

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

Regular Session

Tuesday

August 13, 2019

All Supervisors Present

Pledge of Allegiance to the Flag

Invocation was given by Reverend Michael Schiefelbein from College Avenue United Church of Christ.

Milton O’Haire, Agricultural Commissioner, presented the 2018 Stanislaus County Agricultural Crop Report.

A presentation was given regarding the Economic Contributions of Stanislaus County Agriculture Report.

Cheritha Kennedy an In-Home Supportive Services (IHSS) provider in Stanislaus County spoke in support of fair pay for IHSS workers.

Russell Fowler from Assemblyman Heath Flora’s office updated the Board on upcoming legislation.

Chiesa/Olsen unan. Adopted the consent calendar

5.A.1 Approved the minutes of 07/30/3019

5.A.2 Adopted and waived the second reading of Ordinance C.S. 1244 to establish new fees for the Stanislaus Veterans Center ORD-56-K-2 2019-0498

5.A.3 Adopted and waived the second reading of Ordinance C.S. 1249 to amend Chapter 4.40 of the Stanislaus County Code relating to the prohibition of low value escape assessments ORD-56-M-2 2019-0499

5.A.4 Appointed the Director of Planning and Community Development as Stanislaus County’s authorized designee to review less than three-acre conversion exemptions 2019-0500

5.B.1 Approved a standard agreement with the State of CA, Department of Highway Patrol to provide investigative personnel to the Stanislaus County Auto Theft Task Force, for the period of 08/01/2018 – 07/31/2021; and, authorized the Sheriff to sign the standard agreement, along with any extensions or amendments – Sheriff 2019-0501

5.B.2 Authorized the Sheriff to retire two (2) canines from the Sheriff’s department service and enter into Canine Retirement Contracts with the canine’s current handlers – Sheriff 2019-0502

5.B.3 Accepted the Stanislaus County Treasury Pool’s June 2019 Monthly Investment Report as prepared by the Stanislaus County Treasurer-Tax Collector’s Office and reviewed for conformity with Stanislaus County Treasury Pool Investment Policy by the Treasurer-Tax Collector, and distributed to the Stanislaus County Treasury Pool Oversight Committee; and, authorized the Chairman to sign on behalf of the Board that the report has been reviewed and accepted – T/TC 2019-0503

5.B.4 Approved the Agreement #18-10893 with the CA Department of Public Health for the Human Immunodeficiency Virus/Acquired Immune Deficiency Care Program services for the term of 04/01/2019 – 03/31/2024; and, authorized the Health Services Agency Managing Director, or her designee, to sign and execute the agreement and any subsequent amendments – HAS 2019-0504

- 5.B.5** Accepted the responses to the Stanislaus County Civil Grand Jury 2018-2019 Final Report, and any changes the Board wishes to make to the recommended responses and authorized the Chairman to forward the response to the Presiding Judge of the Superior Court by 08/19/2019; and, directed the CEO to ensure that any recommended actions by the Board be followed and completed by the subject County departments and report back to the Board, as appropriate – CEO M-39-O-2 2019-0505
- 5.B.6** Accepted an update in accordance with Public Contract Code Sections 20134 and 22050 for emergency remediation/repairs to 10th Street Place, to repair water damage and restore essential government operations – CEO 2019-0506
- 5.B.7** Approved a Mental Health Services Act (Proposition 63) Agreement with the CA Department of Veterans Affairs to provide mental health outreach services; and, adopted a resolution to authorize the Director of Aging and Veterans Services to sign the agreement with the CA Department of Veterans Affairs and any subsequent amendments – Aging and Veteran Services 2019-0507
- 5.B.8** Approved the contract with the CA Department of Aging for receipt of a grant to assist with CalFresh applications for SSI/SSP recipients; and, adopted a resolution to authorize the Director of the Department of Aging and Veteran Services to sign the contract and any subsequent amendments to this contract with the CA Department of Aging for FY 2019-2020 – Aging and Veterans Services 2019-0508
- 5.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-N-1 2019-0509
- 5.B.10** Approved to proceed with Public Safety Center Parking Lot and Road Improvement Project, using existing appropriations in the Public Safety Center Expansion Project Three, Intake and Release, project budget; approved plans and specifications for the Public Safety Center Parking Lot and Road Improvement Project, located at 250 East Hackett Road in Ceres, CA; authorized the Chief Operations Officer, acting as Project Manager to issue a Notice Inviting Bids for the project, set a bid due date, and to adjust the bid due date as necessary; and, authorized the Project Manager to negotiate and execute contracts for professional services, as long as they are within the approved project budget and to execute change orders for up to \$25,000, consistent with the County’s Change Order Policy – CEO 2019-0510
- 5.B.11** Adopted a resolution to accept the County’s Noncompetitive Allocation award under the No Place Like Home Program; and, authorized the Interim Director of Behavioral Health and Recovery Services, or designee, to 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 2019-0511
- 5.C.1** Approved the Agreement for Acquisition of Property for the McHenry Avenue Widening Project, Grantor: Berghill LLC, APN 074-001-003 and 074-001-016 (partials); 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 2019-0512
- 5.C.2** Approved the Agreement for Acquisition of Property for the McHenry Avenue Widening Project, Grantor: Amerine, L.P., APN 074-002-010 (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 2019-0513

