

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

Regular Session

Tuesday

February 26, 2019

All Supervisors Present\*

Pledge of Allegiance to the Flag

\*Pursuant to Government Code §54953(b), this meeting included a teleconference location at Niskanen Center 820 First St. NE Suite 675, Washington, DC. Supervisor Olsen attended the Regular Meeting via teleconference. The public was allowed the opportunity to address the Board at this teleconference location pursuant to Government Code Section §54954.3. All votes during the teleconferencing session were conducted by roll call vote. The teleconference location was accessible to the public and the agenda was posted at the teleconference location 72 hours before the meeting.

A moment of silence was held for Attorney Marlon Simon in the Public Defender's Office.

Invocation was given by Michael Douglass with Advancing Vibrant Communities.

Tamra Losinski, Executive Director for Family Promise, gave an update regarding their re-housing program and thanked the Board for their support.

Carmen Sabatino voiced concerns regarding the Modesto 2000 Committee.

Matt Harrington, Chairman of the South Modesto MAC, noted possible flooding of a mobile home park on River Road. He also reported that California Rural Legal Assistance (CRLA) has recently contacted community members regarding signing agreements to close alleyways, and he would like CRLA to contact the MAC first.

Prior to consideration of the consent calendar, CEO Hayes announced in accordance with Government Code Section 54953(c)(3), that agenda item **5.B.9** Authorized a starting annual salary of \$210,000, plus department head benefits as set forth in the benefit summary, attached to the agenda item, including participation in the County management Pay-for-Performance program for Thomas Boze effective 03/30/2019.

DeMartini/Chiesa unan. Adopted the consent calendar

- 5.A.1** Approved the minutes of 02/12/2019
- 5.A.2** Declared a vacancy on the Nuisance Abatement Hearing Board 2019-0093
- 5.A.3** Declared a vacancy on the Stanislaus County Local Task Force on Solid Waste Management 2019-0094
- 5.A.4** Appointed Lars P. Willerup to the Stanislaus County Planning Commission 2019-0095
- 5.A.5** Appointed Tanya Gemperle-Goncalves to the East Stanislaus Resource Conservation District Board of Directors 2019-0096
- 5.A.6** Accepted the resignation of Ray Martin from the Oakdale Rural Fire Protection District Board of Directors 2019-0097
- 5.A.7** Proclaimed the month of March 2019 as Social Work Recognition Month in Stanislaus County 2019-0098
- 5.A.8** Approved the Amended Conflict of Interest Code for the Empire Union School District 2019-0099

- 5.A.9 Approved the Amended Conflict of Interest Code for the Modesto City Schools District  
2019-0100
- 5.A.10 Approved the Amended Conflict of Interest Code for the Housing Authority of the County of Stanislaus  
2019-0101
- 5.A.11 Approved the Conflict of Interest Code for the Sand Creek Flood Control District  
2019-0102
- 5.B.1 Approved a professional services agreement with Center for Human Services for family reunification and family maintenance mental health services; and, authorized the CSA Director, or her designee, to sign the agreement, and any amendments up to \$75,000 with Center for Human Services to provide family reunification and family maintenance mental health services – CSA  
2019-0103
- 5.B.2 Approved the request from the governing board of Riverdale Park Tract Community Services District to consolidate and hold future elections on the same day as the Statewide General Election conducted in even-numbered years – Elections  
2019-0104
- 5.B.3 Approved the request from the governing board of Crows Landing Community Services District to consolidate and hold future elections on the same day as the Statewide General Election conducted in even-numbered years – Elections  
2019-0105
- 5.B.4 Approved the request from the governing board of Grayson Community Services District to consolidate and hold future elections on the same day as the Statewide General Election conducted in even-numbered years – Elections  
2019-0106
- 5.B.5 Approved the request from the governing board of Westley Community Services District to consolidate and hold future elections on the same day as the Statewide General Election conducted in even-numbered years – Elections  
2019-0107
- 5.B.6 Approved the request from the governing board of Knights Ferry Community Services District to consolidate and hold future elections on the same day as the Statewide General Election conducted in even-numbered years – Elections  
2019-0108
- 5.B.7 Approved the request from the governing board of the Paradise Elementary School District to consolidate and hold future elections on the same day as the Statewide General Election conducted in even-numbered years – Elections  
2019-0109
- 5.B.8 Approved a resolution to consolidate future elections for all nine Stanislaus County Municipal Advisory Councils on the same day as the Statewide General Election conducted in even-numbered years; and, directed the Wood Colony Municipal Advisory Council to update Section III of its bylaws pursuant to Exhibit A – CEO  
MAC-3-19, MAC-02-A-7, MAC6-10, MAC-08-03, MAC-5-13, MAC-4-22,  
MAC-1-A-12, MAC-07-5, MAC-09-3  
2019-0110
- 5.B.9 Authorized a starting annual salary of \$210,000, plus department head benefits as set forth in the benefit summary, attached to the agenda item, including participation in the County management Pay-for-Performance program for Thomas Boze effective 03/30/2019 – CEO  
2019-0111
- 5.B.10 Accepted the fifteenth 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  
2019-0112
- 5.C.1 Finds that all subdivision improvements for tentative parcel map PLN2017-0120 Dennis Hensley/Ray Main have been installed to the satisfaction of Stanislaus County; authorized the Chairman to sign the final map; and, directed Public Works to record the final map for Tentative Subdivision Map PLN2017-0120 Dennis Hensley/Ray Main – PW  
2019-0113

