

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

Regular Session  
All Supervisors Present  
Pledge of Allegiance to the Flag

Tuesday

September 10, 2019

A moment of silence was held for Former Stanislaus County Auditor-Controller Byron Bystrom and Health Services Agency Employee Rayna Ruiz.

Invocation was given by Sandra Miller from Jesus Christ of Latter-day Saints.

Rhonda Johnson, In-Home Supportive Services (IHSS) Provider and a United Domestic Workers (UDW) member, spoke in support of a wage increase.

Lupe Sanchez, IHSS Provider, spoke in support of fair pay for IHSS workers.

Roy Potter, IHSS Provider, spoke in support of a wage increase.

Matthew Harrington, South Modesto Municipal Advisory (MAC) Council Chairman, raised concerns regarding the demolition of the 7<sup>th</sup> Street Bridge and the impact on traffic.

Rebecca Harrington requested the following: an evaluation to see if additional MACs are needed, a turning lane at 9<sup>th</sup> & B Streets, a mandatory requirement for landlords to have garbage service, the County's "Go Request" be available in Spanish; and, an investigation into the illegal Cannabis grows in the area.

Miguel Donoso spoke regarding item **6.B.13** on today's agenda and requested that the upcoming community forum regarding immigration and customs access be held at an evening meeting, and that the staff report be provided in Spanish. He also asked for clarification regarding who decides where State funds are used to address homelessness.

Miguel Jimenez also requested that the upcoming community forum regarding immigration and customs access be held at an evening meeting.

Chachana Drake spoke in support of fair pay for IHSS workers and requested that community forum regarding immigration and customs access be in Spanish and that the community forum be held at a night meeting.

Marianne Villalobos asked that the community forum regarding immigration and customs access be held at a night meeting, the information be provided in Spanish, and requested that it be published.

Yaza Martinez stated that she works with an outreach program for Latinos and requested that the community forum regarding immigration and customs access be held at a night meeting.

Chiesa/Olsen unan. Adopted the consent calendar after removing from the consent items **6.B.13** Approval to Set the Date of 10/22/2019, at the 9:00 a.m. Meeting to Receive a Report from the Sheriff's Department and Hold a Community Forum Regarding Immigration and Customs Enforcement Access, Pursuant to Government Code Section 7283.1(d) – Sheriff; and, **6.B.21** Approval to Issue a Notice of Intent in Accordance with Government Code Sections 6063 and 25350 to Purchase the City of Modesto's Interest in the Former Stanislaus Animal Services Facility Located at 2846 Finch Road in Modesto, California for Half the Appraised Value, Equal to \$375,000, Less the Cost of Maintenance, Repair and Real Estate Costs – CEO

- 6.A.1** Approved the minutes of 08/20/2019
- 6.A.2** Accepted the resignation of William S. Pringle from the East Side Mosquito Abatement District Board of Directors 2019-0529
- 6.A.3** Authorized the posting of vacancies for the Proposed Crows Landing Industrial Business Park's Enhanced Infrastructure Financing District Public Financing Authority 2019-0530
- 6.A.4** Approved the Amended Conflict of Interest Code for the Patterson Cemetery District 2019-0531
- 6.B.1** Approved the MOU between Stanislaus County and the City of Modesto for the permitting and inspection of Onsite Wastewater Treatment Systems in the incorporated areas of the City's boundary; authorized the Director of DER, or designee, to sign the MOU between Stanislaus County and the City of Modesto for the permitting and inspection of Onsite Wastewater Treatment Systems in the incorporated areas of the City's boundary; and, authorized the Director of DER, or designee, to sign any future amendments to the MOU – DER C-6-W-2 2019-0532
- 6.B.2** Approved the Grant Agreement Number 19-10349 with the CA Department of Public Health for the Supplemental Nutrition Assistance Program – Education from 10/01/2019 through 09/30/2022; and, authorized the HSA Managing Director, or her designee, to sign the Grant Agreement and any subsequent amendments – HSA 2019-0533
- 6.B.3** Set a public hearing on 12/10/2019, at the 9:00 a.m. meeting to consider the adoption of the Eastern San Joaquin Groundwater Subbasin Groundwater Sustainability Plan – DER GSA-6-2 2019-0534
- 6.B.4** Set a public hearing on 12/10/2019, at the 9:00 a.m. meeting for consideration of adoption of the Northern & Central Delta-Mendota Region Groundwater Sustainability Plan – DER GSA-3-4 2019-0535
- 6.B.5** Approved the use of up to \$2,000 of Community Development Funds to pay for the cost of rental and set-up of traffic signs, cones, and barricades for the Salida Old Fashioned Country Festival; and, directed the Auditor-Controller to increase the Community Development Fund budget by \$2,000 as detailed in the Budget Journal, attached to the agenda item – CEO 2019-0536
- 6.B.6** Authorized staff to execute a new lease agreement at 1540 Florida Avenue, Modesto, CA on behalf of BHRS for the Adolescent Crisis Intervention Program and authorized the Chief Operations Officer to sign the lease agreement; and, authorized staff to execute a sublease agreement with Aspiranet for the continued provision of the Crisis Intervention Program services for children and adolescents and authorized the Interim Director of BHRS to sign the sublease agreement – BHRS 2019-0537
- 6.B.7** Amended the Salary and Position Allocation Resolution to reflect the recommended changes as outlined in the Staffing Impacts section of the agenda item – CEO 2019-0538

