

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

July 30, 2019

Invocation was given by Pastor Jim Applegate with The Redeemer Church.

Baljit Atwal, Director of the Department of Child Support Services, gave a presentation regarding August 2019 as Child Support Awareness Month and the Chairman presented a proclamation.

Russell Fowler, from Assemblyman Heath Flora's Office introduced himself to the Board.

Astrid Zuniga spoke regarding the need for In Home Supportive Services (IHSS) caregivers and requested that the Board make wages for IHSS caregivers a priority.

Debra Harper spoke regarding the need for all people to be treated as functioning humans.

Chiesa/Olsen unan. Adopted the consent calendar

5.A.1 Approved the minutes of 07/16/2019

5.A.2 Appointed Shelli Margarite to the In-Home Supportive Services Advisory Committee

2019-0470

5.A.3 Appointed Violeta Cuevas to the Stanislaus County Child Abuse Prevention Council

2019-0471

5.A.4 Approved a commendation for Diane McDonnell, Stanislaus County Librarian, upon her retirement

2019-0472

5.B.1 Introduced and waived the first reading of Ordinance C.S. 1249 amending Chapter 4.40 of the County Code relating to the prohibition of low value escape assessments – Assessor

ORD-56-M-2 2019-0473

5.B.2 Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 4122 Anna Avenue, Keyes, CA, CE No. 18-0056, as set forth in Attachment 1, attached to the agenda item – DER

2019-0474

5.B.3 Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 4128 Anna Avenue, Keyes, CA, CE No. 18-0115, as set forth in Attachment 1, attached to the agenda item – DER

2019-0475

5.B.4 Authorized the Director of Parks and Recreation, or designee, to apply for, and if awarded enter into and sign the grant agreements for the CA Statewide Park Development and Community Revitalization Program 2020-2022 grant period for the Burbank-Paradise, Oregon and Parklawn Parks projects; authorized the Director of Parks and Recreation, or designee, to apply for, and if awarded enter into and sign the grant agreements for the Per Capita Program 2020-2022 grant period for various park projects; adopted a resolution to authorize the Director of Parks and Recreation, or designee, to apply for, sign, and accept the CA Statewide Park Development and Community Revitalization Grant Program for the Burbank-Paradise, Oregon, and Parklawn Parks projects; and, adopted a resolution to authorize the Director of Parks and Recreation, or designee, to apply for, sign, and accept the Per Capita Grant Program for various park projects – Parks and Recreation

2019-0476

- 5.B.5** Approved the MOU with Stanislaus Business Alliance doing business as Opportunity Stanislaus regarding the joint implementation of the countywide economic development plan and marketing strategies for FY 2019-2020; and, authorized the CEO to sign the MOU with Opportunity Stanislaus in the amount of \$94,320 – CEO 2019-0477
- 5.B.6** Accepted the Accountant’s Report on the Stanislaus County Treasurer’s Statement of assets as of 03/25/2019 – Auditor-Controller 2019-0478
- 5.B.7** 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-7 2019-0479
- 5.B.8** 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 2019-0480
- 5.B.9** Authorized the Chief Operations Officer to negotiate and execute agreements for On-Call Civil Engineering Services to support the County’s Capital Projects efforts with: (a) Associated Engineering Group of Modesto, CA; (b) BKF Engineers of Lathrop, CA; (c) CTA Engineering & Surveying of Rancho Cordova, CA; (d) DF Engineering, Inc. of Modesto, CA; (e) Kier+Wright of Livermore, CA; (f) North Star Engineering Group of Modesto, CA; (g) O’Dell Engineering of Modesto, CA; (h) Siegfried Engineering, Inc. of Modesto, CA; and, authorized the Chief Operations Officer to negotiate and execute agreements for On-Call Architectural Services to support the County’s Capital Projects efforts with: (a) Aspen Street Architects, Inc. of Angels Camp, CA; (b) Brown, Reynolds Watford Architects, Inc. of San Francisco, CA; (c) HMR Architects, Inc. of Sacramento, CA; (d) LDA Partners, Inc. of Stockton, CA; (e) Navarro Architecture and Design of Modesto, CA; (f) Red Architects, Inc. of Modesto, CA; (g) Teter, LLP. of Modesto, CA – CEO 2019-0481
- 5.B.10** Authorized the Auditor-Controller, on behalf of the CEO, to pay two invoices totaling \$7,650 for services provided by Belfor USA Inc., related to the 2016 emergency water leak at County Center II located at 830 Scenic Dr., Modesto, CA – CEO 2019-0482
- 5.B.11** Approved a three-year lease agreement with The Shannon Company, a CA Limited Partnership, for office space located at 920 16th St., Suites B and C, Modesto; and, authorized the Purchasing Agent, or designee, to sign the lease agreement and related documentation with The Shannon Company – BHRS 2019-0483
- 5.C.1** Awarded a contract for Engineering Services to MGE Engineering, Inc. of Sacramento, CA, for Scour Protection Engineering and Environmental Services for the Sonora Road Bridge over Martells Creek Project; authorized the Director of PW to execute a contract in the amount of \$367,405 with MGE Engineering, Inc. 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 2019-0484
- 5.C.2** Approved the agreement with the City of Modesto for transfer of ownership upon completion of the constructed sewer system for the West Modesto Sewer Infrastructure Project - Spencer/Marshall neighborhood; authorized the Director of Public Works to transfer ownership upon completion of the constructed sewer system for the West Modesto Sewer Infrastructure Project - Spencer/ Marshall neighborhood; and, authorized the Chairmen to sign this agreement – PW C-6-M-8 2019-0485