**5.C.2** Approved the Amendment to Lease No. PRC 2961.9 with the California State Lands Commission (SLC) for the Hickman Road over Tuolumne River Bridge Replacement Project; and, authorized the Director of Public Works to sign and execute the Lease Amendment – PW 2019-0114

Olsen/Berryhill unan. **6.1** Accepted an update on the Permanent Access Center, Hub and Satellite Homeless Shelter planning; approved the recommended plan to partner with the Salvation Army and the City of Modesto to create a new Emergency Shelter; provide for an adjacent Permanent Access Center and other related projects to implement the plan; authorized the CEO or his designee to finalize and execute an MOU with the City of Modesto and the Salvation Army that defines each party's legal obligations with respect to creating an additional Emergency Shelter, creating a Permanent Access Center, the creation of Transitional Youth/Family Housing, and other collaborative efforts and related matters, the draft MOU, attached to the agenda, provides for: (a) the construction by the Salvation Army of upgrades to be funded by community donors, including but not limited to new beds and kitchen equipment, plumbing systems, utility upgrades, and other infrastructure improvements within the Salvation Army's current existing kitchen facility and shelter located on the south wing of the Salvation Army's property at 330 9<sup>th</sup> Street, Modesto for the purpose of increasing the Salvation Army's capacity to provide food services to the occupants of the new Emergency Shelter; (b) the construction of a new County Emergency Shelter at the Salvation Army's current location, which is already permitted for a homeless shelter, on the north wing of its 330 9<sup>th</sup> Street property to accommodate 180 occupants that will be operated by the County's retained Operator and for whom the Salvation Army will provide food services; (c) the procurement and installation of a 6,500-square foot modular facility for Salvation Army administration and programs on the Salvation Army's property at 301 10<sup>th</sup> Street, Modesto needed to make room for the new Emergency Shelter; (d) the purchase by the County of the Salvation Army's Community Center and parking lots located at 625 I Street for the purpose of future Transitional Youth/Family Housing; (e) the procurement and installation of modular facilities for use as the County's Permanent Access Center on City-owned property on 10<sup>th</sup> Street (APN 106-046-003) adjacent to the Salvation Army's property; (f) the performance by the City of Modesto of various agreed-upon site and infrastructure upgrades, as well as the provision of agreed-upon parking areas to facilitate the objectives of the MOU; (g) the performance of site upgrades on adjacent Stanislaus Foods property at 216 9<sup>th</sup> Street for the purpose of providing emergency shelter parking and a potential outdoor area; (h) the establishment of a framework for ongoing financial and logistical support of existing Salvation Army shelter operations as well as those operations created by County, the City and the Salvation Army in the future; authorized the Chief Operations Officer, or her designee, to negotiate and execute the necessary agreements to carry out the objectives of the MOU, including but not limited to the following: (a) a five-year Facility Lease between the County and the Salvation Army at a price of \$.75 per square foot for the lease and tenant improvements by the County of 18,000 square feet inside the north wing of the Salvation Army's warehouse located at 330 9<sup>th</sup> Street, Modesto for the creation by the County of a new Emergency Shelter; (b) a rate-based food service contract between the County and the Salvation Army for the Salvation Army to use its kitchen facility (located in the south wing of the site at 330 9<sup>th</sup> Street) to provide daily meals for up to 180 individuals for the County's new Emergency Shelter; (c) a Right of Entry granted by the Salvation Army to the County and the City of Modesto to enter the Salvation Army's property at 301 10<sup>th</sup> Street for the purpose of procuring and installing an approximately 6,500 square foot modular facility to be used for Salvation Army programs and administration; (d) a Purchase and Sale Agreement between the County and the Salvation Army for the purchase by the County of the Salvation Army's Community Center and parking lots located at 625 I Street for the purpose of creating future Transitional Youth/Family Housing, with the understanding that County staff will seek Board approval of the purchase transaction and financing plan; (e) a Ground Lease between the County and the City of Modesto for that portion of the City's 10<sup>th</sup> Street property adjacent to the Salvation Army emergency shelter (APN 106-046-003) upon which the County will install modular facilities for a Permanent Access Center; (f) a Ground Lease between the County and Stanislaus Foods for Stanislaus Food's Property at 216 9<sup>th</sup> Street in Modesto on which the County will

