

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

Regular Session

Tuesday

December 4, 2018

Supervisor Olsen Absent

Pledge of Allegiance to the Flag

A moment of silence was held for Stanislaus County Sheriff's Deputy Antonio "Tony" Hinostroza and President, George H.W. Bush.

Invocation was given by Pastor Jim Applegate with Redeemer Church.

Chairman DeMartini spoke about the Adopt a Pet program and Stanislaus Animal Services staff presented two dogs that are eligible for adoption.

Tom Changnon, Stanislaus County Superintendent of Schools, was recognized upon his retirement and presented with a commendation.

Charmaine Monte and Elizabeth Escalante from Stanislaus County Office of Education presented awards to the Red Ribbon Week 2018 Best Decorated School Contest winners. The Elementary Division winners were: 1st Place Stroud Elementary School; 2nd Place Apricot Valley Elementary School; and, Carrol Fowler Elementary School. The Middle School/Junior High Division winners were: 1st Place Cardozo Middle School; 2nd Place Turlock Junior High School; 3rd Place Glick Middle School; and, Honorable Mention Riverbank Language Academy. The High School Division winners were: 1st Place Hughson High School; 2nd Place Elliot Education Center; 3rd Place Denair High School; and, Honorable Mention Roselawn High School.

Withdraw/Chiesa (4-0)(Olsen absent) Adopted the consent calendar

- 6.A.1** Approved the minutes of 11/20/2018
- 6.A.2** Appointed Debby Schneider to the Salida Municipal Advisory Council 2018-0574
- 6.A.3** Appointed Peter Joseph Dean to the Stanislaus County Behavioral Health Board
2018-0575
- 6.A.4** Appointed Kimberly Stokes to the Stanislaus County Hazardous Waste Management
Advisory Committee 2018-0576
- 6.B.1** Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding the
property at 222 B Street, Empire, CA, CE No. 18-0123, as set forth in Attachment 1, of the
agenda item – DER 2018-0577
- 6.B.2** Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding the
property at 4122 Anna Avenue, Keyes, CA, CE No. 18-0056, as set forth in Attachment 1,
of the agenda item – DER 2018-0578
- 6.B.3** Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding the
property at 4128 Anna Avenue, Keyes, CA, CE No. 18-0115, as set forth in Attachment 1,
of the agenda item – DER 2018-0579
- 6.B.4** Approved closing select Stanislaus County Libraries on Monday, 12/31/2018 at 5:00 p.m.
– Library 2018-0580

- 6.B.5** Approved the award of a Professional Services Agreement to Teter, LLP, of Fresno, CA, for Architectural and Engineering Design Services in an amount not to exceed \$240,331 as a result of a RFP/Q process for design services for remodel of the Clerk-Recorder Office first floor lobby and counter area located at 1021 I Street in Modesto, CA; authorized the Chief Operations Officer, acting as Project Manager to negotiate and execute the agreement with Teter LLP, and issue a Notice to Proceed to initiate the project planning and conceptual design, contingent upon receipt of an executed agreement and required certificates of insurance; directed the Auditor-Controller to transfer appropriations of \$200,331 from Fixed Assets to Services and Supplies as detailed in the budget journal, attached to the agenda item; authorized the Project Manager to negotiate and sign contracts, work authorizations and purchase orders for professional services needed in this phase of the project, within the approved budget; and, authorized the Project Manager to sign change orders up to \$25,000, consistent with the County’s Change Order Policy – CEO 2018-0581
- 6.B.6** Accepted the third update in accordance with Public Contract Code Sections 20134 and 22050 for emergency remediation/repairs at 10th Street Place, to repair exterior water damage on the south side of the facility – CEO 2018-0582
- 6.B.7** Accepted the tenth 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 2018-0583
- 6.B.8** Approved the biennial amendments to the Bylaws of the Stanislaus County Employees’ Retirement Association (StanCERA) as approved by the Board of Retirement on 04/24/2018 and 11/27/2018 – StanCERA 2018-0584
- 6.B.9** Approved to increase appropriations in the County Fire Service Fund by \$650,000 and expend an amount not to exceed \$650,000 from the Less Than County Wide Fire Tax Fund for the Fire Radio Communications Project; accepted the recommendations of the Stanislaus County Regional Fire Authority to expend an amount not to exceed \$650,000 from the Less Than County Wide Fire Tax Fund Balance for the implementation of a (2) phase Fire Radio Communications Project; authorized the use of up to \$650,000 in the County Fire Service Fund Balance for the Fire Radio Communications Project; and, authorized the Auditor-Controller to make the adjustments as recommended and outlined in the budget journal, attached to the agenda item – OES 2018-0585
- 6.B.10** Accepted the Annual Local Detention Facilities Health Inspection Report Pursuant to Health and Safety Code Section 101045 – HSA 2018-0586
- 6.B.11** Approved a Master Agreement with Universal Protection Service, LP dba Allied Universal Security Services of Stockton, CA for security guard services for a not to exceed amount of \$17,825,000 effective 01/04/2019 through 01/04/2024 with two one-year renewal options; and, authorized the Purchasing Agent to sign the Master Agreement and any subsequent amendments to the Master Agreement of behalf of the County – GSA 2018-0587
- 6.B.12** Accepted the Accountant’s Report on the Stanislaus County Treasurer’s Statement of Assets as of 09/26/2018 – Auditor-Controller 2018-0588
- 6.B.13** Authorized the Chief Operations Officer to issue a RFP for on-call Architectural Services; and, directed staff to return to the Board to award Professional Services Agreements for these services – CEO 2018-0589

