

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

Regular Session

Tuesday

October 30, 2018

All Supervisors Present

Pledge of Allegiance to the Flag

A moment of silence was held for Community Services Agency employee Kelly Camacho.

Invocation was given by Reverend Lonnie Skiles with Big Valley Grace Church.

Chairman DeMartini spoke about the Adopt a Pet program and Stanislaus Animal Services staff presented two dogs that are eligible for adoption.

Jan Schmidt, Director of the Stanislaus County Law Library, presented the Law Library's 2017-2018 Annual Report.

Withdraw/Chiesa unan. Adopted the consent calendar

- 6.A.1** Approved the minutes of 10/09/2018
- 6.A.2** Accepted the resignation of Koosun Kim and Michael Brinton from the Stanislaus County Local Task Force on Solid Waste Management 2018-0516
- 6.A.3** Accepted the resignation of Sheriff Adam Christianson from the Earl Pride Scholarship Committee 2018-0517
- 6.A.4** Accepted the resignation of Steve Hopper from the Stanislaus County Workforce Development Board 2018-0518
- 6.A.5** Proclaimed the month of November 2018 as Adoption and Permanency Awareness Month in Stanislaus County 2018-0519
- 6.B.1** Authorized the Sheriff to submit a joint grant application with the City of Modesto to the Bureau of Justice Assistance, and to accept the grant if awarded, for the 2018 Edward Byrne Memorial Justice Assistance Grant funding to enhance criminal justice processes; and, authorized the Chairman to sign the Memorandum of Agreement between the County of Stanislaus and the City of Modesto for the Justice Assistance Grant (JAG) Program Award – Sheriff 2018-0520
- 6.B.2** Approved Contract Number 17-11057 with the California Department of Public Health for the Kids Plates Program from 04/01/2018 through 03/31/2020; and, authorized the HSA Managing Director or her designee to sign and execute the contract and any subsequent amendments – HSA 2018-0521
- 6.B.3** Approved an agreement with Sierra Vista Child and Family Services for the provision of community based mental health prevention and early intervention – brief intervention counseling services at the South Modesto geographic location; approved an agreement with Sierra Vista Child and Family Services for the provision of community based mental health prevention and early intervention – brief intervention counseling services at the West/Central Modesto geographic location; approved an agreement with Catholic Charities of the Diocese of Stockton for the provision of community based mental health prevention and early intervention – brief intervention counseling services at the Patterson/Grayson/Wesley/Crows Landing/Newman geographic location; approved an agreement with Sierra Vista Child and Family Services for the provision of community based mental health prevention and early intervention – brief intervention counseling services at the Hughson/Empire/Keyes/Denair geographic location; authorized the