- 6.B.8** Approved an agreement with Advanced Helicopter Services in the amount of \$600,000 for the period of 09/01/2019 through 06/30/2021 for aircraft mechanic services; authorized the Purchasing Agent, or his designee, to execute the agreement for aircraft mechanic services with Advanced Helicopter Services and to sign any necessary documents; and, authorized the Purchasing Agent, or his designee, to execute any amendments and extensions through June 2023 – Sheriff 2019-0539
- 6.B.9** Accepted the Stanislaus County Treasury Pool’s July 2019 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 2019-0540
- 6.B.10** Approved an agreement between the County of Stanislaus and the CA Department of Health Care Services for participation in the Medi-Cal County Inmate Program for the period 07/01/2019 through 06/30/2020; and, authorized the Sheriff to sign the Medi-Cal County Inmate Program agreement and any future amendments to the agreement – Sheriff 2019-0541
- 6.B.11** Approved modifying the audit period for the Monterey Park Tract Community Service District required financial audit report to a biennial audit period – Auditor-Controller 2019-0542
- 6.B.12** Authorized the Sheriff to accept funding in the amount of \$65,154 from the CA Department of Alcoholic Beverage Control; authorized the Sheriff to sign all reimbursement claims and other required documents for the Department of Alcoholic Beverage Control; authorized the Auditor-Controller to increase appropriations and estimated revenue in the Sheriff’s Operations Budget in the amount of \$65,154 in accordance with the Budget Journal; and, approved a formal resolution as required by the State to receive this grant – Sheriff 2019-0543
- 6.B.14** Approved the Contract Employee Agreement with Beatrice St. Claire, M.D., to provide psychiatric mental health services for the period of 09/10/2019 through 06/30/2020; authorized the Interim BHRS Director, or designee, to sign the agreement with Beatrice St. Claire, M.D.; and, authorized the Interim BHRS Director, or designee, to negotiate and sign amendments to the agreement to add services and payment up to \$100,000, budget permitting, through the end of FY 2019-2020 – BHRS 2019-0545
- 6.B.15** Accepted the Report of Donations Received by the County of Stanislaus for the fourth quarter of FY 2018-2019 – Auditor-Controller 2019-0546
- 6.B.16** Authorized the Purchasing Agent, on behalf of BHRS, to prepare and issue RFP’s for the provision of BHRS for current agreements in effect for over three years – BHRS 2019-0547
- 6.B.17** Approved the County Clerk-Recorder, Elections Division Records Retention Schedule; and, adopted the resolution approving the County Clerk-Recorder, Elections Division Records Retention Schedule – Elections 2019-0548
- 6.B.18** Approved the County Clerk-Recorder Records Retention Schedule; and, adopted the resolution approving the County Clerk-Recorder Records Retention Schedule – Elections 2019-0549
- 6.B.19** Accepted an 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 2019-0550
- 6.B.20** Approved an 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 2019-0551