site parking and a potential outdoor area related to the County's Emergency Shelter; declared an emergency in accordance with Public Contract Code Section 22050 for emergency repair and replacement work needed at 330 9<sup>th</sup> Street and 301 10<sup>th</sup> Street and on parcel APN 106-046-003 to mitigate the Stanislaus County Shelter Crisis; approved actions in accordance with Public Contract Code Sections 20134 and 22050 in order to undertake the immediate repair and replacement work and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts, as required at 330 9<sup>th</sup> Street and 301 10<sup>th</sup> Street and on parcel APN 106-046-003 in order to house an additional 180 individuals experiencing homelessness; made the following findings: (a) that the emergency repair/replacement work required at 330 9<sup>th</sup> Street and 301 10<sup>th</sup> Street and on parcel APN 106-046-003 is necessary to permit the continued activities of essential operations or services; and, (b) that the emergency will not allow for a delay that would result if the project were competitively bid, and that the action to immediately perform required repairs/replacement to the building on an emergency basis is necessary; directed the Chief Operations Officer to serve a Project Manager for all aspects of these projects; authorized the Project Manager to negotiate agreements with architects and contractors as necessary to complete the required improvements at 330 9<sup>th</sup> Street and 301 10<sup>th</sup> Street and on parcel APN 106-046-003; authorized the Project Manager to order any action appropriate to complete the required improvements at 330 9<sup>th</sup> Street and 301 10<sup>th</sup> Street and on Parcel APN 106-046-003, and to take any directly-related immediate action required by the emergency, and to procure the necessary capital improvements for those purposes, without giving notice for bids to let a contract; require the Project Manager to report to the Board on the status of the emergency at its next regularly scheduled meeting and every 14 days thereafter, as required by the Public Contract Code until the improvements are completed; authorized the Clerk of the Board to set a date of 04/02/2019 for the Board to consider purchasing the Salvation Army's Community Center parking lots located at 625 I Street for use as Transitional Youth/Family Housing; pursuant to California Government Code Sections 6063 and 25350, authorized the Clerk of the Board to advertise a Notice of Intent to purchase the Salvation Army's Community Center and parking lots located at 625 I Street in the local newspaper for three successive weeks; authorized the Chief Operations Officer to submit an application to the City of Modesto Planning Commission to confirm that the proposed use of the Salvation Army's Community Center and parking lots located at 625 I Street as a Transitional Youth/Family Housing is consistent with the City of Modesto General Plan, as required by Government Code Section 65402(b); directed staff to prepare a financing and operations plan for the purchase and future use of the real property at 625 I Street for Transitional Youth/Family Housing and return the plan to the Board for consideration; directed staff to prepare an operations and funding plan for the operation of the new Emergency Shelter and return the plan to the Board for consideration; approved the budget journal to appropriate revenue and expenditures of \$7.2 million in State Homeless Emergency Aid Program (HEAP) Funds allocated to Stanislaus County; directed the Auditor-Controller to establish two new interest-bearing capital project funds, CEO HEAP Shelter Projects and CEO HEAP Emergency Shelters-City Projects; directed the Auditor-Controller to increase appropriations in CEO-Plant Acquisition by \$1,119,000 funded by an assignment of fund balance in the General Fund, in addition, transfer out \$5.1 million from HEAP and transfer out \$1,119,000 from CEO-Plant Acquisition, a total of \$6,219,000 is to be transferred into the two new interest-bearing capital project funds, or this amount, \$5,219,000 will be transferred into the CEO HEAP Shelter Projects Fund and \$1 million into the CEO HEAP Emergency Shelters-City Projects Fund; directed the Auditor-Controller to increase appropriations in the amount of \$5,219,000 in the CEO HEAP Shelter Projects Fund and \$1 million in the CEO HEAP Emergency Shelters-City Projects Fund, as detailed in the budget journal, attached to the agenda item; accepted an update on emergency shelter projects in Stanislaus County cities, including Oakdale, Patterson and Turlock, which may be funded by \$1 million in HEAP funding and directed staff to return to the Board with partnership agreements for these homeless shelter efforts; and, authorized the CEO, or his designee, to negotiate and execute an Operations Agreement with Turning Point Community Programs of Modesto for the operation of the County's new Emergency Shelter – CEO

