

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

Regular Session

Tuesday

May 14, 2019

All Supervisors Present

Pledge of Allegiance to the Flag

Invocation was given by Pastor Dallas Jackson from Renew Church.

Dr. Wallace Carroll gave a presentation regarding May 2019 as Asthma Awareness Month.

Yolanda Bearden from CSA received her 30-year Employee Service Award. Katherine Lindsey and Shareen Richards from CSA, and Cherie Dockery from BHRS, received their 25-year Employee Service Awards.

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

Berryhill/Chiesa unan. Adopted the consent calendar

5.A.1 Approved the minutes of 05/07/2019

5.A.2 Proclaimed June 2019 as Disability Awareness Month in Stanislaus County 2019-0277

5.B.1 Authorized the Sheriff to apply for a grant of up to \$367,407 from the California State Parks Off-Highway Vehicle Recreation Division (OHV) grant program for increased Law Enforcement services at Frank Raines Regional Park and La Grange Park in Stanislaus County; adopted the resolution to apply for the California State Parks Off-Highway Vehicle Grant; authorized the Sheriff to accept, if awarded, the funding from the California State Parks Off-Highway Vehicle Recreation Division; and, authorized the Sheriff to sign any documents related to the grant and administer the California State Parks Off-Highway Motor Vehicle Recreation Division Grants and Cooperative Agreements Program for the Project Performance Period, if awarded – Sheriff 2019-0278

5.B.2 Approved contract renewal #19-96025 with the State of California Department of Health Care Services for Medi-Cal Administrative Activities in the amount of \$4,500,000 for the period of 07/01/2019 through 06/30/2022; and, authorized the HSA Managing Director, or her designee, to sign the contract and any amendments – HSA 2019-0279

5.B.3 Declared the lists of buses, equipment, and vehicles, attached to the agenda item, as surplus and authorized the sale; and, directed the Auditor-Controller to deposit proceeds from the sale of DER and Public Works buses, equipment, and vehicles into their authorized accounts – GSA 2019-0280

5.B.4 Approved the list, attached to the agenda item, of Independent and Employee Contracts between the Stanislaus County HSA and various contractors for FY 2019-2020; authorized the HSA Managing Director, or her designee, to sign the agreements included in the agenda item; and, authorized the HSA Managing Director, her designee or successor, to negotiate and sign individual amendments to the agreements, not to exceed \$75,000 per agreement – HSA 2019-0281

- 5.B.5** Authorized the Assessor to accept a grant award in the amount of \$570,000 from the California Department of Finance State Supplementation for County Assessors' Program for FY 2018-2019, 2019-2020 and 2020-2021; authorized the Assessor to sign the grant award agreement, including any extensions or amendments; and, authorized the Auditor-Controller to increase appropriations and estimated revenue in accordance with the Budget Journal, attached to the agenda item – Assessor 2019-0282
- 5.B.6** Accepted the twentieth 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 2019-0283
- 5.B.7** Approved the fifth 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 2019-0284
- 5.C.1** Approved the Agreement for Acquisition of Property for the McHenry Avenue Widening Project, Grantor: Hudelson Co., APN: 074-001-001 (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 2019-0285
- 5.C.2** Approved the Amendment to Master Lease No. PRC 7183.9 with the California State Lands Commission (SLC) for the existing Crows Landing Road Bridge over the San Joaquin River; approved a new General Lease with the SLC for the future Crows Landing Road Bridge over the San Joaquin River; authorized the Director of Public Works to sign and execute the Master Lease Amendment and new General Lease with the SLC; and, adopted a resolution acknowledging and accepting the findings in the Public Access Feasibility Study for the future Crows Landing Road Bridge over the San Joaquin River – PW 2019-0286

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. PLN2018-0162, Phenos Cooperative, Inc., located at 304 Motor City Court, between Detroit Lane and McHenry 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; 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. PLN2018-0162 – Phenos Cooperative, Inc., subject to the conditions of approval, attached to the agenda item; authorized the Chairman to execute the Development Agreement, attached to the agenda item; and, introduced, waived the reading, and adopted ordinance C.S. 1238 for the approved Development Agreement – Planning ORD-56-I-1 2019-0287
2019-0288

Berryhill/Olsen unan. **7.1** Approved the agreement between the County of Stanislaus and Stanislaus Family Justice Center to provide Site Administration and Facility Operating Costs; and, authorized the CEO, or his designee, to sign the agreement included in the agenda item, and any subsequent amendments, not to exceed \$707,118 for the period of 05/14/2019 through 06/30/2020 – CEO
2019-0289

Olsen/Chiesa unan. **7.2** Authorized the Agricultural Commissioner to enter into and sign a cooperative agreement with the California Department of Food and Agriculture to conduct compliance inspections of cannabis cultivators, nurseries and processors – Ag Commissioner
2019-0290

Olsen/Berryhill unan. **Authorization for an Item Too Late For Agenda A** – Pursuant to Government Code section 54952.2(b)(2), the Board finds that: there is a need to take immediate action to provide a letter of support to the California Water Boards to allow the permanent use of bottled water as a means of providing safe drinking water for small regulated public water systems due to the extreme financial hardship encountered when facing the requirement to install costly water treatment systems; the need for action came to the attention of the County on Friday, 05/10/2019, after the Board agenda was already prepared to be posted; and, approved adding an item too late for agenda and place the item on this agenda titled “Approval to Provide a Letter of Support to the California Water Boards for the Permanent Use of Bottled Water as a Means of Providing Safe Drinking Water for Small Regulated Public Water Systems” – CEO
2019-0291

Olsen/DeMartini unan. **Item Too Late For Agenda B** – Directed staff to prepare and send a letter of support to the California Water Boards for the permanent use of bottled water as a means of providing safe drinking water for small regulated public water systems – CEO
2019-0292

Corr 1 Referred to OES, Planning, and PW, a letter from the Federal Emergency Management Agency regarding the draft Flood Insurance Rate Map database for the San Joaquin-Tuolumne-Dry Creek flood risk project.

Corr 2 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Kevin Joseph Birmingham.

CEO Hayes gave an update regarding the Governor’s May Revised Budget. He reported that the Governor’s office backed off from an earlier proposal that would have diverted funds from local public health agencies. There are no changes to the augmentation for child support funding, which was included in the January Proposed Budget. Staff will continue to review the May Revised Budget, and will pay attention to any impacts to IHSS, homeless programs, and housing.

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 10:50 a.m.

12.1 Conference with Legal Counsel - Anticipated Litigation: Pursuant to Government Code Section 54956.9 (d)(4). One case.

Closed Session Announcement: 12.1 Chiesa/Olsen unan. In regard to Conference with Legal Counsel - Anticipated Litigation: Pursuant to Government Code Section 54956.9 (d)(4). One case., the Board authorized County Counsel to initiate litigation, and directed County Counsel to disclose the defendants, and the other particulars, once formally commenced, to any person upon inquiry, unless to do so would jeopardize service of process on the adverse party(s), or the ability to conclude existing settlement negotiations. 2019-0293

Adjourned at 11:15 a.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.)