

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

Special and Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

April 16, 2019

Convened at 5:30 p.m. for Special Session.

Prior to adjourning into Closed Session an opportunity was given to the public to address matters listed under Closed Session.

Closed Session: Conference with Legal Counsel – Anticipated Litigation: One Case. Government Code Section 54956.9 (d)(4). Department Head Employment. Government Code Section 54957(b)(1).

Reconvened at 6:30 p.m. for Regular Session

Invocation was given by Rabi Shalom Bochner with Congregation Beth Shalom.

Verna Thornton was recognized as the 2018 Stanislaus County Outstanding Volunteer of the Year.

Susan Beasley, Executive Director of the Parent Resource Center, noted that April is Child Abuse Prevention Month. She invited everyone to participate in the Children's Memorial Day on Friday, 04/26/2019 at 10:00 a.m.

Carrie Schaupp voiced concerns regarding the County's family court system and stated that her 14th amendment rights are being violated.

Chris Ricci spoke in support of the Voter's Choice Act and early voting.

Lisa Battista spoke regarding the past election and noted that improvements are needed. Counties that have implemented the Voter's Choice Act are showing significant savings.

Deahna Washington spoke regarding problems she encountered with her property on Paradise Road in regard to a CHP report.

Cathy Doo spoke in support of the Voter's Choice Act, and she requested that the Board endorse it.

Mathew Steinberg spoke regarding problems he has encountered with contaminated water at his business, Bloomingcamp Ranch, and noted the costly measures to resolve the problem is threatening its closure.

Joy Bloomingcamp spoke regarding the contaminated water problem they are experiencing at the Bloomingcamp Ranch, and that the high cost to rectify the situation is threatening the closure of the Ranch.

Rafael Rodriguez spoke in Spanish regarding gang activity, including a shooting, near schools on Franzine Road in Empire. He also voiced concerns regarding a marijuana dispensary on Yosemite Blvd (Transcript available from the Clerk).

Efrain Juarez spoke in Spanish regarding illegal activity occurring on Franzine Road in Empire including motorcycle racing, vehicle accidents, and a recent shooting. (Transcript available from the Clerk)

Denise Hunt spoke in support the Voter’s Choice Act. She urged the Board to support implementing this in Stanislaus County.

Melody McGill asked the Board to consider repaving and widening Euclid Road in rural Hughson due to its poor condition.

Stephanie Endsley-Bull, a teacher from Turlock, spoke in support of the Voter’s Choice Act and shared her experience at the poll this last election.

Donna Endsley spoke in support of the Voter’s Choice Act and stated that we need to use better technology so that voters are not turned away at the polls.

Janet Smith spoke in support of the Voter’s Choice Act, and that it must be made a priority.

Patrice LaBelle also spoke in support of the Voter’s Choice Act.

Brett Dickerson spoke in support of the Bloomingcamp Family and shared issues he has with regulations and the high cost of permits are driving people out of California.

Victor Costa spoke in support of the Voter’s Choice Act and stated that Fresno County just implemented the Voter’s Choice Act.

Juan Vasquez spoke in support of the Voter’s Choice Act.

Shavonne Els spoke in support of the Voter’s Choice Act.

Berryhill/Olsen unan. Adopted the consent calendar after removing from the consent calendar **6.C.4** Approval to Adopt a Resolution of a Proposed List of Projects for Senate Bill 1, the Road Repair and Accountability Act

6.A.1 Approved the minutes of 04/02/2019

6.A.2 Appointed Christopher Joseph Nunes to the Empire Municipal Advisory Council

2019-0209

6.A.3 Appointed Arla A. Green III to the Stanislaus County Local Task Force on Solid Waste Management

2019-0210

6.A.4 Appointed Sherry Ann Laffoon to the Stanislaus County Child Abuse Prevention Council

2019-0211

6.A.5 Appointed William Dale Hurst to the Veterans Advisory Commission

2019-0212

6.A.6 Declared a vacancy on the Valley Home Municipal Advisory Council

2019-0213

6.B.1 Set a public hearing on 05/07/2019 at the 9:00 a.m. meeting to introduce and waive the first reading of an ordinance to amend chapters 9.82 and 4.36 of the Stanislaus County Code and associated Department of Agriculture and Weights and Measures fee schedule; and, authorized the Clerk to publish notice as required by law – Agricultural Commissioner

