

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

Special and Regular Session  
All Supervisors Present  
Pledge of Allegiance to the Flag

Tuesday

July 16, 2019

**The Board of Supervisors convened at 5:30 p.m. for Special Session**

Prior to adjourning into Closed Session an opportunity was given to the public to address matters listed under Closed Session.

**1.1** Conference with Legal Counsel - Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). Two cases: Hanibal Yadegar, et al. v. County of Stanislaus, San Joaquin County Superior Court Case No. STK-CV-UNPI-2017-11432; and, J.M., et al., v. County of Stanislaus, et al., U.S. District Court, Eastern District, Case No. 18-CV-01034-LJO-SAB

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

**The Board of Supervisors reconvened at 6:30 p.m. for Regular Session**

Invocation was given by Reverend Chuck Adams with Optimal Hospice.

Kathy Harwell, Director of CSA, gave a presentation and received a resolution proclaiming 07/21/2019 as Centennial Day for CSA upon their 100<sup>th</sup> anniversary of providing services to the community.

A presentation was given by David Wallace and Mercedes Wallace regarding the DW61 Foundation (Dennis Wallace Memorial Foundation) and they presented a check to the Stanislaus County Sheriff's Explorer Post.

Mathew Steinberg spoke regarding his difficulties in getting a corrective action plan for the Bloomingcamp Ranch's small water system approved.

Reid Johnson, Civil Engineer, spoke regarding the difficulty in operating small water systems.

Francisco Diaz requested that the audit cycle for the Monterey Tract Park Community Services District be changed to every 3 years.

Maree Hawkins, from the Friends of Stanislaus County Library, provided a letter and spoke regarding the recruitment and the importance of the Stanislaus County Librarian.

Warren Yates from the Stanislaus Taxpayer Association voiced concerns regarding the cost of the Korey Kauffman case.

Miguel Donoso spoke regarding discrimination of immigrants in the community, and the recent actions by the federal government.

John X. Mataka from the Grayson Neighborhood Council and Valley Improvements Projects spoke regarding the fear in the Latino Community due to the U.S. Immigration and Customs Agency (ICE) raids.

Carmen Sabatino read a letter dated May 2017 from Todd Spitzer, when he was an Orange County Supervisor, which requested an intervention from the Department of Justice to address issues in their District Attorney's office. He stated that the Stanislaus Taxpayer Association has formed a Political Action Committee to recall the Stanislaus District Attorney.

Prior to consideration of the Consent Calendar, the CEO announced in accordance with Government Code Section 54953(c)(3), that agenda item **6.B.11** would approve the appointment of Ruben Imperial to serve as the Stanislaus County Interim Director of Behavioral Health and Recovery Services at a starting salary of \$76.92 per hour (or approximately \$160,000 annually), plus Department Head benefits as set forth in the agenda item.

Chiesa/Olsen unan. Adopted the consent calendar after removing from the agenda item **6.B.1** Approval of Fiscal Year 2018-2019 Year-End Budget Adjustments for District Attorney - Real Estate Fraud Prosecution – District Attorney

