

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

Regular Session

Tuesday

February 25, 2020

All Supervisors Present

Pledge of Allegiance to the Flag

Invocation was given by Pastor Michael Schiefelbein with College Avenue United Church of Christ.

Robert Riess from Environmental Resources received his 25-year Employee Service Award. Roger Lovell from the Auditor-Controller's Office received his 30-year Employee Service Award.

Margaret Countryman voiced concerns regarding the City of Modesto Board of Zoning Adjustment's decision concerning a neighbor's second story addition.

Katherine Borges, Salida resident, voiced concerns regarding a proposed multi-story project being built behind her home.

Chiesa/Withdraw unan. Adopted the consent calendar after removing from the agenda item **5.C.3** Approval to Adopt Plans and Specifications for the Hickman Road Bridge Replacement Project and Award the Construction Contract to MCM Construction, Inc. of North Highlands, California 2020-0082

**5.A.1** Approved the minutes of 02/11/2020

**5.A.2** Amended the 2020 meeting calendar for the Stanislaus County Board of Supervisors to reinstate the meeting on 11/10/2020 and cancel the meeting on 11/17/2020

2020-0066

**5.A.3** Appointed Jose Henry Ibarra to the Stanislaus County Economic Development Action Committee

2020-0067

**5.A.4** Appointed Rodney Gambini to the Oakdale Rural Fire Protection District

2020-0068

**5.A.5** Accepted the resignation of Romero Davis from the Stanislaus County Child Abuse Prevention Council

2020-0069

**5.A.6** Accepted the resignation of Mark Brubaker from the Salida Fire Protection District Board of Directors

2020-0070

**5.B.1** Approved an agreement with Sierra Vista Child and Family Services for the provision of Specialty Mental Health Services (SMHS) in a Short-Term Residential Therapeutic Program (STRTP) in the amount of \$1,224,000; approved Amendment No. 2 to the agreement with Aspiranet for the provision of SMHS in a STRTP to increase the contract maximum by \$1.2 million, from \$500,000 to \$1.7 million; approved Amendment No. 2 to the agreement with Creative Alternatives, Inc. for the provision of SMHS in an STRTP to increase the contract maximum by \$400,000, from \$500,000 to \$900,000; authorized the Interim Behavioral Health Director, or designee, to sign the agreement with Sierra Vista Child and Family Services and amendments to the agreements with Aspiranet and Creative Alternatives, Inc. for the provision of SMHS in STRTPs; and, authorized the Interim Behavioral Health Director, or designee, to sign amendments to these agreements for up to \$150,000 each, budget permitting, throughout FY 2019-2020 and FY 2020-2021 – BHRS

