

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

Regular Session

Tuesday

January 29, 2019

All Supervisors Present

Pledge of Allegiance to the Flag

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

John Osgood spoke regarding an email he sent to the Board members and had not received a response.

Katherine Borges voiced concerns regarding the proposal for Municipal Advisory Councils to change from elected to appointed.

Carolyn Schaupp voiced concerns regarding the County's family court system and its appeals process.

DeMartini/Chiesa unan. Adopted the consent calendar

**4.A.1** Approved the minutes of 01/15/2019

**4.A.2** Approved a commendation for JoAnn Sarhad upon her retirement from the Stanislaus County  
Department of Child Support Services 2019-0033

**4.A.3** Proclaimed February 2019 as Black History Month in Stanislaus County 2019-0034

**4.A.4** Appointed Joel Campos to the Veterans Advisory Commission 2019-0035

**4.A.5** Appointed Andy Constantinou to the Stanislaus County Water Advisory Committee  
2019-0036

**4.A.6** Accepted the resignation of Ronald G. Brouhard from the Mountain View Volunteer Fire  
Protection District Board of Directors 2019-0037

**4.A.7** Accepted the resignation of Tom Changnon from the Workforce Development Board  
2019-0038

**4.A.8** Accepted the resignation of Carlos Cendejas from the Empire Municipal Advisory Council  
2019-0039

**4.A.9** Accepted the resignation of Eric Feichter from the Knights Ferry Municipal Advisory Council  
2019-0040

**4.B.1** Approved the MOU between Stanislaus County and the Cities of Ceres, Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford for the permitting and inspection of Onsite Wastewater Treatment Systems in the incorporated areas of each city's boundaries; authorized the Director of DER, or designee, to sign the MOU between Stanislaus County and the Cities of Ceres, Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford for the permitting and inspection of Onsite Wastewater Treatment Systems in the incorporated areas of each city's boundaries; and, authorized the Director of DER, or designee, to sign any future amendments to the MOU – DER  
C-2-D-1, C-9-B-11, C-3-A-8, C5-F-5, C-7-B-14, C-4-B-11, C-1-C-1, C-8-B-12 2019-0041

- 4.B.2** Accepted the Stanislaus County Treasury Pool’s November 2018 Investment Report for 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 – T/TC 2019-0042
- 4.B.3** Approved Amendment No. 1 to the agreement for Public Works of Improvement with T&S Intermodal Maintenance, Inc., in the amount of \$13,999 for unforeseen additional expenses related to the project, for a not to exceed amount of \$153,997; and, authorized the Purchasing Agent to sign the agreement identified above, and any subsequent amendments to the agreements on behalf of the County – GSA 2019-0043
- 4.B.4** Approved the request from the governing board of the City of Modesto and the Modesto City School District Board of Education to consolidate future elections on the same day as the Statewide General Election conducted in even-numbered years – Elections 2019-0044
- 4.B.5** Approved an agreement with Central Star Behavioral Health, Inc., for the provision of crisis residential treatment services at the new Crisis Residential Unit located in Merced; authorized the BHRS Director, or his designee, to sign the agreement for the provision of crisis residential treatment services at the new Crisis Residential Unit located in Merced for the period of 02/01/2019 through 06/30/2021 in the total amount of \$1,310,000; and, authorized the BHRS Director, or his designee, to negotiate and sign amendments to the agreement to add services and payment for services up to \$100,000, budget permitting, for each fiscal year throughout the term of the agreement – BHRS 2019-0045
- 4.B.6** Accepted the final update in accordance with Public Contract Code Sections 20134 and 22050 for emergency remediation/repairs at 10<sup>th</sup> Street Place, to repair exterior water damage on the south side of the facility; and, authorized the Project Manager, to finalize contract closeout details, sign completion documents, record Notices of Completion, release retention funds less any withholdings deemed appropriate, and process all remaining closeout activities for this emergency repair project – CEO 2019-0046
- 4.B.7** Accepted the thirteenth update in accordance with Public Contract Code Sections 20134 and 22050 for emergency remediation/repairs at 10<sup>th</sup> Street Place, to repair water damage and restore essential government operations – CEO 2019-0047
- 4.B.8** Approved the provisions contained within the tentative agreement reached between the County and the Service Employees International Union (SEIU), Local #521, representing the Community and Health Services Bargaining Unit subject to successful ratification by the 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 2019-0048
- 4.C.1** Approved Amendment No. 4 to the Quincy Engineering, Inc. professional design services agreement for additional and modified environmental studies for the Milton Road over Rock Creek Tributary Bridge Replacement Project, in the amount of \$150,979; and, authorized the Director of Public Works to execute the amendment with Quincy Engineering, Inc. in the amount of \$150,979 and to sign necessary documents – PW 2019-0049
- 4.C.2** Authorized the Director of Public Works to apply for and accept, if awarded, the United States Department of Agriculture (USDA) Emergency and Imminent Community Water Assistance Grant; and, adopted a resolution authorizing the Director of Public Works to execute all required documents of the USDA Emergency and Imminent Community Water Assistance Grant (ECWAG) and any amendments – PW 2019-0050