- 6.B.14** Introduced and waived the first reading of ordinance C.S. 1222 amending Stanislaus County Code Section 3.36.030 related to payment for accrued vacation upon separation from County employment, Section 3.40.010 related to sick leave earning rate and use, Section 3.40.020 related to Medical Certificates, Section 3.44.010 related to leaves of absences and Section 3.44.020 related to request and approval for leaves of absences; and, approved the updated Stanislaus County Personnel Policy Manual Tab 11 – Leave Time Benefits – CEO
ORD-56-D-5 2018-0590
- 6.B.15** Awarded a Construction Contract with Taylor Backhoe Services Inc., of Merced CA for \$194,235 for Site Improvements at CCIII; authorized the Chief Operations Officer acting as Project Manager, to execute the agreement; authorized the Project Manager to negotiate and issue work orders for professional services as needed for the project, so long as they are within the project budget; and, authorized the Project Manager to issue Change Orders for up to \$25,000, consistent with the County’s Change Order Policy – CEO 2018-0591
- 6.C.1** Approved Amendment No. 2 to the Lease Agreement with Community Sharing Christian Center, Inc., for the use of real property at the Public Works Oakdale Yard; and, authorized the Purchasing Agent to execute the Lease Amendment – PW 2018-0592
- 6.C.2** Approved Amendment No. 3 to the professional design services agreement for additional environmental permitting and construction support services to NV5, Inc., in the amount of \$182,365 for the Crows Landing Road over San Joaquin River Bridge Replacement Project; authorized the Director of Public Works to execute the amendment with NV5, Inc. in the amount of \$182,365, for a not to exceed amount of \$2,092,468, and to sign necessary documents; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW
2018-0593
- 6.C.3** Approved the 2018 East Stanislaus Integrated Regional Water Management Plan (ESIRWMP) Update; approved a resolution to adopt the ESIRWMP Update; and, finds that the ESIRWMP Update is exempt from the CEQA under Public Resources Code Section 21065 and Section 15378 of the State CEQA Guidelines – PW 2018-0594

Supervisor Withrow left at 9:32 a.m.

Supervisor Withrow recused himself from Item 7.1

Monteith/Chiesa (3-0)(Withrow recused)(Olsen absent) **7.1** Conducted a public hearing to consider Specific Plan, General Plan Amendment and Rezone Application No. PLN2013-0091, Crows Landing Industrial Business Park (CLIBP), to adopt a Specific Plan, amended the General Plan designation from Agriculture to Specific Plan, and rezone from A-2-40 (General Agriculture) to S-P(2) (Specific Plan) (the “Project”) to allow for development of a 1,528 acre site to support a mix of aviation-compatible industrial and business park uses, general aviation, aviation-related land uses, public facilities, a multimodal (bicycle/pedestrian) transportation corridor, and supportive infrastructure and a 370 acre public-use airport, located at the northeast corner of Fink and Bell Roads, east of Davis Road, south of W. Marshall Road, in the Crows Landing area; finds that on 10/30/2018, the Board of Supervisors, acting as Lead Agency, certified the Environmental Impact Report (EIR) for the Crows Landing Industrial Business Park Specific Plan and associated updates to the Stanislaus County Airport Land Use Commission Plan in accordance with the California Environmental Quality Act (CEQA), adopted the Findings and Statement of Overriding Considerations and adopted the Mitigation Monitoring and Report Program (MMRP) for the project, and finds that all mitigation measures as reflected in the adopted MMRP have been incorporated into the CLIBP Specific Plan; finds that on the basis of substantial evidence in light of the whole record, none of the conditions identified in CEQA Guidelines section 15162 or 15163 have occurred to necessitate preparation of a Subsequent EIR or Supplement EIR; finds that the project is

