

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

Regular Session

Tuesday

February 12, 2019

All Supervisors Present

Pledge of Allegiance to the Flag

Invocation was given by Pastor Michael Douglass with Advancing Vibrant Communities.

Prior to consideration of the consent calendar, CEO Hayes announced in accordance with Government Code Section 54953(c)(3), that agenda item **4.B.9** would approve the appointment of Laura Arnold to serve as the Stanislaus County Public Defender at a starting salary of \$200,000, plus Department Head benefits as set forth in the agenda item.

Supervisor Chiesa spoke regarding item **4.B.5** on today's agenda regarding the Professional Development Policy and suggested in addition to allowing for the use of professional development funds towards student loan reimbursement, that cash payments for educational expenses be reimbursable using professional development funds within 36 months of coursework. CEO Hayes noted that today's agenda item would give authority for the CEO and the Auditor-Controller to make slight adjustments to the Professional Development Policy and they will take this suggestion into consideration.

Chiesa/Olsen unan. Adopted the consent calendar after removing from consent items: **4.C.1** Approval of Amendment No. 2 to the Siegfried Engineering, Inc. Professional Design vices Agreement for the Measure-L Sidewalk Projects – Public Works; **4.D.1** Approval to Set a Public Hearing on March 6, 2019, at the 9:00 a.m. Meeting, to Consider the Planning Commission's Recommendation for Denial of Use Permit and Development Agreement Application No. PLN2018-0110, Prem Gen Corp., Located at 536 El Roya Avenue, in the Modesto Area – Planning; **4.D.2** Approval to Set a Public Hearing on March 6, 2019, at the 9:00 a.m. Meeting, to Consider the Planning Commission's Recommendation for Denial of Use Permit and Development Agreement Application No. PLN2018-0097 Legacy Nursery, LLC., Located at 5737 California Avenue, in the Modesto Area – Planning; and, **4.D.3** Approval to Set a Public Hearing on March 6, 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. PLN2018-0098 Legacy Nursery, LLC., Located at 6812 California Avenue, in the Modesto Area – Planning

4.A.1 Approved the minutes of 02/05/2019

4.A.2 Appointed Vicente Mejia to the Empire Municipal Advisory Council 2019-0069

4.A.3 Appointed Joyce Buehner to the Commission on Aging 2019-0070

4.B.1 Authorized the Agricultural Commissioner, or designee, to enter into and sign an agreement with the California Department of Food and Agriculture for the Bee Safe Program – Agricultural Commissioner 2019-0071

4.B.2 Accepted the Stanislaus County Treasury Pool's December 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 – T/TC 2019-0072

- 4.B.3** Authorized the Chief Operations Officer to issue RFQ's and RFP's for the following On-Call Professional Services for Capital Projects: (a) Code Review Services; (b) Estimating Services; (c) Land Surveying/Civil Engineering Services; and, directed staff to return to the Board to recommend award of contracts for these services – CEO 2019-0073
- 4.B.4** Approved a contribution of up to \$2,500 in Community Development Funds towards the West Modesto Community Collaborative Mural Project; and, directed the Auditor-Controller to make the necessary budget adjustments per the budget journal, attached the agenda item – CEO 2019-0074
- 4.B.5** Approved amending the Professional Development Allowance Policy, including the delegation of authority to the Auditor-Controller and CEO, to review and update the Applicable Benefits Chart portion of the Professional Development Policy – CEO 2019-0075
- 4.B.6** Approved an agreement with Central Star Behavioral Health, Inc., for the provision of covered specialty mental health services to children/youth with more intensive needs that are identified as subclass member of Katie A. v. Bonta, through the Pathways to Well-Being program; authorized the BHRS Director, or his designee, to sign the agreement for the provision of enhanced services to children/youth with more intensive needs that are identified as subclass members of Katie A. v. Bonta, through the Pathways to Well-Being program, for the period of 02/15/2019 through 06/30/2020 in the amount of \$1,639,302; 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, throughout each fiscal year of the agreement – BHRS 2019-0076
- 4.B.7** Approved to set a public hearing for the 03/05/2019, 9:00 a.m. meeting to consider the adoption of the updated County Public Facilities Fees pursuant to Title 23 of the Stanislaus County Ordinance Code – CEO M-64-L-5 2019-0077
- 4.B.8** Appointed the following members to the 2019 term of the Stanislaus County Discipline/Equal Employment Opportunity (EEO) Grievance Appeal Board: (a) Department Head Member: Paul Gibson, Director, Strategic Business Technology; (b) Employee Representative: Matthew Cantrell, AFSCME; (c) Chairperson: Dave Walker Esq. of Damrell Nelson Schrimp Pallios Pacher & Silva; and, appointed alternate members to the 2019 term of the Stanislaus County Discipline/EEO Grievance Appeal Board as follows: (a) Department Head Member Alternates: Doris Foster, Director, Workforce Development; Kathryn Harwell, Director, CSA; (b) Employee Representative Alternates: 1st Alternate, Bryan Ousby, Deputy Probation Officers Association; 2nd Alternate, Joe Alves, Deputy Sheriffs Association; 3rd Alternate, Amy Kennedy, County Attorneys Association – CEO 2019-0075
- 4.B.9** Appointed Laura Arnold to the position of Stanislaus County Public Defender in accordance with California Government Code § 27703 effective 02/19/2019; and, authorized a starting annual salary of \$200,000, plus department head benefits as set forth in the benefit summary, attached to the agenda item, for Laura Arnold – CEO 2019-0079
- 4.B.10** Authorized the CEO to submit a continuation application for funding to the DOJ-Office on Violence Against Women Fiscal Year 2019 Improving Criminal Justice Responses to Domestic Violence, Dating Violence, Sexual Assault, and Stalking Grant Program in the amount of \$750,000; and, authorized the CEO, or his designee, to sign and execute the grant application due on 02/26/2019 – CEO 2019-0080
- 4.B.11** Approved an amendment to the "Salary and Position Allocation Resolution" to increase the salary band for the Social Worker Supervisor II classification to comply with the Negotiated Labor Agreement between the County of Stanislaus and the Stanislaus County Employees' Association, (AFSCME), Local #10 – CEO 2019-0081