- 5.C.3** Approved a resolution to levy FY 2019-2020 benefit assessment rates for the following Lighting Districts: Airport Neighborhood, Almond Wood, Beard Industrial, Country Club-Zone A, Country Club-Zone B, Crows Landing, Deo Gloria, Denair, Empire, Fairview, Fruit Yard, Gibbs Ranch, Gilbert Road, Golden State Zone A and Zone B, Hillcrest, Kenwood Park, Mancini Park Homes, Marshall, Monterey, North Oaks, North McHenry, North McHenry #2, Olympic, Peach Blossom, Richland, Salida, Schwartz Baize, Sunset Oaks, Sylvan Village, and Tempo Park; and, directed the Auditor-Controller to add the assessments to the 2019-2020 tax roll – PW 2019-0486
- 5.C.4** Approved the Cooperative Agreement for County Engineering Services with the San Joaquin Joint Powers Authority, for the Turlock/Denair Station Improvement Project in the amount of \$490,000; authorized the Director of Public Works to execute the Cooperative Agreement with the San Joaquin Joint Powers Authority and sign the 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 2019-0487
- 5.D.1** Rescinded all of Williamson Act Contract No. 2003-4510, located south of Gaffery Road, between the CA Aqueduct and the Delta Mendota Canal, in the Vernalis area APN: 016-016-002; finds 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 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(s), pursuant to Lot Line Adjustment Application No. PLN2016-0115, Sandhu-Tatla; and, authorized the Director of Planning and Community Development to execute a new contract(s) – Planning 2019-0488
- 5.D.2** Set a public hearing on 08/13/2019, at the 9:00 a.m. meeting, to consider the Planning Commission’s recommendation for approval of Use Permit and Development Agreement Application No. PLN2018-0149, Bynate, a request to establish a commercial cannabis retail business, located at 21931 State Highway 33, between Fink Road and East Ike Crow Road, in the Crows Landing area; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-56-M-3 2019-0489

5.D.3 Set a public hearing on 08/13/2019, at the 9:00 a.m. meeting, to consider the Planning Commission's recommendation for approval of Use Permit and Development Agreement Application No. PLN2018-0113, Central Valley Growers, LLC – West Fulkerth Road, a request to establish a commercial cannabis cultivation business, located at 1301 West Fulkerth Road, between Crows Landing and Carpenter Roads, in the Turlock area; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-56-N-1 2019-0490

Olsen/Berryhill unan. **6.1** Finds that the notice of public hearing was published in compliance with Section 6066 of the Government Code; conducted a public hearing to receive comments regarding the FY 2019-2020 annual assessments; set the FY 2019-2020 annual assessments as shown on Exhibit "A", attached to the agenda item, for Various County Service Areas, Landscape Assessment District and Landscape and Lighting Districts; made the Engineer's Reports a part of the record of this proceeding; and, authorized the Auditor-Controller to add the annual assessments to the 2019-2020 Tax Roll – PW 2019-0491

Chiesa/Olsen unan. **6.2** Conducted a public hearing to introduce and waive the first reading of Ordinance C.S. 1244 to establish new fees for the Stanislaus Veterans Center, located at 3500 Coffee Road, Modesto, CA – CEO ORD-56-M-2 2019-0492