- 6.C.1** Approved the Agreement for Acquisition of Property for the McHenry Avenue Widening Project, Grantor: Bernard A. Aggers, Jr., Family Living Trust, APN: 074-001-012 (partial); authorized the Chairman to execute the Agreement for Acquisition of Property; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2019-0553
- 6.D.1** Set a public hearing on 10/01/2019, at the 9:00 a.m. meeting, to consider the Planning Commission’s recommendation for approval of Use Permit and Development Agreement Application No. PLN2018-0129, Mission Nurseries, LLC, request to operate a mixed-light commercial cannabis cultivation and nursery business, located at 2306 Almond Avenue, between Elm Avenue and the San Joaquin River, in the Patterson area; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-56-N-2 2019-0554
- 6.D.2** Set a public hearing on 09/24/2019, at the 9:00 a.m. meeting, to consider the Planning Commission’s recommendation for denial of Use Permit and Development Agreement Application No. PLN2018-0121, All Season Organics, LLC, request to operate a mixed-light commercial cannabis cultivation, nursery and distribution business, located at 1054 Merriam Road, between Riverview and Blue Gum Roads, in the Hickman area; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-56-O-1 2019-0555
- 6.D.3** Rescinded all of Williamson Act Contract Nos. 2002-4465 and 1974-1688, located at 3424 and 3506 Geer Road, between E. Whitmore Avenue and E. Service Road, in the Hughson area, APN’s: 018-056-014 and 018-056-015; finds 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 Assembly Bill (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(s), pursuant to Lot Line Adjustment Application No. PLN2019-0042, Fraser Family Trust; and, authorized the Director of Planning and Community Development to execute a new contract(s) – Planning 2019-0556

**Supervisor DeMartini left the Dias 9:33 a.m.**

Olsen/ Berryhill (4-0)(DeMartini abstained) **6.B.21** Approved the issuance of a Notice of Intent in accordance with Government Code Sections 6063 and 25350 to purchase the City of Modesto’s interest in the former Stanislaus Animal Services Facility, located at 2846 Finch Road in Modesto, CA for half the appraised value of \$375,000, less the cost of maintenance, repair and real estate costs; and, approved setting the date of 10/22/2019, to consider the purchase of City of Modesto’s interest in the property and

directed the Clerk of the Board to advertise the Notice of Intent to Purchase Real Property as required by Government Code – CEO C-6-N-3 2019-0552

**Supervisor DeMartini returned at 9:34 a.m.**

Chiesa/Berryhill unan. **7.1** Approved the design bridging documents for the Turlock Library Expansion Project, as prepared by WRNS Studios, Inc., and as recommended by the project team; approved the recommended pre-qualification of Roebbelen Contracting, Inc., and LDA Partners, Inc. the Design-Build team and key subconsultants outlined in the agenda item, as a result of the RFS/RFQ process approved by the Board on 12/11/2018 for the Turlock Library Expansion Project; authorized the Project Manager to request construction and pricing proposals from Roebbelen Contracting, Inc.; and, authorized the Project Manager to negotiate and sign contracts, amendments, work authorizations, and purchase orders for professional services needed for this project as long as they are within the project budget approved by the Board – CEO 2019-0557

Chiesa/Olsen unan. **6.B.13 Amended** the item to change the date and time of the community forum to the 11/19/2019, 6:30 p.m. meeting (from the 10/22/2019, 9:00 a.m. meeting) to receive a report from the Sheriff’s Department and hold a community forum regarding Immigration and Customs Enforcement access, pursuant to Government Code Section 7283.1(d); and, authorized the Clerk to publish notice as required by law – Sheriff 2019-0544

Berryhill/Olsen unan. **7.2** Declared an emergency in accordance with Public Contract Code Section 22050 to contract for emergency repairs at the PSCW, MHU1 and Support Services facilities located at 200 East Hackett Road, Modesto, CA; approved staff’s recommendation to act in accordance with Public Contract Code Sections 20134 and 22050 in order to make the immediate repairs at the PSCW, MHU1 and Support Services facilities; made the following findings: (a) The significant operational issues at the PSCW, MHU1 and Support Services facilities are occurring as the result of failing security electronic controls and fire alarm systems, as well as discontinued parts and equipment for these systems, and are creating potential public life safety issues; (b) The repair is necessary to ensure the safety of Sheriff’s staff and Public Safety Center personnel and to permit the continued conduct of essential County operations or services; and (c) The emergency will not allow for the delay that would result if the project were competitively bid, and the action to immediately repair the Agency’s impacted systems on an emergency basis is necessary; directed the Chief Operations Officer to serve as Project Manager for all aspects of the project; authorized the Project Manager to solicit and award a construction contract within the approved budget; authority to hire a Construction Manager within the approved budget; and all other actions necessary to carry out the repairs and handle the emergency; authorized the Project Manager to order any action appropriate to repair the firelife safety, secure electronic system and install/upgrade new security cameras, and to take any directly-related immediate action required by that emergency, and to procure the necessary equipment, services and supplies for those purposes, without giving notice for bids to let a contract; approved the Project Budget, based on staff’s recommendation and the Expert Consultant’s construction Estimate; directed the Auditor-Controller to transfer \$770,000 in appropriations from the PSC West Eval Project legal budget unit into a newly created capital project fund, the PSC Minimum Housing Unit Program Space fund, as detailed in the Budget Journal, attached to the agenda item; directed the Auditor-Controller to appropriate \$5 million of fund balance from the General Fund, which has been assigned for the purpose of upgrading the PSCW MHU1 and Support Services building, and transfer into the PSC West Eval Project fund as detailed in the Budget Journal, attached to the agenda item; and, required the CEO’s Office to report to the Board on the status of the emergency project at its next regularly scheduled meeting and every 14 days thereafter, as required by the Public Contract Code until the repairs are completed – CEO 2019-0558