2020-0071

- 5.B.2** Awarded nine agreements for the provision of RAIZ Promotores Mental Health Prevention Program services in nine geographical areas of Stanislaus County to various contractors as a result of a RFP process issued by BHRS; authorized the Interim Behavioral Health Director, or designee, to sign the nine agreements for RAIZ Promotores Mental Health Prevention Program totaling \$860,025, for the term of 03/01/2020, through 06/30/2021; and, authorized the Interim Behavioral Health Director, or designee, to sign amendments for additional services and payments for services up to \$150,000, budget permitting, throughout the term of the agreements – BHRS 2020-0072
- 5.B.3** Authorized the Chairwoman of the Board to sign Governing Body Resolutions authorizing the OES to obtain Federal funds from the Emergency Management Performance Grant Program (EMPG) for FY 2019-2020 (FY 2019) and 2020-2021 (FY 2020); and, adopted the Governing Body Resolutions designating the Director of Emergency Services, Assistant Director of Emergency Services and Program Manager of Emergency Services as authorized agents for the purpose of applying for, claiming, modifying and overall administration of EMPG – OES 2020-0073
- 5.B.4** Approved the use of \$12,000 from the Community Development Fund to pay \$12,000 toward a \$15,241.30 invoice for urgent water well repairs; and, directed the Auditor-Controller to make the necessary budget adjustments per the budget journal, attached to the agenda item – CEO DCS-11-24 2020-0074
- 5.B.5** Approved the award of a Design-Build Construction Contract to Roebbelen Contracting Inc., of El Dorado Hills, CA, for \$3,683,982 to complete the Empire Branch Library Replacement Project; authorized the COO, acting as Project Manager, to execute the contract; authorized the Project Manager to sign contracts and work authorizations needed for professional services for this project, so long as they are within the approved project budget; directed the Auditor-Controller to increase revenue and appropriations by \$4,251,901 in the CEO Empire Library Replacement Project budget as detailed in the budget journal, attached to the agenda item; authorized the Project Manager to execute change orders for up to \$25,000, so long as they are within the project budget, consistent with the County's Change Order Policy; and, authorized the Project Manager to use public funds for a groundbreaking ceremony and a ribbon cutting celebration – CEO 2020-0075
- 5.B.6** 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 along with the abatement of water damage found in the mechanical chases at the Public Safety Center West – CEO 2020-0076
- 5.B.7** 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 2020-0077
- 5.B.8** 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 – CEO C-6-O-4 2020-0078
- 5.B.9** Authorized participation in the U.S. Census 2020 Boundary Validation Program; authorized the Chairwoman of the Board to sign the Initial 2020 Boundary Validation Program form; authorized the Chair to sign all future Boundary Validation Program forms; and, directed Planning & Community Development staff to submit the signed 2020 Boundary Validation Program form – CEO 2020-0079
- 5.C.1** Approved the Plans and Specifications for the Urban Pavement Preservation – Phase C Project; awarded a construction contract to Pavement Coatings Co. of Sacramento, CA for the Urban Pavement Preservation – Phase C Project; authorized the Director of Public Works to execute a contract with Pavement Coatings Co. in the amount of \$2,495,500 and to sign necessary documents; authorized the Director of Public Works to execute change

orders, not to exceed 10%, in accordance with the Public Contract Code, Sections 20137 and 20142; authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities upon project completion; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2020-0080

**5.C.2** Approved the Plans and Specifications for the 2019 ADA Curb Ramp Project; awarded a construction contract to FBD Vanguard Construction, Inc. of Livermore, CA for the 2019 ADA Curb Ramp Project; authorized the Director of Public Works to execute a contract with FBD Vanguard Construction, Inc. in the amount of \$848,880.50 and to sign necessary documents; authorized the Director of Public Works to execute change orders, not to exceed 10%, in accordance with the Public Contract code, Sections 20137 and 20142; authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities upon project completion; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2020-0081

**5.D.1** Rescinded Williamson Act Contract No. 72-1169, located on Highway 108, between Adams Gravel Plant Road and Walker Road, in the Oakdale area, APN: 062-001-015; 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. PLN2017-0049, Burchell Nursery & Risetto; and, authorized the Director of Planning and Community Development to execute a new contract – Planning 2020-0083

**5.D.2** Rescinded a portion of both Williamson Act Contract Nos. 1971-0106 and 2013-0014, located at 1249 Swanson Road, between the Tuolumne River and the T.I.D. Ceres Main Canal, in the Waterford area, Assessor's Parcel Number (APNs): 019-005-005, 019-005-006, and 019-003-002; approved a new contract(s), pursuant to Lot Line Adjustment Application No. PLN2018-0170, Short Ranch Partnership; authorized the Director of Planning and Community Development to execute a new contract(s), pursuant to Lot Line Adjustment Application No. PLN2018-0170, Short Ranch Partnership; finds that, pursuant to Government Code Section 51257 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; finds 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; finds at least 90 percent of the land under the former contract, or contracts, remains under the new contract, or contracts; finds 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; finds 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; finds the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; and, finds 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 – Planning 2020-0084

Berryhill/Withrow unan. **7.1** Introduced and waived the first reading of Ordinance C.S. 1269 amending Stanislaus County Code Chapter 6.85 Hemp Cultivation – Agricultural Commissioner  
ORD-56-T-2 2020-0089