- 6.A.1** Approved the minutes of 06/25/2019, Regular Meeting
- 6.A.2** Approved the minutes of 07/01/2019, Special Meeting
- 6.A.3** Adopted and waived the second reading of Ordinance C.S. 1243 amending Title 3 of the Stanislaus County Code relating to Personnel Policies – Medical Examinations  
ORD-56-K-1 2019-0439
- 6.A.4** Declared a vacancy on the Economic Development Action Committee 2019-0440
- 6.A.5** Approved request from the City of Oakdale to Consolidate the Municipal Election on a Local Measure with the Consolidated District Election to be held on 11/05/2019 2019-0441
- 6.A.6** Proclaimed August 2019 as Child Support Awareness Month in Stanislaus County  
2019-0442
- 6.B.2** Authorized the County Librarian, or designee, to apply for, enter into and sign non-routine grant agreements and contracts with various government agencies and nonprofit organizations for FY 2018-2019 for a cumulative total of \$61,400; directed the Auditor-Controller to increase revenue and appropriations by \$61,400 for FY 2018-2019 as detailed in the budget journals, attached to the agenda item; and, authorized the County Librarian, or designee, to apply for, enter into and sign routine and non-routine agreements and contracts with various government agencies and nonprofit organizations for FY 2019-2020 not to exceed the cumulative total of \$100,000 – Library 2019-0444
- 6.B.3** Approved an agreement with Edgeworth Security, LLC., dba VAS Security Systems, Inc. in the amount of \$310,327.78 for a security camera upgrade at the Community Services Facility located at 251 E. Hackett Road, Modesto, CA; authorized the Purchasing Agent to sign the agreement and any subsequent amendments to the agreement on behalf of the County, not to exceed 10%; and, authorized the Auditor-Controller to increase appropriations by \$341,361 as detailed in the budget journal, attached to the agenda item – CSA 2019-0445
- 6.B.4** Approved Amendment No. 3 to Professional Design Services Agreement with Geo-Logic Associates, Inc., for Construction Quality Assurance services during construction of the LF-2 Cell 6 Composite Liner System, which increases the amount of the agreement by \$79,777, for a not-to-exceed amount of \$503,636; authorized the Director of DER, or designee, to execute Amendment No. 3 with Geo-Logic Associates, Inc., and to sign any necessary documents; and, authorized the Director of DER, or designee, to sign additional related amendments for an overall total not-to-exceed amount of \$511,614, which includes a contingency of \$7,978 – DER 2019-0446

- 6.B.5** Approved FY 2019-2020 Contract Renewal with the CA Department of Education (CDE) for administration of Child Care and Development Block Grants; and, authorized the CSA Director, or her designee, to sign the contracts that are included in this agenda item and any subsequent amendments to add services and payments for services – CSA 2019-0447
- 6.B.6** Authorized the Agricultural Commissioner, or designee, to enter into and sign a cooperative agreement with the CA Department of Food and Agriculture to perform activities related to the cultivation of industrial hemp and registration issuance – Ag Commissioner 2019-0448
- 6.B.7** Authorized the Executive Director of Stanislaus Regional 911 to temporarily double-fill one Systems Engineer II position for up to, but not to exceed, five months – SR911 2019-0449
- 6.B.8** Accepted an 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 2019-0450
- 6.B.9** 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-M-4 2019-0451
- 6.B.10** Approved a contract between the County and Tyler Technologies, Inc, in the amount of \$450,000 for installation of software to value commercial and industrial properties for property tax purposes and the first year Maintenance and Support fee of \$112,500; authorized the County Purchasing Agent to execute the contract with Tyler Technologies, Inc. and to sign any necessary documents; and, authorized the Auditor-Controller to increase appropriations in the Assessor – ASR State Grants budget in accordance with the budget journal, attached to the agenda item – Assessor 2019-0452
- 6.B.11** Approved the salary compensation for the Interim Director of BHRS, effective 07/06/2019, at a starting salary of \$76.92 per hour (or approximately \$160,000 annually), plus the Department Head Benefit package – CEO 2019-0453
- 6.B.12** Authorized the Chairman to sign the annual Medi-Cal Cost Avoidance Program and annual Subvention Program Certificates of Compliance issued by the CA Department of Veterans Affairs – Aging and Veteran Services 2019-0454
- 6.B.13** Adopted a resolution to accept the County’s Noncompetitive Allocation award under the No Place Like Home Program; and, authorized the Interim Director of BHRS, or his designee, to submit and apply for, sign, and accept funds in the approximate amount of \$2.3 million, including the submission of all documents required to secure funding, for the No Place Like Home Program Noncompetitive Allocation Program – BHRS 2019-0455
- 6.B.14** Authorized the CEO and Auditor-Controller to increase FY 2018-2019 appropriations for the CEO-General Fund Contributions to Other Programs budget to fund the county match requirement for the Sheriff Court Security budget – CEO 2019-0456
- 6.C.1** Awarded a contract for All-Inclusive Bridge Engineering and Project Delivery Services to Wood Rodgers, Inc. of Sacramento, CA for the Quincy Road over TID Lateral No. 3 Bridge Replacement Project; authorized the Director of Public Works to execute a contract with Wood Rodgers Inc. in the amount of \$571,318.40 and to sign necessary documents, including any amendments to the agreement not to exceed 10%; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2019-0457
- 6.C.2** Approved the Memorandum of Joint Powers Agreement for the Right of Way Acquisition and Utility Relocation Phase of the 7<sup>th</sup> Street Bridge Project; and, authorized the Chairman to execute the Memorandum of Joint Powers Agreement for the Right of Way Acquisition and Utility Relocation Phase of the 7<sup>th</sup> Street Bridge Project – PW 2019-0458