- 4.D.1** Set a public hearing for 02/12/2019, at the 9:00 a.m. meeting, to consider the Planning Commission’s recommendation for approval of Rezone Application No. PLN2018-0141 Palm Estates and Wenstrand Ranch, the project sites are located at 2600 Lester Road, between Jerry Lane and Eastgate Drive, and at 4148 Main Street, on the north side of East Monte Vista Avenue, on the south side of Main Street, east of Lester Road, in the Community of Denair, and adoption of a Notice of Exemption; and, authorized the Clerk of the Board to publish notice of public hearing as required by the law – Planning  
ORD-56-E-1 2019-0051
- 4.D.2** Set a public hearing on 02/12/2019, at the 9:00 a.m. meeting, to consider the Planning Commission’s recommendation for approval of Rezone Application No. PLN2018-0055, DJM Investments, located at 4313 McHenry Avenue (SR 108), between Bangs Avenue and Pelandale Avenue, in the City of Modesto area, and adoption of a Negative Declaration; and, authorized the Clerk of the Board to publish a notice of public hearing as required by law – Planning  
ORD-56-E-2 2019-0052
- 4.D.3** Set a public hearing on 02/12/2019, at the 9:00 a.m. meeting, to consider the Planning Commission’s recommendation for approval of Use Permit and Development Agreement Application No. PLN2018-0094, Lyfted Farms, Inc. – 5271 Jerusalem Court, located at 5271 Jerusalem Court, north of Kiernan Avenue, in the Modesto area; and, authorized the Clerk of the Board to publish a notice of public hearing as required by law – Planning  
ORD-56-E-3 2019-0053
- 4.D.4** Set a public hearing on 02/12/2019, at the 9:00 a.m. meeting, to consider the Planning Commission’s recommendation for approval of Use Permit and Development Agreement Application No. PLN2018-0095, Lyfted Farms, Inc. – 5266 Jerusalem Court, located at 5266 Jerusalem Court, north of Kiernan Avenue, in the Modesto area; and, authorized the Clerk of the Board to publish a notice of public hearing as required by law – Planning  
ORD-56-E-4 2019-0054

Olsen/Berryhill unan. **6.1** Authorized the CEO, or his designee, to execute the County-Optional Outreach Agreement with the California Complete Count – Census 2020, to accept funding in the amount of \$318,521, to provide marketing and outreach services in Stanislaus County on behalf of the State of California; adopted a resolution authorizing the CEO, or his designee, to execute all required documents for submission to California Complete Count – Census 2020; authorized the Purchasing Agent, on behalf of the CEO, to issue an RFP, and negotiate and execute one or more service agreements not to exceed a combined total of \$318,521 for the period of 03/01/2019 through 09/30/2020, for Census 2020 marketing and outreach services; and, authorized the Auditor-Controller to increase estimated revenue and appropriations in the CEO – Focus on Prevention budget to support Census 2020, as detailed in the budget journal, attached to the agenda item – CEO  
2019-0055

Olsen/DeMartini unan. **6.2** Authorized the CEO, or his designee, to execute an MOU with Valley-Mountain Regional Center, Inc., for the purpose of providing a \$250,000 contribution for the construction of the Awesome Spot Playground at Beyer Community Park for an inclusive recreational play environment – CEO  
2019-0056

**Corr 1** Referred to the Clerk-Recorder and Registrar of Voters, a resolution from the Riverdale Park Tract Community Service District requesting the change of their governing board member elections from odd-numbered to even-numbered years.

**Corr 2** Referred to the Clerk-Recorder and Registrar of Voters, a resolution from the Knights Ferry Community Service District requesting the change of their governing board member elections from odd-numbered to even-numbered years.

**Corr 3** Referred to the Fish and Wildlife Committee, letters from the California Fish and Game Commission regarding proposed regulations relating to waterfowl hunting and salmon sport fishing.

**Corr 4** Referred to the Fish and Wildlife Committee, a letter from the California Fish and Game Commission regarding proposed regulations relating to archery equipment and crossbows.

**Corr 5** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Jerry Barnett; Frank Silva; Shawn Avalos; Gracie Warner; Marilyn Beets-Terry and the Estate of Donald Lee Terry; Linda Reynolds; Debra Harper (2); Adam Nagy; Kimberly Kraus; TL Thompson and Associates, Alliance United aso Diana Mosquedo; and, Lloyd Branco.

CEO Hayes noted there was audio difficulties during today's broadcast.

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 9:51 a.m. for Conference with Legal Counsel - Existing Litigation: Three Cases: Superior Court of California, County of Stanislaus v. County of Stanislaus, et al, Stanislaus County Superior Court Case No. CV-18-001209; George Bragg v. County of Stanislaus, Stanislaus County Superior Court Case No. CV-18-003128; City of Patterson v. County of Stanislaus, et al., Stanislaus County Superior Court Case No. CV18004195. Government Code Section 54956.9 (d)(1). Conference with Legal Counsel - Significant Exposure to Litigation: One Case. Government Code Section 54956.9 (d)(2).

**Supervisor Withrow left at 11:30 a.m.**

Supervisor Withrow recused himself from the Closed Session matter listed below.

City of Patterson v. County of Stanislaus, et al., Stanislaus County Superior Court Case No. CV18004195. Due to a conflict of interest concerning the Crows Landing Industrial Business Park. Government Code Section 54956.9 (d)(1).

**Supervisor Withrow returned at 11:50 a.m.**

Adjourned at 12:25 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.)