Berryhill/Chiesa unan. **6.1** Conducted a public hearing to consider the Planning Commission’s recommendation for approval of Use Permit and Development Agreement Application No. PLN2018-0096 – Truleaf, a request to allow indoor commercial cannabis cultivation, manufacturing (non-volatile), and distribution activities, within an existing 20,724 square foot building, located at 4622 Glass Court between Glass Lane and Galaxy Way, south of Kiernan, in the Modesto area; finds that no further analysis under 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; 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 value; (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. PLN2018-0096 – Truleaf, subject to the Planning Commission’s recommendations as outlined in the 01/16/2020 Planning Commission minutes excerpt, attached to the agenda item; authorized the Stanislaus County Chairwoman of the Board to execute the Development Agreement, attached to the agenda item; and, introduced, waived the reading, and adopted Ordinance C.S. 1266 for the approved Development Agreement – Planning ORD-56-S-1 2020-0085 & 2020-0086

Olsen/Chiesa (3-1-0)(DeMartini opposed)(Withrow recused) **6.2** Conducted a public hearing to consider the Planning Commission’s recommendation for denial of Use Permit and Development Agreement Application No. PLN2018-0163, Blue Oak Naturals LLC, a request to operate a mixed-light commercial cannabis cultivation business, in the A-2-40 (General Agriculture) zoning district, located at 778 Albers Road, between Yosemite Boulevard (SR 132) and Dusty Lane, 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 Resources Code Section 21152 and CEQA Guidelines Section 15075; On the basis of the whole record, 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 or on other contracted lands in the A-2 zoning district, uses that significantly displace 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; (e) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; 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 and Development Agreement Application No. PLN2018-0163, Blue Oak Naturals, LLC, subject to the Conditions of Approval of the 01/16/2020 Planning Commission Staff Report; authorized the Stanislaus County Chairwoman of the Board to execute the Development Agreement attached to the agenda item; and, introduced, waived the reading, and adopted Ordinance C.S. 1267 for the approved Development Agreement – Planning        ORD-56-S-2 2020-0087 & 2020-0088

**Corr 1** Referred to the Department of Planning and Community Development, a letter from the U.S. Department of Housing and Urban Development (HUD) regarding the performance assessment of Stanislaus County's Community Development Block Grant and the Emergency Solutions Grant programs for Program Year 2018.

**Corr 2** Referred to County Counsel and the Auditor-Controller, a Claim for Refund of Property Taxes filed on behalf of The House Modesto, Inc., regarding assessments for tax years 2013-2014, 2014-2015, 2015-2016, 2016-2017, 2017-2018 and 2018-2019.

**Corr 3** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Amber Johnsen; David Wilson; Jane Drumm; Joseph A. Androvich, Attorney for Claimant, on behalf of Marie Kimball on behalf of Karolene Kimball; and, Alfonso Vargas.

Supervisor Chiesa reported that the Turlock Public Library Groundbreaking Ceremony held on Saturday, 02/22/2020 was a success.

Supervisor DeMartini noted that McClatchy, the newspaper publishing company, has filed for bankruptcy.

Chairwoman Olsen announced there will be a community meeting in Waterford this Thursday, 02/27/2020 at 6:30 p.m. at Waterford Community Bible Church where the Sheriff will review information presented at the Truth Act Forum. Chairwoman Olsen and CEO Hayes will also be in attendance at this meeting.

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 11:20 a.m.

**Supervisor Berryhill left at 11:20 a.m.**

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

**12.2** Conference with Legal Counsel - Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). One Case: James Jack Jr. v. County of Stanislaus, et al. United States District Court, Eastern District Case No. 17-CV-0520. No reportable action was taken in closed session.

Adjourned at 12:34 p.m.

ATTESTED: ELIZABETH A. KING, Clerk  
of the Board of Supervisors  
of the County of Stanislaus  
State of California

BY: KELLY RODRIGUEZ, Deputy 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.)