Chiesa/Berryhill unan. **6.3** Conducted a public hearing to consider the Planning Commission's recommendation for approval of Use Permit and Development Agreement Application No. PLN2018-0099, Golden Purpose, a 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; adopted the Mitigated 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 no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis; 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 proposed use is not subject to the agricultural buffer due to surrounding agriculturally zoned property being developed; 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. PLN2018-0099, Golden Purpose, subject to the Conditions of Approval and Mitigation Measures, including the amended and new Conditions of Approval as outlined in the report, attached to the agenda item; authorized the Chairman to execute the Development Agreement; and, introduced, waived the reading, and adopted Ordinance C.S. 1247 for the approved Development Agreement – Planning ORD-56-L-2 2019-0493 2019-0494

Berryhill/Chiesa (4-1) (DeMartini opposed) **6.4** Conducted a public hearing to consider the Planning Commission's recommendation for denial of Use Permit and Development Agreement Application No. PLN2018-0151, Prem Gen Corp, Nathan Avenue, a request to establish a commercial cannabis cultivation and processing business, located at 2841 Nathan and 539 El Roya Avenues, east of Beard Avenue, in the Modesto area; finds that no further analysis under California Environmental Quality Act (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; (c) that a waiver or reduction of setback requirements of County Code Section 6.78.120(A)(6) will not result in the material detriment to the welfare or the property of persons located in the vicinity as a result of the project development; 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. PLN2018-0151, Prem Gen Corp, Nathan Avenue, 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. 1248 for the approved Development Agreement – Planning

ORD-56-L-2 2019-0495
2019-0496

Olsen/Chiesa unan. **6.5** Conducted a public hearing to consider an appeal of the Planning Commission's approval of Use Permit Application No. PLN2018-0161 - TriCal, Inc, located at 10531 Crackerbox Road, between Lon Dale Road (State Route 120) and Wilkins Avenue, in the Oakdale Area, and the adoption of a Negative Declaration; the Board denied the appeal and upheld the Planning Commission's decision of approval of Use Permit Application No. PLN2018-0161 - TriCal, Inc.; and, approved Staff Recommendations Nos. 1-5; (1) denied the appeal of the Planning Commission's 06/06/2019, approval of Use Permit Application No. PLN2018-0161 - TriCal, Inc.; (2) 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 no 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; (3) 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; (4) made the required findings for approval: (a) that 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 establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; (c) the establishment as proposed will not create a

concentration of commercial and industrial uses in the vicinity (d) it is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage; (e) 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; (f) 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 products on the subject contracted parcel or parcels or neighboring lands, including activities such as: harvesting, processing, or shipping; (g) the use will not result in the significant removal of adjacent contracted land from agricultural or open-space use; (h) that the proposed Tier Two use is “low-people intensive” and not subject to the agricultural buffer; and, (5) approved Use Permit Application No. 2018-0161 – TriCal, Inc., subject to the Conditions of Approval attached to the 06/06/2019 Planning Commission Staff Report – Planning 2019-0497

Corr 1 Referred to the Clerk-Recorder and Registrar of Voters, two letters from the Salida Fire Protection District regarding the resignation of Gerald DeBoer and the appointment of Constance Janitz to their Board of Directors.

Corr 2 Referred to the Clerk-Recorder and Registrar of Voters, a letter from the West Stanislaus Irrigation District regarding the resignation of David Goubert from their Board of Directors.

Corr 3 Referred to the Clerk-Recorder and Registrar of Voters, a letter from the El Solyo Water District regarding the passing of one of their Directors.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Leslie Jantzen; Veasna Randy Tieng; Michael Murphy; Dana L. Arbizu; Joe Alberto Garcia & Angelica Garcia; William Miller; and, Debra Harper.

Supervisor DeMartini reported that the West Side Health Care Task Force recently completed the third edition of the Health Services Directory for the West Side.

CEO Hayes reported that the State Legislature is on summer recess until the middle of August. He noted that details are slowly emerging regarding the State Budget. He will be meeting with Congressman Josh Harder next week to discuss local issues.

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 11:55 a.m.

12.1 Conference with Legal Counsel – Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). Two cases: J.M., et al., v. County of Stanislaus, et al., U.S. District Court, Easter District, Case No. 18-CV-01034-LJO-SAB and Jeffrey Bulman v. County of Stanislaus, Stanislaus Superior Case No. 2021854.

Adjourned at 12:45 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.)