- Director, or his designee, to sign the agreements for the provision of community based mental health prevention and early intervention – brief intervention counseling services in the four geographic locations for the period 11/01/2018 through 06/30/2019 in the amount of \$400,000, the services are funded by Mental Health Services Act Prevention and Early Intervention revenue; and, authorized the BHRS Director, or his designee, to negotiate and sign amendments to the agreements for the four geographic locations, to add services and payment for services up to \$25,000 per the agreement, attached to the agenda item, budget permitting, throughout FY 2018-2019 – BHRS 2018-0522
- 6.B.4** Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 216 I Street, Turlock, CA, CE No. 17-0183, as set forth in Attachment 1, of the agenda item – DER 2018-0523
- 6.B.5** Authorized the Sheriff to retire two canines from the Sheriff’s Department service and enter into Canine Retirement Contracts with the Canine’s current handlers – Sheriff 2018-0524
- 6.B.6** Authorized the District Attorney to accept a grant award from the California Department of Insurance for the District Attorney’s Office Automobile Insurance Fraud Program in the amount of \$173,093; approved a resolution as required by the California Department of Insurance to receive this grant; and, directed the Auditor-Controller to decrease estimated revenue and appropriations by \$34,794 as detailed in the Budget Journal, attached to the agenda item – DA 2018-0525
- 6.B.7** Accepted the Auditor-Controller’s report on Stanislaus County’s revolving funds as of 06/30/2018 in accordance with Government Code Section 29321.1 – Auditor-Controller 2018-0526
- 6.B.8** Authorized the Auditor-Controller’s Office to issue checks totaling \$80,918.70 per the list of claims, attached to the agenda item, for excess proceeds submitted in accordance with Revenue and Taxation Code Section 4675; and, authorized the Treasurer-Tax Collector to hold distribution of \$116,604.96 for one parcel for further research and review per County Counsel – T/TC 2018-0527
- 6.B.9** Authorized the Purchasing Agent, on behalf of CSA, to issue RFP’s for the provision of CSA services for current agreements in effect for over three years – CSA 2018-0528
- 6.B.10** Approved an agreement with Aspiranet for the operation of a short term residential therapeutic program in the amount of \$500,000; approved an agreement with Creative Alternatives, Inc. for the operation of a short term residential therapeutic program in the amount of \$500,000; authorized the BHRS Director, or his designee, to sign the agreements with Aspiranet and Creative Alternatives, Inc. for the operation of short term residential therapeutic program; and, authorized the BHRS Director, or his designee, to sign amendments to the agreements with Aspiranet and Creative Alternatives, Inc. for up to \$75,000, budget permitting, throughout FY 2018-2019 – BHRS 2018-0529
- 6.B.11** Approved the amendment to the Amended and Restated Joint Powers Agreement and amended bylaws for the StanCOG to comply with the Moving Ahead for Progress in the 21st Century Act; adopted a resolution approving the amendment to the Joint Powers Agreement; and, authorized the Chairman to sign the agreement – CEO 2018-0530
- 6.B.12** Accepted the eighth 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 2018-0531
- 6.B.13** Accepted the first update in accordance with Public Contract Code Sections 20134 and 22050 for emergency remediation/repairs at 10th Street Place, to repair exterior water damage on the south side of the facility – CEO 2018-0532
- 6.B.14** Approved a one-year lease agreement with RPM Rushing Property Management & Real Estate for office space located at 2101 Geer Road, Turlock; approved a five-year lease

