology. He noted that the “Dirty Bird Music Festival” was held at the Modesto Reservoir this past weekend and the Parks and Recreation Department did an outstanding job. 7,500-people attended this event with very little incident.

CEO Hayes commended the Parks and Recreation Department for the “Dirty Bird Music Festival” and acknowledged how well organized the event was.

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 10:15 a.m. for Conference with Legal Counsel - Significant Exposure to Litigation: One Case related to Claim No. GL20170138 presented April 16, 2018 by Lynelle Solomon. Government Code Section 54956.9 (d)(2). Conference with Legal Counsel - Existing Litigation: Two Cases: Hanibal Yadegar, et al. v. County of Stanislaus, San Joaquin County Superior Court Case No. STK-CV-UNPI-2017-11432. Government Code Section 54956.9 (d)(1); and, County of Stanislaus v. City of Modesto, Stanislaus County Superior Court Case No. 667397.

Chairman DeMartini left at 10:55 a.m.

Adjourned at 11:35 a.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.)