

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

Regular Session

Tuesday

April 30, 2019

All Supervisors Present

Pledge of Allegiance to the Flag

Invocation was given by Mike Gunnarson with City Ministry Network

Tim Curley with Valley Children’s Hospital provided a presentation regarding Valley Children’s Healthcare “Stanislaus County’s Children: Families Worth Fighting For”.

Recessed at 9:19 a.m.

Reconvened at 9:24 a.m.

Margaret Countryman expressed her concerns with the City of Modesto’s Board of Zoning Adjustments regarding a neighbor’s second story addition.

Dan Avila spoke regarding a use permit he is awaiting approval for and requested assistance to move forward with the project.

Berryhill/Chiesa unan. Adopted the consent calendar after removing from the agenda item **5.B.8** Approval to Award a Contract for Emergency Flood Response Planning to Kjeldsen, Sinnock, and Neudeck, for the Department of Water Resources Grant Flood Fight Projects – Office of Emergency Services/Fire Warden

**5.A.1** Approved the minutes of 04/16/2019

**5.A.2** Approved a commendation for David A. Olson, M.D., upon receiving the John Darroch Memorial Award, as the Outstanding Physician for 2019, from the Stanislaus Medical Society 2019-0241

**5.A.3** Appointed Edward L. Ford to the Hills Ferry Cemetery District Board of Directors 2019-0242

**5.A.4** Proclaimed May 2019 as Mental Health Awareness Month in Stanislaus County 2019-0243

**5.B.1** Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding the property at 1112 Manor Drive, Modesto, CA, CE No. 18-0261, as set forth in Attachment 1, attached to the agenda item – DER 2019-0244

**5.B.2** Approved the Area Agency on Aging’s FY 2019-2020 Area Plan Update; and, authorized the Chairman and the Director of the Area Agency on Aging to sign the Transmittal Letters to the California Department of Aging – Aging and Veteran Services 2019-0245

**5.B.3** Authorized the Stanislaus County Library Director to sign, submit and accept an application and awarded funds from the CA State Library for a Zip Books Project grant in the amount of \$20,000; and, directed the Stanislaus County Auditor-Controller to increase estimated revenue and appropriations as detailed in the budget journal, attached to the agenda item – Library 2019-0246

- 5.B.4** Adopted a resolution authorizing investment of monies in the CA State Treasurer Local Agency (LAIF) as a short-term investment vehicle and authorizing the Treasurer-Tax Collector, Assistant Treasurer-Tax Collector and the Chief Deputy Treasurer to execute and deliver any and all documents necessary or advisable to effectuate the purposes of the resolution – T/TC 2019-0247
- 5.B.5** Authorized the Auditor-Controller’s Office to issue checks totaling \$443,638.19 per the list of claims for excess proceeds, attached to the agenda item, submitted in accordance with Revenue and Taxation Code Section 4675 – T/TC 2019-0248
- 5.B.6** Approved the fourth 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 – CEO 2019-0249
- 5.B.7** Adopted the Mental Health Services Act Plan Update for FY 2018-2019 to allow expenditure of MHSA funds for Short-Term Residential Treatment agreements in the amount of \$550,000 – BHRS 2019-0250
- 5.B.9** Accepted the nineteenth 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 2019-0252
- 5.B.10** Approved the agreement with Fidelity National Information Services Government Payment Solutions for the implementation of an electronic payment system in the General Services Agency for temporary day-use rental at the former Crows Landing Air Base; authorized the Purchasing Agent to sign the agreement and any subsequent amendments to the agreements on behalf of the County; and, authorized the General Services Agency to charge a minimum convenience fee of \$1.49 for transactions up to \$45, with transactions above that amount billed to the customer at a flat rate of 2.35% of the purchase price when payment is made through the online payment system – GSA 2019-0253
- 5.C.1** Adopted a resolution certifying the mileage in Stanislaus County’s maintained mileage road system to be 1,507.23 miles as of 12/31/2018 – PW 2019-0254
- 5.C.2** Authorized the Public Works Director to negotiate a Freeway Maintenance Agreement between Stanislaus County and the State of CA, Department of Transportation, for the State Route 132 from Clark Road to Carpenter Road; authorized the Director of Public Works to execute the agreement between the State of CA, Department of Transportation, and Stanislaus County; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2019-0255
- 5.C.3** Authorized the installation of four additional street lights at various locations in Denair Lighting District; finds that the installation of the proposed street lights will not affect the services provided in the Lighting District nor the amount of the annual assessment charged to the property owners within the District; authorized the Director of Public Works to execute the project and sign necessary documents; directed the Auditor-Controller to increase appropriations in the Denair Lighting District fund by \$72,875, funded by available fund balance, as detailed in the budget journal, attached to the agenda item; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2019-0256
- 5.D.1** Rescinded a portion of Williamson Act Contract No. 2017-11, located on Victory Avenue, between Lon Dale Road (HWY 120) and River Road, in the Oakdale area (APN:006-002-087); 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 the 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 a new contract, pursuant to Lot Line Adjustment Application No. PLN2018-0040, O'Roark and Magers; and, authorized the Director of Planning and Community Development to execute a new contract – Planning 2019-0257

**5.D.2** Adopted a resolution to authorize the Director of Planning and Community Development to participate in the State of CA Housing and Community Development Emergency Solutions Grants Program; authorized the Director of Planning and Community Development to submit a Grant Application and an Administrative Entity (AE) Award Recommendation Package to the CA Department of Housing and Community Development (HCD); authorized the County to accept, if awarded, the HCD Emergency Solutions Grants Program funding and authorized the Director of Planning and Community Development to execute an Administrative Entity Standard Agreement with HCD; and, authorized the Director of Planning and Community Development to execute any related program agreements, contracts, or other documentation required for implementation of Emergency Solutions Grants Program funding awarded to Stanislaus County by HCD, this authorization includes the use of any program income in accordance with applicable program guidelines – Planning 2019-0258