C-6-M-6 2019-0458

- 6.C.3** Awarded a contract for evaluation of Stormwater Management and Groundwater Recharge Projects in the Dry Creek Watershed of Stanislaus County to GeoSystems Analysis Inc.; authorized the Director of Public Works to execute a contract with GeoSystems Analysis Inc. in the amount of \$116,758.00 and to sign necessary documents including any amendments to the agreement not to exceed 10%; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2019-0459
- 6.C.4** Approved the Subdivision Improvement Agreement for Wenstrand Ranch Subdivision in the Denair Community Area; finds that the Final Map is in substantial compliance with the previously approved tentative map; finds the Final Map, together with the provision for its design and improvement, is consistent with the community plan for the area; rejected all roads, highways, avenues, alleys, courts, ways, lanes, places, and all other street dedication; authorized the Chairman to sign the Final Map and the Subdivision Improvement Agreement; and, authorized the Final Map to be filed and recorded as presented – PW 2019-0460
- 6.C.5** Awarded two contracts for Engineering Services to Kimley-Horn of Sacramento, CA, for the Highway Safety Improvement Program (HSIP) Grants for the Design of Striping, Curve Assessments, and Signage Projects; authorized the Director of Public Works execute two contracts with Kimley-Horn in the amount of \$379,810.32 for HSIP Project 1, and \$379,575.10 for HSIP Project 2, and to sign necessary documents, including any amendments to the agreement not to exceed 10%; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2019-0461
- 6.D.1** Set a public hearing on 07/30/2019, at the 9:00 a.m. meeting, to consider the Planning Commission’s recommendation for approval of Use Permit and Development Agreement Application No. PLN2018-0099, Golden Purpose, request to establish a commercial cannabis cultivation and distribution business, located at 4218 Jessup Road, between East Keyes Road and Highway 99, in the Community of Keyes; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-56-L-2 2019-0462
- 6.D.2** Set a public hearing on 07/30/2019, at the 9:00 a.m. meeting, to consider the Planning Commission’s recommendation for denial of Use Permit and Development Agreement Application No. PLN2018-0151, Prem Gen Corp, Nathan Avenue, request to establish a commercial cannabis cultivation and processing operation, located at 2841 Nathan and 539 El Roya Avenues, east of Beard Avenue in the Modesto Area; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-56-M-1 2019-0463

DeMartini/Chiesa **6.B.1** Authorized the CEO and Auditor-Controller to increase FY 2018-2019 appropriations for the DA-Real Estate Fraud Prosecution budget – DA 2019-0443

Berryhill/Olsen unan. **7.1** Conducted the scheduled and noticed public hearing pursuant to Section 1442.5 of the Health and Safety Code and considered and approved: (a) The elimination of the direct provision of clinical services by the County Health Services Agency at the Ceres Medical Office on, about or before 12/31/2019; (b) The elimination of the direct provision of clinical services by the County Health Services Agency at the Hughson Medical Office on, about or before 12/31/2019; (c) The elimination of the direct provision of clinical services by the County Health Services Agency at the Turlock Medical Office on, about or before 12/31/2019; (d) The establishment of a transition plan for patient care to other county clinic locations or community Federally Qualified Health Centers in coordination with the Medi-Cal Health Plan of San Joaquin and Health Net; authorized the CEO or his designee to negotiate and execute Letters of

Agreement with Golden Valley Health Centers and Livingston Community Health to support the transition of continuing care in Ceres, Hughson and Turlock with an expenditure not to exceed \$165,000 each for Golden Valley Health Centers and for Livingston Community Health; authorized the use of the Health Services Agency Clinic and Ancillary Services Fund Balance to fund the transition allocation to Golden Valley Health Centers and Livingston Community Health not to exceed \$165,000 each for a total use of fund balance for this purpose of not more than \$330,000; authorized the HSA Managing Director or her designee to fulfill the operational activities associated with the implementation of the above recommendations; and, directed staff to include a request to delete applicable vacant full-time positions from the HSA budget units and include the use of up to \$330,000 from the Clinic and Ancillary fund balance in the FY 2019-2020 Final Budget – HSA 2019-0464