4.B.12 Accepted the fourteenth 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 2019-0082

Olsen/Berryhill unan. **4.C.1** Approved Amendment No. 2 to the Siegfried Engineering, Inc. professional design services agreement for additional all-inclusive engineering services for the Measure-L Sidewalk Projects, in the amount of \$311,618; and, authorized the Director of Public Works to execute the amendment with Siegfried Engineering, Inc. in the amount of \$311,618 and to sign necessary documents – PW 2019-0083

Supervisor Withrow left the dais at 9:23 a.m.

Chiesa/ DeMartini (4-0)(Withrow abstained) **4.D.1 Amended** the item to change the date of the public hearing from the 03/06/2019, 9:00 a.m. meeting, to the 03/19/2019, 6:30 p.m. meeting, to consider the Planning Commission’s recommendation for denial of Use Permit and Development Agreement Application No. PLN2018-0110, Prem Gen Corp, located at 536 El Roya Avenue, in the Modesto area; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-56-F-1 2019-0084

Chiesa/ DeMartini (4-0)(Withrow recused) **4.D.2 Amended** the item to change the date of the public hearing from the 03/06/2019, 9:00 a.m. meeting, to the 03/19/2019, 6:30 p.m. meeting, to consider the Planning Commission’s recommendation for denial of Use Permit and Development Agreement Application No. PLN2018-0097 Legacy Nursery, LLC, located at 5737 California Avenue, in the Modesto area; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-56-F-2 2019-0085

Chiesa/DeMartini (4-0)(Withrow recused) **4.D.3 Amended** the item to change the date of the public hearing from the 03/06/2019, 9:00 a.m. meeting, to the 03/19/2019, 6:30 p.m. meeting, to consider the Planning Commission’s recommendation for approval of Use Permit and Development Agreement Application No. PLN2018-0098 Legacy Nursery, LLC, located at 6812 California Avenue, in the Modesto area; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-56-F-3 2019-0086

Supervisor Withrow returned at 9:25 a.m.

Chiesa/Olsen unan. **5.1** Conducted a public hearing 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; adopted the Notice of Exemption pursuant to CEQA Guidelines Section 15300 and 15305, by finding that on the basis of the whole record, that there is no substantial evidence the project will have a significant effect on the environment and reflects Stanislaus County’s independent judgment and analysis; ordered the filing of a Notice of Exemption with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21083 and 21110 and CEQA Guidelines Section 15300 and 15305; finds that: (a) the project is consistent with the overall goals and policies of the County General Plan; (b) the proposed Planned Development (P-D) zoning, with Rural Residential (R-A) underlying zoning provisions is consistent with the Low Density Residential Stanislaus County General and Denair Community Plan designations; (c) the proposed rezone to P-D, with underlying R-A zoning provisions would maintain the residential character and intent of the R-A zoning district, while providing for an increase in the maximum lot coverage from 40 to 50 percent; approved