**5.D.3** Set a public hearing on 05/14/2019, at the 9:00 a.m. meeting, to consider the Planning Commission's recommendation for approval of Use Permit and Development Agreement Application No. PLN2018-0162, Phenos Cooperative, Inc., located at 304 Motor City Court, between Detroit Lane and McHenry Avenue, in the Modesto area; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-56-I-1 2019-0259

Chiesa/Berryhill unan. **6.1** Conducted a public hearing 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; 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 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; (b) the use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning

district; (c) the use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural product on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping; (d) the use will not result in the significant removal of adjacent contracted land from agricultural or open-space use; 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. PLN2018-00159 – Stockton Business Strategies, subject to the Conditions of Approval, attached to 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. 1234 for the approved Development Agreement – Planning  
ORD56-G-4 2019-0260  
2019-0260a

Chiesa/Olsen unan. **6.2** Finds that the Notice of Public Hearing was published in compliance with Section 6066 of the Government Code; conducted a public hearing to receive comments regarding the revision of load carrying capacity of the Schell Road Bridge (38C-0169) over the South San Joaquin Irrigation District (SSJID) Main Canal and the Pleasant Valley Road Bridge (38C-0154) over the SSJID Main Canal; and, accepted the revised bridge load ratings from the Caltrans Division of Structure Maintenance and Investigations for the Schell Road Bridge (38C-0154) over the SSJID Main Canal – PW  
2019-0261

Olsen/DeMartini unan. **6.3** Approved entering into a Freeway Agreement between Stanislaus County and the State of CA Department of Transportation for State Route 132 from Clark Road to Carpenter; authorized the Chairman to sign and execute the agreement between the State of CA, Department of Transportation, and Stanislaus County; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW  
2019-0262

Berryhill/Chiesa unan. **7.1** Accepted an update on the homeless Community System of Care restructure project, including the planned use of \$7.2 million in Homeless Emergency Aid Program funding and the future development of a new governance body, the Stanislaus Homeless Alliance; appointed Chairman Withrow as the County’s primary representative and CEO Hayes as the County’s alternate representative to work with partner agencies and community organizations on the future development of the Stanislaus Homeless Alliance; and, accepted an update on County funded homeless programs – CEO 2019-0263

**Corr 1** Referred to the Department of Planning and Community Development, a letter from the U.S. Department of Housing and Urban Development regarding the 2019 Fiscal Year allocations for the Community Planning and Development’s formula programs which provide funding for housing, community and economic development activities, and assistance for low and moderate-income persons and special need populations.

**Corr 2** Referred to the Clerk-Recorder and Registrar of Voters, a letter from the West Stanislaus Irrigation District regarding the appointment of James Cox to their Board of Directors.

**Corr 3** Referred to DER, a copy of the 2018 Annual Report on Toxic Emissions from Valley Facilities from the San Joaquin Valley Air Pollution Control District.

**Corr 4** Referred to the CEO, a letter from the Stanislaus County Employees Retirement Association regarding Fiscal Year 2019-2020 retirement contribution rates and funded status as of June 30, 2018.

**Corr 5** Referred to the Auditor-Controller, a letter from Oakdale Fire Protection District requesting dry-period funding for Fiscal Year 2019-2020 per Government Code Section 23010.

**Corr 6** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Victoria Vera; Jacinta Groves; Soila Rodriguez; and, John Goold. Supervisor Olsen announced that she would be attending the Empire MAC meeting tonight at 6:00 p.m. and that there would be a Spanish interpreter at the meeting.

CEO Hayes noted that he, along with Chairman Withrow and Supervisor Chiesa, will be traveling to Washington DC to meet with our federal representatives on various issues impacting Stanislaus County.

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 11:42 a.m.

**12.1** Conference with Legal Counsel – Existing Litigation pursuant to Government Code §54956.9 (d)(1): PG&E, US Bankruptcy Court-Northern District of California, Case No. 19-3008.

Olsen/Chiesa unan.**12.2** In regards to Conference with Legal Counsel – Existing Litigation pursuant to Government Code §54956.9 (d)(1): State of California, Regents of the University of California, etc. vs. Cellco Partnership dba Verizon Wireless, et al., Sacramento County Superior Court Case No. 34-2012-00127517, the Board authorized County Counsel to negotiate and execute a settlement agreement, take all steps reasonably necessary to conclude the settlement, including without limitation the preparation and execution of settlement documents, and obtaining necessary court approval of the settlement; and, directed County Counsel to make copies of the finalized settlement agreement available to any person who inquires when the settlement is finalized

**12.3** Conference with Legal Counsel – Existing Litigation pursuant to Government Code §54956.9 (d)(1): Angelina Nunes, et al. v. County of Stanislaus, et al., United States District Court, Eastern District of California Case No. 1:17-CV00633-DAD-SAB.

**12.4** Conference with Legal Counsel – Significant Exposure to Litigation pursuant to Government Code Section 54956.9 (d)(2): One Matter: Related to a claim filed by AT&T, Sprint, T-Mobile and Pac-Bell, requesting property tax refunds for taxes levied for the 2014-2015 fiscal year.

**12.5** Conference with Legal Counsel – Initiation of Litigation pursuant to Government Code §54956.9 (d)(4): One Case.

Adjourned at 1:03 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.)