5.C.3 Approved the Plans and Specifications for the Stanislaus County Corporation Yard Security Wall Project; awarded a contract for construction services to Ross F. Carroll, Inc. of Oakdale, CA for the County Corporation Yard Security Wall Project; authorized the Director of Public Works to execute a contract with Ross F. Carroll, Inc. in the amount of \$675,300 and to sign necessary documents, including any amendments to the agreement not to exceed 10%, in accordance with Public Contract Code Section 20137 and 20142; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2019-0514

5.D.1 Rescinded all of Williamson Act Contract Nos. 1977-2793 and 1973-1423, located south of the Delta-Mendota Canal Wasteway, between Draper Road and Upper Road, in the Newman area, APNs: 026-036-005 and 026-036-006; 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 of 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. PLN2018-0127, Freitas Properties; and, authorized the Director of Planning and Community Development to execute a new contract(s) – Planning 2019-0515

Berryhill/Chiesa unan. **6.1** The Board **continued** indefinitely the public hearing to consider the Planning Commission’s recommendation for approval of Use Permit and Development Agreement Application No. PLN2018-0113, Central Valley Growers, LLC, to give the applicant an opportunity to find another location for this project – Planning ORD-56-N-1 2019-0516

Olsen/Chiesa unan. **7.2** Approved the annual Stanislaus County Board of Supervisors’ Effective Partnership Recognition for: (a) A Home for Homeless Families, submitted by the Community Services Agency; and, (b) Downtown Streets Team Career Club, submitted by the Workforce Development – CEO ORD-56-M-3 2019-0517
2019-0518

DeMartini/Olsen unan. **7.1** Authorized the Auditor-Controller’s Office to rehire Ms. April Murphy as an extra-help employee to provide operational and administrative support to the Auditor-Controller’s Payroll division due to extended protected leaves and retirements within the department/division; and, certified that the rehiring of April Murphy in an extra-help capacity is necessary prior to the completion of the 180-day sit out period pursuant to the California Public Employees' Pension Reform Action of 2013 (PEPRA) – CEO 2019-0519

Chiesa/Berryhill(4-1)(DeMartini opposed) **6.2** Conducted a public hearing to consider the Planning Commission's recommendation for approval of Use Permit and Development Agreement Application No. PLN2018-0149, Bynate, 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; 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 Environmental Impact Report 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; 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) 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. PLN2018-0149, Bynate, 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. 1250 for the approved Development Agreement

– Planning 2019-0520

Corr 1 Referred to the DER, a letter from the CA Water Boards regarding small public water systems compliance with safe drinking water standards in Stanislaus County.

Corr 2 Referred to the Department of Workforce Development, two Worker Adjustment and Retraining Notification letters from Silgan Containers Manufacturing regarding the temporary layoff of employees at their facilities located at: 567 Riverside Dr. and 430 Doherty Ave. in Modesto.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Karen P. Willard; Debra L. Harper; Donnie Woodral; Luis Muniz; Traci Robertson; V5 Farms; Amended Claim from 8/28/2014 Baljit Athwal, Navneet Athwal, Daljit Atwal, and Karan Inc, dba Pop-N-Cork; and, Jessica Toledo.

Supervisor DeMartini reported that the "Weigh Out" for the Westside Health Care Task Force Biggest Weight Loss Contest will be August 19th at 5:00 p.m. at the Al Gorman Center, 745 Linden Ave. in Gustine.

Supervisor Olsen announced that there will be a Town Hall Meeting on Thursday, 08/15/2019 at the Gene Bianchi Community Center, 110 S. 2nd Ave. in Oakdale from 6:00 p.m. - 7:30 p.m.

Supervisor Chiesa reported that the Sheriff's Department has recovered 27,000 outdoor and 10,000 indoor marijuana plants and 248 guns through enforcement so far this year.

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 1:01 p.m.

12.1 Conference with Real Property Negotiators: Pursuant to Government Code §54956.8. Property: 2846 Finch Road, Modesto, CA. APN 039-010-220. County Negotiators: Jody Hayes, Patricia Hill Thomas and Thomas Boze. Negotiating Party: City of Modesto. Under Negotiation: Both Terms of Payment and Price.

12.2 Threat to Public Services or Facilities - Pursuant to Government Code section 54957(a). Consultation with Ev Plascencia, Cyber Security Officer.

Adjourned at 1:50 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.)

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STATE OF CALIFORNIA

August 13, 2019

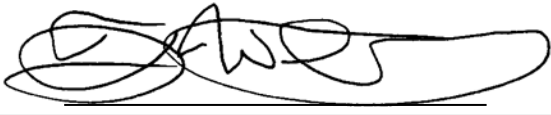
There being no further business to come before this Board, the meeting adjourned at 1:50 p.m.

ATTEST: ELIZABETH A KING, Clerk
of the Board of Supervisors

A handwritten signature in cursive script that reads "Elizabeth A. King". The signature is written in black ink and is positioned above a horizontal line.

COUNTERSIGNED BY:

Terrance Withrow, Chairman
of the Board of Supervisors

A handwritten signature in cursive script that reads "Terrance Withrow". The signature is written in black ink and is positioned above a horizontal line.