Rezone Application No. PLN2018-0141 – Palm Estates & Wenstrand Ranch, subject to the Development Standards and Development Schedule, attached to the agenda item; and, introduced, waived the reading, and adopted ordinance C.S. 1223 for the approved Rezone Application No. PLN2018-0141, Palm Estates & Wenstrand Ranch – Planning
ORD-56-E-1 2019-0087
2019-0087a

Olsen/Berryhill unan. **5.2** Conducted a public hearing 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; adopted the Negative Declaration 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 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 Planned Development General Plan designation; approved Rezone Application No. PLN2018-0055 – DJM Investments subject to the Development Standards, attached to the agenda item, including the deletion of Development Standards No. 14 and 15; and, introduced, waived the reading, and adopted ordinance C.S. 1224 for the approved Rezone Application No. PLN2018-0055 – DJM Investments – Planning
ORD-56-E-2 2019-0088
2019-0088a

Berryhill/Chiesa unan. **5.3** Conducted a public hearing 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; finds that no further analysis under CEQA is required pursuant to CEQA Guidelines Section 15183 (Consistency with a General Plan, Community Plan or Zoning for which an EIR was prepared), on the basis of the whole record, including any comments received in response to the Environmental Review Referral; 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 15075; finds that: (a) 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; finds that the Development Agreement: (a) is consistent with the General Plan and any applicable specific plan; (b) is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is or will be located; (c) is in conformity with and will promote public convenience, general welfare and good land use practice; (d) will not be detrimental to health, safety and general welfare; (e) will not adversely affect the orderly development or property of the preservation of property values; (f) will promote and encourage the orderly development of the proposed project by providing a greater degree of requisite certainty; approved Use Permit and Development Agreement Application No. PLN2018-0094 – Lyfted Farms, Inc. – 5271 Jerusalem Court, subject to the Conditions of Approval, attached to the agenda item; authorized the Stanislaus County Chairman to execute the amended Development Agreement included in Attachment 5 – Proposed Ordinance, of the agenda item; and, introduced, waived the reading, and adopted ordinance C.S. 1225 for the approved Development Agreement – Planning
ORD-56-E-3 2019-0089
2019-0089a

Olsen/Chiesa unan. **5.4 Continued** to the 02/26/2019, 9:00 a.m. Board of Supervisors meeting, the agenda item to hold a public hearing to Consider the Planning Commission's Recommendation for Approval of Use Permit and Development Agreement Application No. PLN2018-0095, Lyfted Farms, Inc., located at 5266 Jerusalem Court, North of Kiernan Avenue, in the Modesto Area – Planning
ORD-56-E-4 2019-0090

Olsen/DeMartini unan. **6.1** Approved the Library Financing Strategy Plan for the Empire Branch Library Replacement Project; approved to proceed to complete the recommended design for the Empire Branch Library Replacement Project using the Design-Build construction method as allowed by California Public contract Code, Section 22162; authorized the Chief Operations Officer, acting as Project Manager to complete and issue a Request for Statements of Qualifications (RFSOQ) to prequalify Design-Build General Contractor Teams for the project; and, directed the Auditor-Controller to increase the Empire Branch Library Replacement Project budget by \$51,116 in the approved Project Plan using Public Facilities Fees, as detailed in the Budget Journal, attached to the agenda item – CEO 2019-0091

Corr 1 Referred to the CEO's Office, a letter from the Salida Fire Protection District regarding Surplus Real Property of the Salida Fire Protection District.

Corr 2 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Debra Harper; Stephen Tucker; and, Otoniel Carranza Jr.

Supervisor Olsen reported that Felicia Marcus has been removed from the State Water Resources Control Board by Governor Newsom.

CEO Hayes noted that the deadline to submit new bills for the legislature is 02/22/2019, Governor Newsome will be delivering the State of the State speech today, and that opponents gathered enough signatures to put SB10, a bill to abolish the cash bail system, on hold until the November 2020 election.

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 11:02 a.m. for Public Employee Appointment: Title: County Counsel. Government Code Section 54957 (b).

Closed Session Announcement: Chiesa/Berryhill unan. The Board of Supervisors appointed Thomas E. Boze as the County Counsel for the County of Stanislaus effective 03/30/2019 upon the retirement of the current County Counsel. The Board also authorized and directed the Chief Executive Officer to present an action item setting forth the starting salary and benefits for Thomas E. Boze for Board consideration and approval.

Adjourned at 3:35 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.)