Chiesa/Berryhill unan. **7.2** Conducted a public hearing to consider the Planning Commission’s recommendation for approval of Use Permit and Development Agreement Application No. PLN2018-0114, Central Valley Growers, LLC – Howard Road, requested to establish a commercial cannabis cultivation business, located at 3501 Howard Road, between CA Interstate 5 and CA Highway 33, in the Westley area; finds that no further analysis under CEQA is required pursuant to CEQA Guidelines Section 15183 (Projects Consistent with the 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 values; (f) Will promote and encourage the orderly development of the proposed project by providing a greater degree or requisite certainty; approved Use Permit and Development Agreement Application No. PLN2018-0114 – Central Valley Growers, LLC – Howard Road, 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. 1245 for the approved Development Agreement – Planning ORD-56-K-3 2019-0465 2019-0466

Berryhill/Olsen unan. **7.3** Conducted a public hearing to consider the Planning Commission’s recommendation for approval of Rezone Application No. PLN2018-0067, Modified Enterprises, LLC, a request to change the zoning designation of a 1.01-acre parcel to a new Planned Development to allow for light industrial, commercial, and office uses, located at 4847 Kiernan Court, north of the Highway 99 and Kiernan Avenue Interchange, in the Community of Salida, and adoption of a Negative Declaration; adopted the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is not substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County’s independent judgement and analysis; 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: (a) The project is consistent with the overall goals and policies of the County General Plan; (b) The proposed Planned Development zoning is consistent with

the Planned Development General Plan designation; approved Rezone Application No. PLN2018-0067, Modified Enterprises, LLC, as recommended by the Planning Commission; and, introduced, waived the reading, and adopted Ordinance C.S. 1246 for the approved Rezone Application No. PLN2018-0067, Modified Enterprises, LLC – Planning  
ORD-56-L-1 2019-0467  
2019-0468

**Corr 1** Referred to the CEO, the 2018-2019 Stanislaus County Civil Grand Jury Final Report.

**Corr 2** Referred to the CEO, a letter from the Hughson Unified School District regarding their intent to sell property located at the corner of 7th Street and Whitmore Avenue, in Hughson, CA.

**Corr 3** Referred to Workforce Development, a letter from DBI Beverage Inc., regarding the permanent reduction of its workforce located at 4140 Brew Master Drive, Ceres.

**Corr 4** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Teresa Blackwood; Amended claim from 5/20/2019 Andrew Haro and Margarita Anaya; Jose Dorado; Robert Fletcher; Ryan Lima; Sergio Francisco Rios; Aaron Craig; Quiana Stallworth; and, Camera Bonsack.

CEO Hayes reported that the County sent a support letter for SB 450 (Umberg), which would assist in the CEQA process for use of motels as transitional housing, and a letter in support of SCOE’s application for a tobacco grant in which the Sheriff would be a sub-recipient.

**Adjourned at 9:43 p.m. as the Board of Supervisors**

**Reconvened at 9:43 p.m. as the In-Home Supportive Services (IHSS) Public Authority**

Chiesa/Olsen unan. **13.B.1** Approved the IHSS Public Authority minutes of 02/09/2016

Prior to adjourning into Closed Session an opportunity was given to the public to address matters listed under Closed Session.

**Adjourned to Closed Session as the In-Home Supportive Services (IHSS) Public Authority at 9:44 p.m.**

**13.E** Conference with Labor Negotiator: Pursuant to Government Code Section 54957.6. Agency Negotiators: Brandi Hopkins, Tamara Thomas and Jeff Lambaren. Labor Organization: United Domestic Workers.

**Adjourned as the IHSS Public Authority at 10:05 p.m.**

County Counsel made the following Closed Session Announcement:

**1.2 Closed Session Announcement:** Berryhill/DeMartini unan. In regards to Conference with Legal Counsel - Anticipated Litigation, the Board authorized County Counsel to initiate litigation against the California Department of Health Care Services (DHCS) in the matter of “Network Adequacy Certification Tool” compliance; and, authorized County Counsel to retain the law firm of Foley & Lardner LLP to represent the County and join other counties in this litigation.

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.)