- agreement with Scenic Properties, LLC for office space located at 500 North 9th Street, Modesto; and, authorized the Purchasing Agent, or designee, to sign the lease agreements and related documentation with RPM Rushing Property Management & Real Estate, and Scenic Properties, LLC. – BHRS 2018-0533
- 6.B.15** Approved the Loan Disbursement Agreement/Promissory Note of \$550,000 with the Housing Authority of Stanislaus County for ten permanent supportive housing units for County participants to be located at the Palm Valley Apartments at 201 E. Coolidge Avenue, Modesto, CA; and, authorized the BHRS Director, or his designee, to sign the agreement and Promissory Note with the Housing Authority of Stanislaus County – BHRS 2018-0534
- 6.B.16** Appointed David Leamon, Director of Public Works and licensed Civil Engineer, as the County Road Commissioner with full authority accorded by law to the County Road Commissioner – CEO 2018-0535
- 6.B.17** Set the date and time of 12/04/2018, at 9:00 a.m., to receive a report from the Sheriff’s Department and hold a community forum pursuant to Government Code Section 7283.1(d); and, authorized the Clerk to publish notice as required by law – Sheriff 2018-0536
- 6.C.1** Approved the Public Works Transit Asset Management Plan to comply with Federal Transit Administration Regulations – PW 2018-0537
- 6.C.2** Approved the Consent to Common Use Agreement between Stanislaus County and MID for the St. Francis Avenue over MID Main Canal Bridge Replacement Project; authorized the Chairman to sign the Consent to Common Use Agreement; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2018-0538
- 6.C.3** Approved the standard clauses, set forth by Caltrans, when entering into Utility Agreements for projects administered through Caltrans Division of Local Assistance; authorized the Director of Public Works to sign and enter into Utility Agreements using the standard clauses set forth by the Caltrans, as needed, for Public Works projects through 12/31/2019; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2018-0539
- 6.C.4** Finds that the area included in the Legal Description of Keyes 19 North and Keyes 19 South (Zone 2) is located in the unincorporated territory of Stanislaus County and is not within the boundary of any other CSA; declared that all services being provided by CSA No. 26 – Keyes will be extended fully to the territory included in the Zone 2 annexation; additional services will be provided in Zone 2 in the form of repair and maintenance of sidewalks, chain-link fence and masonry wall, and that said services shall commence after LAFCO issuance of a Certificate of Completion for the annexation and upon the onset of the 2019-2020 FY; finds that the annexation will not produce a change in the existing assessment methodology for CSA No. 26 subdivisions Bonita Ranch Estates (Zone 1) and Keyes 19 North and Keyes 19 South (Zone 2) and parcels in the new Zone shall be subject to the pre-existing methodology; finds that the assessment formula for CSA No. 26 is sufficient to adequately assess the annexed parcels in Zone 2 for the cost of services received; approved the resolution of application to the Stanislaus County Local Agency Formation Commission made pursuant to Government Code sections 56654 and 25217; and, ordered that, subject to LAFCO approval of the annexation, APN’s 045-021-003, 045-021-023, 045-021-024, 045-021-008, and, 045-071-005 and any subsequent subdivided parcel numbers shall be added to the FY 2020-2021 annual assessments – PW  
CSA-26-4 2018-0540
- 6.D.1** Set a public hearing on 11/06/2018, at the 9:00 a.m. meeting, to consider the Planning Commission’s recommendation for approval of General Plan Amendment and Vesting

Tentative Subdivision Map Application No. PLN2017-0013, Gold Star Investments, LLC, located at 4827 Nunes Road, south of Norma Way and west of Washington Road, in the community of Keyes; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning 2018-0541

- 6.D.2** Set a public hearing on 11/06/2018, at the 9:00 a.m. meeting, to consider the Planning Commission’s recommendation for approval of General Plan Amendment and Rezone Application No. PLN2018-0087, Empire Migrant Center Housing Project, located at 5132 South Avenue, on the south side of South Abbie Street and South Avenue, east of Santa Fe Avenue, in the Community of Empire; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-56-D-3 2018-542

