

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

Regular Session

Tuesday

October 22, 2019

All Supervisors Present

Pledge of Allegiance to the Flag

Invocation was given by Lyn Crase, Pastor from the Emmanuel Lutheran Church.

Terry Walker Dampier spoke in support of fair pay for In-Home Supportive Services workers.

Miguel Donoso spoke regarding the upcoming November 19, 2019 community forum regarding the Immigration and Customs Enforcement access. He requested that an interpreter attend this meeting, and that the documentation be translated into Spanish.

2019-0649

Berryhill/Chiesa unan. Adopted the consent calendar after removing from the Agenda item no. **5.B.15** Acceptance of the Report on the Retirement Replacement Benefits Program and Related Actions – Chief Executive Office; and removed from the consent, the following Agenda item Nos.: **5.B.11** Authorize the Negotiation and Execution of a Purchase and Sale Agreement with the City of Modesto to Purchase the City's Share of the Former Animal Services Location at 2846 Finch Road in Modesto, California for \$375,000 Minus Agreed Upon Maintenance and Real Estate Expenses – Chief Executive Office; **5.B.7.** Approval of 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 – Chief Executive Office; **5.B.13.** Approval to Use Public Facilities Fee Funds in the Amount of Up to \$85,000 for the Regional Transportation Impact Fee Update to the Stanislaus County Public Facilities Fee Program – Chief Executive Office; and, **5.C.2.** Approval to Authorize the Director of Public Works to Sign and Enter into Utility Agreements using the Standard Clauses Set Forth by the California Department of Transportation (Caltrans)

5.A.1 Approved the minutes of 10/01/2019

5.A.2 Appointed in lieu of landowner election Gregario Samano, Patrick Cerutti, Frank Freitas, Douglas Lucas, and Michael Dompe to the Newman Drainage District Board of Directors
2019-0624

5.A.3 Appointed in lieu of landowner election John Beltran, Joe Martini, Fred Vogel, and Maninder Sandu to the Oak Flat Water District Board of Directors
2019-0625

5.A.4 Appointed in lieu of landowner election Thomas Morris, Stephen Perez, and Henry Bettencourt to the El Solyo Water District Board of Directors
2019-0626

5.A.5 Appointed in lieu of landowner election Joe Sallaberry, Verl “Butch” Watkins, and Darin Bylsma to the Reclamation District 2063 Board of Directors
2019-0627

5.A.6 Declared a vacancy on the East Side Mosquito Abatement District Board of Trustees
2019-0628

5.A.7. Accepted the resignation from Joyce Buehner from the Commission on Aging
2019-0629

5.A.8. Accepted the resignation from Lieutenant Gregg Clifton from the Behavioral Health Board
2019-0630

5.A.9 Approved the request to consolidate the Salida Union School District’s two Bond Measures with the Presidential Primary Election to be held on 3/03/2020
2019-0631

5.A.10 Approved the request to consolidate the Patterson Joint Unified School District Bond Measure with the Presidential Primary Election to be held on 3/03/2020
2019-0632

- 5.A.11** Approved the request to consolidate the Stanislaus Union School District Bond Measure with the Presidential Primary Election to be held on 3/03/2020 2019-0633
- 5.A.12** Approved the request to consolidate the Newman-Crows Landing Unified School District Bond Measure with the Presidential Primary Election to be held on 3/03/2020 2019-0634
- 5.B.1** Approved Amendment No. 1 to the Independent Contractor Services Master Agreement with Clark Pest Control, Inc. for pest control services, to adjust the Agreement’s not-to-exceed limit from \$325,000 to \$573,000; approved Amendment No. 2 to the Independent Contractor Services Master Agreement with Jorgensen & Sons, Inc. for fire extinguisher services including maintenance, recharging, and testing, to adjust the Agreement’s not-to-exceed limit from \$250,000 to \$350,000; approved Amendment No. 2 to the Independent Contractor Services Master Agreement with Tri-Signal Integration, Inc. for fire alarm maintenance and repair services, to adjust the Agreement’s not-to-exceed limit from \$300,000 to \$400,000; and, authorized the Purchasing Agent to sign Amendments and any subsequent Amendments to the Agreements on behalf of the County – GSA 2019-0635
- 5.B.2** Approved Agreement #19-10457 with the California Department of Public Health for the Human Immunodeficiency Virus Surveillance Program for the term of July 1, 2019 through June 30, 2024; and, authorized the Health Services Agency Managing Director or her designee to sign and execute the agreement and any subsequent amendments – HSA 2019-0636
- 5.B.3** Approved Grant Agreement Number RR-CSHSA-19-22 with the California Department of Social Services for the Road to Resilience Program from July 1, 2019 through June 30, 2022 for the amount of \$1,800,000; authorized the Chairman of the Board of Supervisors to sign the Signature Designation for the Grant Agreement; and, authorized the Health Services Agency Managing Director or her designee to sign the Grant Agreement and any subsequent amendments – HSA 2019-0367
- 5.B.4** Authorized the Assistant Director of Emergency Services/Fire Warden to Act as the Authorized Agent for all Federal and State grants and funding activities initiated by the Stanislaus County Office of Emergency Services and the Office of the Fire Warden; authorized the Chairman of the Board of Supervisors to sign the Governing Body Resolution authorizing the Office of Emergency Services to obtain Federal funding from the Emergency Management Performance Grant (EMPG) and the Homeland Security Grant (HLSG) programs for Fiscal Years 2020-2021 (FY20), 2021-2022 (FY21), and 2022-2023 (FY22); and, adopted the Governing Body Resolution designating the Director of Emergency Services, Assistant Director of Emergency Services, and Program Manager as authorized agents for the purpose of applying for, claiming, modifying and overall administration of the EMPG and HLSG programs – OES 2019-0638
- 5.B.5** Approved to award an agreement with Center for Human Services for the provision of School Consultation Behavioral Health Integration Services, as a result of a Request for Proposal (RFP) process issued by Behavioral Health and Recovery Services (BHRS); authorized the Interim Behavioral Health Director, or his designee, to sign the agreement for School Consultation Behavioral Health Integration Services in the amount of \$200,000 for a term of 11/01/2019 through 06/30/2020; and, authorize the Interim Behavioral Health Director, or his designee, to sign amendments for additional services and payments for services up to \$100,000, budget permitting, throughout the term of the agreement – BHRS 2019-0639
- 5.B.6** 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 2019-0640
- 5.B.8** Authorized the Auditor-Controller to pay an invoice received one year after services were provided – BHRS 2019-0642