ORD-56-H-1 2019-0214

- 6.B.2** Set a public hearing on 05/07/2019 at the 9:00 a.m. meeting to introduce and waive the first reading of an ordinance to establish new fees and amend or eliminate existing fees for DER; and, authorized the Clerk to publish notice as required by law – DER
ORD-56-H-2 2019-0215
- 6.B.3** Set a public hearing on 05/07/2019 at the 9:00 a.m. meeting to introduce and waive the first reading of an ordinance to establish a new fee and amend existing fees for planning services; and, authorized the Clerk to publish notice as required by law – Planning
ORD-56-H-3 2019-0216
- 6.B.4** Authorized the CEO, or his designee, to negotiate and sign an agreement with Economic & Planning Systems, Inc. to prepare an Enhanced Infrastructure Financing District (EIFD) financing analysis and plan for the Crows Landing Industrial Business Park (CLIBP), not to exceed \$125,000 – CEO
2019-0217
- 6.B.5** Approved the extension of the Stanislaus County Refuse Removal Franchise Agreement (Area 3) with the Turlock Scavenger Company through 11/05/2026; and, authorized the CEO to sign and execute the contract extension for Stanislaus County Refuse Removal in Franchise Area 3 with Turlock Scavenger Company – DER
2019-0218
- 6.B.6** Approved the use of up to \$5,000 from the Community Development Fund to support the West Side Health Care Task Force; and, directed the Auditor-Controller to make the necessary budget adjustments per the budget journal, attached to the agenda item – CEO
2019-0219
- 6.B.7** Authorized the CEO to negotiate an amendment to the agreement between the County of Stanislaus and RxBenefits, Inc., for the administration of prescription drug benefits through 10/31/2024, to support the County’s self-insured employee health insurance program; approved the addition of the High Dollar Claim Review and Low Clinical Value Exclusions programs, at a combined cost of approximately \$80,000 per year, or just under \$500,000 for the duration of the contract period; and, authorized the CEO to sign the amendment and any amendments not to exceed the maximum agreement amount of \$850,000 – Risk Management
2019-0220
- 6.B.8** Approved a new agreement with Aspiranet for the provision of the Stanislaus County California Wraparound Program Services for the period of 04/17/2019 through 06/30/2020; authorized the BHRS Director, or his designee, to sign the agreement with Aspiranet for the provision of the Stanislaus County California Wraparound Program for the period of 04/17/2019 through 06/30/2020 in the amount of \$2,272,272; 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 the period of 04/17/2019 through 06/30/2020 – BHRS
2019-0221
- 6.B.9** Accepted the eighteenth 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
2019-0222
- 6.B.10** Approved the third update on the homeless facility plan and partnership between the County, the City of Modesto and The Salvation Army in accordance with the provisions of the Public Contract Code and related matters – CEO
2019-0223