DeMartini/Chiesa unan. **7.3** Approved an agreement with Hart InterCivic, Inc. to provide Stanislaus County a voting tabulation system and annual maintenance; authorized the Chairman to sign the agreement with Hart InterCivic, Inc. for the voting tabulation system and annual maintenance; and, authorized the Auditor-Controller to increase revenue and appropriations in the Clerk-Recorder budget in accordance with the Budget Journal, attached to the agenda item – Elections 2019-0559

**Supervisor Chiesa left at 10:12 a.m.**

A presentation was given by David Mendoza and Miguel Aguirre with the San Joaquin County Department of Public Works providing an update on the McHenry Avenue Corridor Improvements Project.

**Corr 1** Referred to the Department of Environmental Resources, a Notice of Intent to Adopt a Groundwater Sustainability Plan from the Eastern San Joaquin Groundwater Authority.

**Corr 2** Referred to the Department of Planning and Community Development, a letter from the U.S. Department of Housing and Urban Development regarding the approval of Stanislaus County's Annual Action Plan and the funding for those programs.

**Corr 3** Referred to County Counsel and the Auditor-Controller, two Claims for Refund of Property Taxes filed on behalf of Foster Dairy Number Two, LLC. and Foster Dairy Farms, a California Corporation regarding assessments for years 2015-16 through 2018-19.

**Corr 4** Referred to County Counsel and the Auditor-Controller, a Claim for Refund of Property Taxes filed on behalf of Foster Farms, LLC, formerly known as Fresno Farming, LLC, regarding assessments for tax year 2016-17 through 2018-19.

**Corr 5** Referred to County Counsel and the Auditor-Controller, a Claim for Refund of Property Taxes filed on behalf of Frantz Properties Family Limited Partnership, regarding assessments for tax year 2018-19.

**Corr 6** Referred to the Fish and Wildlife Committee, a letter from the California Fish and Game Commission regarding proposed regulations relating to the possession of Nutria.

**Corr 7** Referred to the Clerk-Recorder and Registrar of Voters, a notice from the Del Puerto Health Care District regarding the resignation of Sheree Lustgarten and the appointment of George Galloway Mac Master to their Board of Directors.

**Corr 8** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Randolph Wayne Johnson; James Grassmidt III; T.L. Thompson & Associates, A/S/O Beverly Dillard; Juan C. Alcantar; Caleb Flora; Trademark Pool and Spa, Inc.; Damian Pineda; Kimberly Johnson; Melinda Moore; and, Jordan R. Proch.

Supervisor Berryhill noted that he attended the California Council of Regional Homeless Advisors held 09/06/2019 at the Stanislaus County Veterans Center, and reported that he was impressed with County staff and Chairman Withrow's presentation.

Chairman Withrow reported that County staff did a great job at the Council of Regional Homeless Advisors meeting held 09/06/19 at the Stanislaus County Veterans Center.

Supervisor DeMartini announced that the Westside Healthcare Task Force is having its 10<sup>th</sup> Art & Essay contest, “Healthy Eating Keeps the Heart Beating.”

Supervisor Olsen reported, on behalf of Supervisor Chiesa, that the Hughson Town Hall meeting on 9/5/2019 was very successful.

CEO Hayes noted that he will provide a legislative update at the next Board meeting.

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

Rebecca Harrington voiced concerns regarding the Central Valley Recycling, Inc., listed on today’s agenda under closed session.

**13.1** Conference with Legal Counsel - Existing Litigation pursuant to Government code section 54956.9 (d)(1): Three Cases: Jeremy Lapachet v. California Forensic Medical Group, Inc., et al., U.S. District Court-Northern District of California, Case No. 16-CV-06959-DMR; Nunes v. County of Stanislaus, U.S. District Court-Northern District of California, Case Nos. 17-CV-00633-DAD-SAB & 19-CV-00204-AWI-BAM; and, People v. Donald G. Francis, Donald L. Frances, Central Valley Recycling, Inc., Stanislaus County Superior Court Case No. 18002813. No reportable action was taken in closed session.

Adjourned to closed session at: 10:42 a.m.

Adjourned at: 12:00 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.)