- 5.B.9** Approved the award of a Construction Agreement to George Reed Inc., of Modesto, California in the amount of \$1,103,493 for Roadway and Parking Lot Improvements at the Public Safety Center; authorized the Chief Operations Officer, Acting as Project Manager to execute the Agreement; authorized the Project Manager to sign work authorizations and contracts for professional services needed for this project, so long as they are within the project budget; approved the Project Budget and directed the Auditor-Controller to transfer appropriations within the CEO PFF-Intake and Release Project fund as detailed in the attached Budget Journal attached to the item; and, authorized the Project Manager to sign Change Orders up to \$25,000, consistent with the County’s Change Order Policy – CEO
2019-0643
- 5.B.10** Adopted the Mental Health Services Act Plan Update for FY 2019-2020 to allow the expenditure of MHSA funds for Innovations Projects agreements in the amount of \$4,442,259 over the term of the agreements; authorized the Interim Behavioral Health Director, or his designee, to sign and submit the Mental Health Services Act Plan to the Department of Health Care Services and the Mental Health Services Oversight and Accountability Commission; authorized the Auditor-Controller or designee to sign the Mental Health Services Act County Fiscal Accountability Certification certifying that the fiscal requirements have been met; approved the award of the agreements to Romeo Medical Clinic and Stanislaus County Office of Education for the provision of Mental Health Services Act (MHSA) Innovations Projects; and, authorized the Interim Behavioral Health Director, or his designee, to sign the agreements, and any amendments to add services and payments for services up to \$200,000, budget permitting, throughout the term of the agreements – BHRS
2019-0644
- 5.B.12** Approved an Update on emergency repairs to the Public Safety Center West, Minimum Housing Unit One, and Support Services Facility's Fire-Life Safety, Secure Electronics, and Video Surveillance Systems – CEO
2019-0646
- 5.B.14** Approved a resolution in support of the Central California Art League’s submission of a grant application to the California Arts Council; and, recognized that the Executive Director of Central California Art League will execute the 2020-2022 State-Local Partnership Grant contracts upon approval of the grant by the California Arts Council – CEO
2019-0648
- 5.C.1** Approved Amendment No. 2 to the Agreement with Dokken Engineering for \$171,398 to provide additional supplemental design, environmental construction support, and Right-of-Way services for the McHenry Avenue Widening project; and, authorized the Director of Public Works to execute the Amendment with Dokken Engineering in the amount of \$171,398, and to sign necessary documents – PW
2019-0650
- 5.D.1** Rescinded a portion of both Williamson Act Contract Nos. 1971-0089 and 1980-3715, located at Crabtree Road, between Crabtree Road and the Modesto Reservoir, in the Waterford area. Assessor’s Parcel Number (APNs): 008-004-009 (portion) and 008-004-017; 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. PLN2019-0001, Warner Gulch, LP – Stueve Brothers Farms of Oakdale, LLC; and, authorized the Director of Planning and Community Development to execute a new contract(s), pursuant to Lot Line Adjustment Application No. PLN2019-0001, Warner Gulch, LP – Stueve Brothers Farms of Oakdale, LLC – Planning 2019-0652

5.D.2 Set a public hearing for 11/05/2019, at the 9:00 a.m. meeting, to consider the Planning Commission’s recommendation for denial of Ordinance Amendment Application No. PLN2018-0037, Commercial Cannabis Ordinances, a request to amend Chapter 6.78 – Commercial Cannabis Activities and Chapter 21.20 - General Agriculture District (A-2) of the Stanislaus County Code; and, authorized the Clerk of the Board to publish a notice of public hearing as required by law – Planning ORD-56-Q-1 2019-0653