considered a Water Demand Project in accordance with CEQA Section 15155(a)(1) and the County conducted a water supply assessment in compliance with Senate Bill 610 and will explore three alternative and select a preferred alternative prior to the initiation of Phase 1 of the project; ordered the filing of a Notice of Determination with the Stanislaus County Clerk Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; finds that the CLIBP Specific Plan: (a) is consistent with the maps, goals, and policies of the adopted Stanislaus County General Plan; (b) helps to achieve a balanced community to promote health, safety, and general welfare; (c) results in development of character which will not be detrimental to existing and proposed development in the surrounding area; (d) contributes to a balance of land uses so that local residents may work and have available services and goods from the larger community in which they live; (e) addresses the environmental and aesthetic assets of the community; (f) demonstrates long-term and short-term availability of those services necessary to serve the development and they will be provided at no net expense to public agencies; (g) demonstrates a design superior to that which could be attained through traditional permit process by promoting the development of land uses, through the reuse of the Crows Landing Industrial Navel Facility, that will support job creation providing for local employment opportunities, including opportunities for residents of Stanislaus County, some of whom may be currently unemployed or commuting to job sites located outside of the County; finds 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 government agencies will be able to maintain levels of service consistent with the ability of government agencies to provide a reasonable level of service; (c) the General Plan amendment is consistent with the General Plan goals and policies; (d) overall, the CLIBP Specific Plan is consistent with the goals and policies of the General Plan; (e) there is evidence on the record to show a demonstrated need for the CLIBP Specific Plan based on population projections, past growth rates, and other pertinent data; (f) no feasible alternative site exists in areas already designated for the CLIBP Specific Plan uses; (g) approval of the CLIBP Specific Plan will not constitute a part of, or encourage, piecemeal conversion of a larger agricultural area to non-agricultural uses; (h) the CLIBP Specific Plan is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural lands or adversely affect agricultural water supplies; (i) adequate and necessary public services and facilities are available or will be made available as a result of the development; (j) the design of the proposed project has incorporated all reasonable measures, as determined during the environmental review process, to mitigate impacts to agricultural lands, fish and wildlife resources, air quality, water quality and quantity, or other natural resources; (k) the proposed S-P(2) (Specific Plan) zoning is consistent with Specific Plan General Plan designation; (l) the Airport Layout Plan and Narrative Report, Appendix D of the CLIBP Specific Plan, is consistent with the CLIBP Specific Plan; (m) overall, the CLIBP Specific Plan will be consistent with the goals and policies of the Airport Land Use Compatibility Plan as amended; and, (n) the CLIBP Specific Plan will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvement; approved Specific Plan, General Plan Amendment and Rezone Application No. PLN2013-0091, Crows Landing Industrial Business Park, as recommended by the Planning Commission, including an update to the project phasing timelines as outlined in the 11/15/2018 Planning Commission Staff Report, attached to the agenda item; and, introduced, waived the reading, and adopted ordinance C.S. 1221 for the approved Specific Plan Rezone Application No. PLN2013-0091, Crows Landing Industrial Business Park Project – Planning

ORD-56-D-4 2018-0595
2018-0596

Supervisor Withrow returned at 10:07 a.m.

Chiesa/Monteith (4-0)(Olsen absent) unan. **7.2** Accepted the Sheriff Department's 2017 Report on Immigration and Customs Enforcement Access pursuant to Government Code Section 7283.1(d); and, conducted a Community Forum pursuant to Government Code Section 7283.1(d) – Sheriff 2018-0597

Corr 1 Acknowledged receipt of the California State Association of Counties Excess Insurance Authority 2018 Annual Report.

Corr 2 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Zabdiel Pineda; Frank Silva; Nancy Newhoff; Maria Gutierrez; and, Frank Silva (2).

Supervisor Chiesa reported that he, along with Supervisor Olsen, Supervisor-Elect Berryhill, CEO Hayes and PIO Vickery, all attended the Annual California State Association of Counties Conference held in San Diego last week.

Supervisor Withrow noted that his wife is in the Nutcracker being held at the Gallo Center for Arts this Friday night. He announced the he has a new grandson that was recently born. Supervisor DeMartini reported the Westside Healthcare Task Force completed judging its Arts and Essay Contest. He presented awards to Patterson School District and will be going to Newman and Gustine School Districts soon.

CEO Hayes reported that the State Legislature is back in session, and he will have an update next week. He noted that the County is currently working on the 2019 Legislative Platform, and a draft will be available for review soon.

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 10:20 a.m. for Conference with Legal Counsel - Significant Exposure to Litigation: One matter. Government Code Section 54956.9 (d)(2). Conference with Labor Negotiator - Agency Negotiators: Jody Hayes, Tamara Thomas, Brandi Hopkins and, Monica Coryea. Labor Organization: Service Employees International Union, Local 521. Government Code Section 54957.6.

Adjourned at 11:48 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.)