- 6.B.11** Approved the final completion and acceptance of construction of Site Improvements at CCIII, located at 917 Oakdale Road, Modesto for the relocation of HSA divisions; approved the final contract amount for the construction of the site improvements for CCIII, with Taylor Backhoe Services Inc., of Merced, CA: original contract: \$194,234, plus change orders \$23,145, deductive change order for site security (\$30,000), for a total contract amount of \$187,379; and, authorized the Project Manager, on behalf of the Board as the Awarding Authority, 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 the above contracts for the CCIII Site Improvement Project – CEO 2019-0224
- 6.B.12** Approved the Stanislaus County Social Media Administration Policy – CEO 2019-0225
- 6.C.1** Approved the Construction Agreement for the Hickman Road over Tuolumne River Bridge Replacement Project between the City of Waterford and Stanislaus County; authorized the Chairman to execute the Construction Agreement; and, authorized the Director of Public Works to take any appropriate actions necessary to carry out the purpose and intent of these recommendations – PW 2019-0226
- 6.C.2** Approved the Plans and Specifications for the Emergency Water Main Extension on W. Mariposa Street Project, USDA Federal Grant; awarded a contract for Construction Services to Allen A. Waggoner Construction, Inc. of Ripon, CA for the Emergency Water Main Extension on West Mariposa Street Project; authorized the Director of Public Works to execute a contract with Allen A. Waggoner Construction, Inc. in the amount of \$321,777 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 2019-0227
- 6.C.3** Adopted a resolution authorizing the Public Works Transit Manager to act as the certifying representative for all Federal and State grants and funding activities initiated by and for Stanislaus County Public Works Local Transit Division, which manages STaRT – PW 2019-0228
- 6.C.5** Approved Amendment No. 2 to the TY Lin International professional design services agreement for additional environmental services for the Faith Home Road/Garner Road Bridge over the Tuolumne River Project, in the amount of \$414,678; with a new not-to-exceed total contract amount of \$2,149,250; and, authorized the Director of Public Works to execute the amendment with TY Lin International in the amount of \$414,678 and to sign necessary documents – PW 2019-0230
- 6.C.6** Approved a Public Transit MOU between StanCOG and the County of Stanislaus; and, authorized the Chairman to execute the MOU – PW 2019-0231
- 6.C.7** Authorized the Public Works Transit Manager to accept the Low Carbon Transit Operations Program (LCTOP) grant for approximately \$144,320; and, adopted a resolution authorizing the Public Works Transit Manager to execute all required documents of the LCTOP grant and any amendments – PW 2019-0232
- 6.D.1** Set a public hearing on 04/30/2019, at the 9:00 a.m. meeting, to consider the Planning Commission’s recommendation for Approval of Use Permit and Development Agreement Application No. PLN2018-0159, Stockton Business Strategies, located at 1837 Welty Road, between Spencer and West Blewett Roads, in the Vernalis area; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-56-G-4 2019-0233
- 6.D.2** Rescheduled the public hearing from the 04/30/2019, 9:00 a.m. meeting to the 05/21/2019, 6:30 p.m. meeting to consider approval of the Stanislaus Urban County’s FY 2019-2020 Annual Action Plan (AAP) – Planning 2019-0234

Chiesa/Olsen unan. **6.C.4** Approved a resolution to adopt a list of projects funded by Senate Bill 1 and the Road Repair and Accountability Act – PW 2019-0229
Berryhill/DeMartini unan. **7.1** Authorized the CEO, or his designee, to implement a community cleanup pilot program to combat illegal dumping in the unincorporated area; approved the use of up to \$100,000 in Community Development Funds to contribute towards the funding of the community cleanup pilot program; and, directed the Auditor-Controller to make the necessary budget adjustments per the budget journal, attached to the agenda item – CEO 2019-0235

Chiesa/Olsen unan. **8.1** Conducted a public hearing to consider the Planning Commission’s recommendation for approval of General Plan Amendment and Rezone Application No. PLN2017-0134, Mo’s Oasis, located at 8000 E. Whitmore Avenue, on the southeast corner of E. Whitmore Avenue and Geer Road, in the Hughson 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 judgement and analysis; 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, based on the discussion in the agenda item, and the whole of the record that: (a) the General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses; (b) the County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service; (c) the amendment is consistent with the General Plan goals and policies; (d) the alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards; finds that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation; approved General Plan Amendment and Rezone Application No. PLN2017-0134 – Mo’s Oasis, subject to the Development Standards, attached to the agenda item, including the removal of Development Standard Number 17; and, introduced, waived the reading, and adopted ordinance C.S. 1233 for the approved Rezone Application No. PLN2017-0134 – Mo’s Oasis – Planning