Olsen/Chiesa (4-0)(DeMartini Abstained) **5.B.11** Authorized the CEO, or his Designee working with County Counsel to negotiate and execute a Purchase and Sale Agreement for Real Property between the City of Modesto and the County for the City of Modesto’s interest in the former Animal Services Facility, located at 2846 Finch Road, Modesto, CA; finds that (1) the Notice of Intent to purchase Real Property, located at 2846 Finch Road in Modesto, CA, Assessor’s Parcel Number 039-010-002, was published by the Clerk of the Board, as per Government Code Section 25350, and (2) pursuant to Government Code Section 65402(b), the City of Modesto’s Planning Commission confirmed the purchase of the property is consistent with the City’s General Plan; and, authorized the execution of any agreements and documents needed to complete the purchase of this property – CEO C-6-N-8 2019-0645

Olsen/DeMartini unan. **5.B.7** 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 C-6-N-7 2019-0641

Olsen/DeMartini unan. **5.B.13** Approved the use of Public Facilities Fee funds up to \$85,000 to update the Regional Transportation Impact Fee to the Stanislaus County Public Facilities Fee program; and, directed the Auditor Controller to transfer Public Facilities Fee revenue and increase appropriations in the Chief Executive Office Operations and Services budget unit in the amount of \$85,000 as detailed in the budget journal attached to the agenda item – CEO M-64-M-1 2019-0647

Olsen/DeMartini unan. **5.C.2** Approved the standard clauses, set forth by the California Department of Transportation (Caltrans), when entering into Utility Agreements for projects administered through the Caltrans Division of Local Assistance; authorized the Director of PW to sign and enter into Utility Agreements using the standard clauses set forth by the California Department of Transportation (Caltrans), as needed, for PW projects through 12/31/2020; and, authorized the Director of PW to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2019-0651

Chiesa/Olsen unan. **6.1** Accepted the update on the rebranding of the HR, Benefits, and Risk Management units of the Chief Executive Office, including a name change to establish the HR Relations Division of the CEO – CEO 2019-0654

DeMartini/Berryhill unan. 7.1 Conducted a public hearing to introduce and waive the first reading of Ordinance C.S. 1256 to amend existing fees for the County Clerk-Recorder - Elections Division
ORD-56-P-2 2019-0655

Olsen/Chiesa (4-1)(DeMartini Opposed) 7.2 Conducted a public hearing to consider the Planning Commission's recommendation for denial of Use Permit and Development Agreement application No. PLN2018-0115, Empire Health and Wellness, located at 4725 Yosemite Boulevard (State Route 132), between A and B Streets, in the Community of Empire; finds that no further analysis under California Environmental Quality Act (CEQA) is required pursuant to CEQA Guidelines Section 15183 (Consistency 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) a waiver or reduction of setback requirements of County Code Section 6.78.120(A)(6) will not result in the material detriment to the welfare or the property of persons located in the vicinity as a result of the project development; 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. PLN2018-0115 – Empire Health and Wellness, subject to the attached Conditions of Approval from the 08/15/2019 Planning Commission Staff Report; authorized the Stanislaus County Chairman of the Board of Supervisors to execute the attached Development Agreement; and, introduced, waived the reading, and adopted Ordinance C.S. 1255 for the approved Development Agreement – Planning

ORD-56-P-1 2019-0656 & 2019-0657

Corr 1 Referred to the Clerk-Recorder and Registrar of Voters a letter regarding the resignation of Sean McCarthy from the Keyes Community Services District Board of Directors.

Corr 2 Referred to the Stanislaus County Superintendent of Schools the San Joaquin County Office of Education the Fiscal Year 2019-20 Annual Report for the John B. Allard Community School and the Stanislaus Military Academy, Empire as required by the Williams Settlement.

Corr 3 Refer 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 Frantz Properties Family Limited Partnership, regarding assessments for tax year 2018-19.

Corr 5 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 2011-12 through 2018-19.

Corr 6 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Gilberto P. Mata; Natalie Valencia; Saul Martinez; John Miller III; Jerry D. Vessel Jr; Angelo Jacob IV; Manuel & Cindy Brasil; Gabriel Joseph Hurtado; Joseph Nathan Egbert; Ramon Brown Jr.; Dustin Richardson; and, Claudia Marin.

Supervisor DeMartini noted that the San Joaquin Valley Regional Association of California Counties Annual Conference will be held in Modesto on 10/24/2019 & 10/25/2019 at the Double Tree Hotel.

CEO Hayes noted that he will update the Board at a future meeting regarding the State Budget and pending legislation.

CEO Hayes announced that there will be an Open House for the Access Center Emergency Shelter on Tuesday, November 5, 2019 at 1:30 p.m., at 330 9th Street, Modesto, CA.

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 11:03 a.m.

13.1 Conference with Legal Counsel - Anticipated Litigation: Pursuant to Government Code Section 54956.9 (d)(4). One case. No reportable action was taken in closed session.

Adjourned at 11:36 a.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.)