### **Supervisor Withrow left at 9:17 a.m.**

Supervisor Withrow recused himself from Item 8.1

Monteith/Olsen (4-0)(Withrow recused) **8.1** Approved the Environmental Impact Report for the Crows Landing Industrial Business Park Specific Plan and associated update to the Airport Land Use Compatibility Plan (the “Project”) (State Clearinghouse No. 2014102035), consists of the January 2018 Draft Environmental Impact Report (“DEIR”) and the October 2018 Final Environmental Impact Report (“FEIR”) (together, the “EIR”), finds that the EIR has been prepared and circulated for public review and comment in compliance with the California Environmental Quality Act (“CEQA”), Public Resources Code Section 21000 et seq.; and the CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 et seq. (“State CEQA Guidelines”); and the County’s CEQA Guidelines and Procedures for the Implementation of CEQA; finds that the County has reviewed and responded to all comments on environmental issues that were submitted on the DEIR and received during the public review period, as required by CEQA, the State CEQA Guidelines, and the County’s CEQA Guidelines and Procedures for the Implementation of CEQA, and responded to one comment letter submitted after the close of the public review period on the DEIR; finds that the EIR adequately identified and addressed all of the significant environmental impacts of the project and that all feasible mitigation measures to avoid or substantially lessen the project’s significant environmental impacts were identified in the EIR and included in the Mitigation Monitoring and Reporting Program, attached to the agenda item as Attachment 3; finds that no changes made to the EIR after the close of the public review period involved significant new information requiring recirculation prior to certification pursuant to CEQA Guidelines Section 15088.5; finds that the Board of Supervisors has reviewed and considered the information contained in the EIR for the project and that the EIR reflects the independent judgement of the County; certified that the EIR for the project (SCH No. 2014102035), was prepared in compliance with CEQA; adopted the Findings and the Statement of Overriding Consideration for the Project, attached to the agenda item as Attachment 2, including findings that: (a) some environmental impacts are identified in the EIR as significant and unavoidable even with feasible mitigation measures adopted and incorporated into the project and even with goals, objectives, policies, design and development plans and standards, and programs that are part of the project; (b) with respect to the adverse environmental impacts that cannot be mitigated to a less-than-significant level, the benefits of the project outweigh these unavoidable impacts and are therefore acceptable based upon the overriding considerations set forth in the Findings and the Statement of Overriding Consideration for the project, attached to the agenda item as Attachment 2 and incorporated by reference; adopted and incorporated into the project all of the mitigation measures identified in the EIR; **amended** page 35 of the Mitigation Monitoring and Reporting Program (Attachment 3) to add “in coordination with the City of Newman” under Mitigation Measure – Cumulative with Project Transportation 1: Traffic Signal Installation to read as follows “The project shall contribute on a cumulative fair-share basis to the signalizations for Intersections 1, 2, 10, 11, 14, 17, 18, 19, 20, and 25. The project shall also contribute on a cumulative fair-share basis, in coordination with the City of

Newman, to the signalization of the following intersections: Fink Road / Davis Road (Stanislaus County); Fink Road / Ward Avenue (Stanislaus County); I-5 NB Ramps/ Fink Road (Caltrans); I-5 SB Ramps/ Fink Road (Caltrans); and, SR 33 intersections with Stuhr Road, Jensen Road, Yolo Street, and Inyo Street.”; adopted the Mitigation Monitoring and Reporting Program, as **amended**, and incorporated herein, with which all future development associated with the project shall comply; and, ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder’s Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15094 – Planning 2018-0543

**Supervisor Withrow returned at 10:50 a.m.**

**Corr 1** Referred to the Stanislaus County Superintendent of Schools, from the San Joaquin County Office of Education the FY 2018-19 Annual Report for the John B. Allard Community School, the Ceres Community School, and the Empire Community School as required by the Williams Settlement.

**Corr 2** Referred to the CEO, the 1st Quarter Financial Reports for the period 07/01/2018 through 09/30/2018 for the Gallo Center for the Arts, Inc.

**Corr 3** Referred to DER, a notice from the California Water Boards regarding a public hearing to complete the 2018 Joint Triennial Review of the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and the Tulare Lake Basin.

**Corr 4** Referred to the Stanislaus County HSA, a letter from Sutter Health regarding the relocation of the Memorial Medical Center Wound Clinic in Modesto from 1329 Spanos Dr., Suite B-5, to 1401 Spanos Court, Suite 127.

**Corr 5** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Susan Hidalgo; Frank Silva; Enriqueta Casas; Efrain Tejada Torres; Ty Thompson; Kenneth L. Rorabaugh; and, Debra Harper (2).

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 10:53 a.m. for Conference with Legal Counsel - Existing Litigation: One Case: County of Stanislaus v. City of Modesto, Stanislaus County Superior Court Case No. 667397. Government Code Section 54956.9 (d)(1). Conference with Legal Counsel - Significant Exposure to Litigation: One Case: Government Code Section 54956.9 (d)(2). Conference with Legal Counsel – Anticipated Litigation: One Case: Government Code Section 54956.9 (d)(4). Conference with Labor Negotiator - Agency Negotiators: Jody Hayes, Tamara Thomas and Brandi Hopkins. Labor Organization: Service Employees International Union, Local 521. Government Code Section 54957.6.

Adjourned at 1:06 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.)