2019-0115

**Recessed at 10:56 a.m.**

**Supervisor Olsen left at 10:56 a.m.**

**Supervisor DeMartini left at 10:56 a.m.**

**Reconvened at 11:05 a.m.**

Berryhill/Chiesa (3-0)(DeMartini and Olsen absent) **7.1** Conducted a public hearing to consider the Planning Commission’s recommendation for approval of Use Permit and Development Agreement Application No. PLN2018-0095, Lyfted Farms, Inc. – 5266 Jerusalem Court, located at 5266 Jerusalem Court, north of Kiernan Avenue, in the Modesto area; finds that no further analysis under CEQA is required pursuant to CEQA Guidelines Section 15183 (Consistency with a General Plan, Community Plan or Zoning for which an EIR was prepared), 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 alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards; 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. PLN2018-0095 – Lyfted Farms, Inc. - 5266 Jerusalem Court, subject to the Conditions of Approval, attached to the agenda item; authorized the Chairman to execute the amended Development Agreement included in Attachment 5 – Proposed Ordinance, attached to the agenda item; and, introduced, waived the reading, and adopted an ordinance for the approved Development Agreement – Planning

ORD-56-E-4 2019-0116  
2019-0116a

Chiesa/Berryhill (DeMartini and Olsen absent) **7.2** Conducted a public hearing to consider change to exclusive operating area for ground ambulance service; and, approved resolution to incorporate non-exclusive Zones B and C into the current exclusive operating area; thereby, creating a new exclusive operating area – HSA

2019-0117

**Corr 1** Referred to the Clerk-Recorder and Registrar of Voters, a resolution from the City of Ceres, requesting the change of their City Treasurer election from odd-numbered to even-numbered years.

**Corr 2** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Maria Luz Ruiz Perez, individually and as successor-in-interest to Hector Evangelista (deceased) and Giselle Alexandra Evangelista (deceased); Hector Evangelista, Jr., by and through his Guardian ad Litem, Maria Luz Perez; and Valeria Daleiza Evangelist, by and through her Guardian ad Litem, Maria Luz Ruiz Perez; Jesus Vargas; Ernest Gray Jr. through his Guardian ad Litem, Ernest Gray (amended); Ernest Gray (amended); Aliza Gray through Guardian ad Litem, Ernest Gray (amended); Jason Meyers; Gabriela Ramos, by and through her mother Leonora Ramos; Mariah Ramos, by and through her mother Leonora Ramos; and, Leonora Ramos.

Supervisor Chiesa reported that he participated in the Public Policy Institute of California's Water Symposium in Fresno last week. He noted that if you go to their website, there is a report available regarding Water and the Future of the San Joaquin Valley that is very informational.

Supervisor Berryhill noted that he recently went on tours of Lyfted Farms and the Homeless Camp at Beard Brook Park.

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 11:31 a.m. for Conference with Legal Counsel - Existing Litigation: One Case: Eunice Lovi v. County of Stanislaus, Stanislaus County Superior Court Case No. 2025454. Government Code Section 54956.9 (d)(1).

Adjourned at 12:15 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.)