ORD-56-G-3 2019-0236
2019-0237

DeMartini/Olsen unan. **8.2** Conducted a public hearing to consider the Planning Commission’s recommendation for approval of Williamson Act Cancellation and Use Permit Application No. PLN2015-0081 – Sullivan Road Solar, located east of Sullivan Road and bisected by Pete Miller Road, west of Interstate 5, in the Newman area; adopted the Mitigated 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 Mitigated Negative Declaration reflects Stanislaus County’s independent judgement and analysis; finds that the amended and new mitigation measures, as discussed in the staff report and revised Mitigation Monitoring Plan, are equivalent to or more effective than the previous Mitigation Measures circulated with the Initial Study and that they, themselves, will not cause any potentially significant effect on the environments pursuant to CEQA guidelines section 15074.1; finds, based on the discussion in the agenda item, and the whole of the record that: (a) the cancellation is consistent with the purposes of the Williamson Act; (b) the cancellation is for land on which a notice of nonrenewal has been served pursuant to California Government Code Section 51245; (c) the cancellation is not likely to result in the removal of adjacent lands from agricultural use; (d) the cancellation is for an alternative use which is consistent with the applicable provisions of the county General Plan; (e) the cancellation will not result in discontinuous patterns of urban development; (f) there is no proximate non-contracted land which is available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land; (g) the cancellation is in the public

interest; (h) other public concerns substantially outweigh the objectives of the Williamson Act; accepted the cancellation value of the subject property as \$684,000 as determined by the County Assessor; certified to the County Auditor-Controller that the cancellation fee, which must be paid as deferred taxes, is an amount equal to 12 ½% of the cancellation value, or a total of eighty-five thousand five hundred dollars (\$85,500); approved the tentative cancellation of a portion of Williamson Act Contract No. 71-0101 subject to payment of the cancellation fee, unless the fee is paid within one year of the filing of the Certificate of Tentative Cancellation, the fee shall be re-computed as provided by state law; directed the Clerk to record a Certificate of Tentative Cancellation within 30 days of this action; directed the Clerk, within 30 days of the Board action, to publish the Notice of the Decision and to deliver a copy of the published Notice of the Decision to the Director of the Department of Conservation (DOC); finds that: (a) the establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of “Agriculture” 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; (b) the establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; (c) the parcel on which such use is requested is not located in one of the County’s “most productive agricultural areas,” as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future, “most productive agricultural area” does not include any land within LAFCO-approved Spheres of Influence of cities or community services districts and sanitary districts serving unincorporated communities; and, approved Williamson Act Cancellation and Use Permit Application No. PLN2015-0081 – Sullivan Road Solar – Planning 2019-0238

Berryhill/Olsen unan. **8.3** Conducted a public hearing to consider the Planning Commission’s recommendation for approval of Use Permit and Development Agreement Application No. PLN2018-0111, Medallion Wellness, located at 4213 McHenry Avenue (Hwy 108), northwest of McHenry and Pelandale Avenues, in the Modesto area; finds that no further analysis under CEQA is required pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a General Plan or Zoning), 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 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 of property or 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 Application No. PLN2018-0111 – Medallion Wellness, subject to the Conditions of Approval, attached to the agenda item, as recommended for approval by the Planning Commission, including the amendment to Condition of Approval Number 11 as outlined in the discussion section, of the agenda item; authorized the Chairman to execute the Development Agreement, attached to the agenda item; and, introduced, waived the reading, and adopted ordinance C.S. 1232 for the approved Development Agreement – Planning

ORD-56-G-2 2019-0239
2019-0240

Corr 1 Referred to the CEO, a letter from the Salida Fire Protection District regarding the designation of real property located at 1330 Ladd Rd., in Salida as surplus.

Corr 2 Referred to the Clerk-Recorder and Registrar of Voters, a letter from the West Stanislaus Irrigation District regarding the resignation of Gregory Petz from their Board of Directors.

Corr 3 Referred to the Clerk-Recorder and Registrar of Voters, a letter from the Keyes Community Services District regarding the resignation of Tim Robertson from their Board of Directors.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Wilber and Associates O/B/O USAA A/S/O Jeffery L. Moen; Robert Kevin Birmingham; Frank Silva (2); Ricardo Vasquez and R.V. by and thru his guardian ad litem Jessica Santos; Pascual Pulido; and, Ernesto Hernandez.

CEO Hayes reported that the County sent a letter in opposition to SB438 which would prohibit public agencies for contracting out calls through the SR911 system. The County distributed a letter in support of Assembly Budget Sub-Committee augmentation for ongoing State funding for our Public Administrator Public Guardian and Conservator Programs. In addition, the County took a support position on SB386, a bill that would work to lower our rate payer cost for electricity in our region by including renewable energy resources like Don Pedro's Hydro Electric energy system.

Adjourned at: 9:22 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.)