

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

Regular Session

Tuesday

October 1, 2019

Supervisor Olsen Absent

Pledge of Allegiance to the Flag

Invocation was given by Cindy Marks from Pray Modesto.

Mary Miceli, President of the Sons of Italy, accepted the resolution proclaiming October 2019 as Italian-American Heritage Month.

Annette Patton, Animal Services Agency Director, presented the Stanislaus Animal Services Agency's 2018-2019 Annual Report.

Christopher Moreno, In Home Supportive Services (IHSS) provider and United Domestic Workers member, spoke in support of a fair contract and invited the Board to take a day to see what they do.

Andrea Green, an IHSS provider, spoke in support of a wage increase.

Lacy Irons a volunteer spoke in support of the services Turning Point provides.

Debra Harper voiced concerns regarding the availability of Section 8 housing.

Berryhill/Chiesa (4-0)(Olsen absent) Adopted the consent calendar

5.A.1 Approved the minutes of 09/24/2019

5.A.2 Approved the 2020 Meeting Calendar for the Stanislaus County Board of Supervisors

2019-0597

5.A.3 Approved a commendation for Etchebarne Dairy Consulting upon receiving the National Ag Science Center's 2019 Ag Hall of Fame Award

2019-0598

5.A.4 Approved appointments in lieu of election to the Keyes Community Services District

– Elections

2019-0599

5.A.5 Approved appointments in lieu of election to the Hughson Fire Protection District – Elections

2019-600

5.A.6 Appointed in lieu of landowner election of Ben Koehler to the Reclamation District 2091

Board of Directors

2019-0601

5.A.7 Appointed in lieu of landowner election Early Perez and Todd Craven to the Orestimba Creek

Flood Control District Board of Directors

2019-0602

5.A.8 Appointed in lieu of landowner election Ivan E. Bays, Zach Maring, Kyle Perez, and James L.

Jasper to the Del Puerto Water District Board of Directors

2019-0603

5.A.9 Appointed in lieu of landowner election James Jasper and Patrick Cerutti to the Eastin Water

District Board of Directors

2019-0604

5.A.10 Appointed in lieu of landowner election of Albert Rossini, Ward Burroughs, and Wes Sperry

to the Eastside Water District Board of Directors

2019-0605

5.A.11 Appointed in lieu of landowner election Donald Harper and Roy Orlando to the Rock Creek

Water District Board of Directors

2019-0606

5.A.12 Appointed in lieu of landowner election of Rogelio Herrera and John Van Ruler to the Sand

Creek Flood Control District Board of Directors

2019-0607

- 5.A.13** Appointed in lieu of landowner election of Douglas Kearney and Matthew Manning to the Western Hills Water District Board of Directors 2019-0608
- 5.B.1** Accepted an update on the Eastside Water District's audit period and its return to a required annual financial audit report – Auditor-Controller 2019-0609
- 5.B.2** Authorized the Probation Department to accept an award from the Board of State and Community Corrections (BSCC) on behalf of the Edward Byrne Memorial Justice Grant (JAG) Program for the period of 05/01/2019 through 09/30/2020 in the amount of \$32,400; authorized the Chief Probation Officer, or designee, to sign the grant award agreement, including any extensions or amendments; and, authorized the Auditor-Controller to increase estimated revenue and appropriations in the Probation Department's Administration Budget Unit in the amount of \$32,400 as detailed in the Budget Journal, attached to the agenda item – Probation 2019-0610
- 5.B.3** Approved resolutions commending the following employees on being selected as the 2019 recipients of the Stanislaus County Dale Butler Annual Equal Rights Award: Cherie Dockery, Associate Director, BHRS; Leng Power, Homelessness and Housing Manager, CSA; Patrick Cavanah, Community Manager, CEO's Office; and, Ralph Ghimenti, Undersheriff, Sheriff's Department – CEO 2019-0611
- 5.B.4** Authorized the Interim BHRS Director, the Public Health Officer, or their designees to submit a Grant Application Package to the CA Department of Public Health (CDPH) CA Opioid Safety Coalitions' Overdose Data to Action Initiative, FY 2020-2022 Grant Funding; authorized the County to accept, if awarded, CDPH CA Opioid Safety Coalitions' Overdose Data to Action Initiative, FY 2020-2022 Grant Funding and to execute the agreement with CDPH; and, authorized the Interim BHRS Director, the Public Health Officer, or their designed to execute any related program agreements, contracts, or other documentation required for implementation of the CDPH CA Opioid Safety Coalitions' Overdose Data to Action Initiative, FY 2020-2022 Grant Funding, including the use of any program income in accordance with applicable program guidelines – BHRS 2019-0612
- 5.B.5** Authorized the Stanislaus CEO, or his designee, to submit an application and all documents necessary to secure and accept the funding for Community Benefit Grant Funding from Kaiser Permanente, for use at the new Access Center Emergency Shelter at 330 9th Street, Modesto – CEO 2019-0613
- 5.B.6** Approved the selection and award of a Professional Services Agreement in the amount of \$1,462,020 for architectural services to Dewberry Architects Inc., of Sacramento, CA, as a result of a RFQ and RFP for the new HSA/Public Health Facility Project; authorized the Chief Operations Officer, acting as Project Manager, to execute the agreement with Dewberry Architects Inc., of Sacramento, CA, to initiate architectural services, contingent upon proper receipt of an executed agreement and required certificates of insurance; authorized the Project Manager to negotiate future architectural options as outlined in the Professional Services Agreement, attached to the agenda item; directed the Project Manger to return to the Board to approve the Bridging Design, funding plan, and other concurrent planning work for the project; directed the Auditor-Controller to transfer \$646,930 in appropriations needed for the current phase of the project from the HSA fund balance to the CEO HSA/Public Health Project Budget as detailed in the budget journal, attached to the agenda item; authorized the Project Manager to negotiate and sign contracts, work authorizations, and purchase orders for professional services needed in this phase of the project, as long as they are within the project budget; and, authorized the Project Manager to sign change orders for up to \$25,000, consistent with the County's Change Order Policy – CEO 2019-0614

- 5.C.1** Approved the Common Use Agreement between Stanislaus County and South San Joaquin Irrigation District (SSJID) for the Pleasant Valley Road over SSJID Canal Bridge Replacement Project; authorized the Chairman to sign the Consent to Common Use Agreement; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2019-0615
- 5.D.1** Finds that the proposed ordinance is exempt under the provision of the CEQA pursuant to CEQA Guidelines section 15061(b)(3); introduced and waived the first reading of ordinance amending Title 16 of the Stanislaus County Code, and adopted by reference the California Code of Regulations Title 24, 2019 Edition, of the California Building Code; set a public hearing on 11/05/2019, at the 9:00 a.m. meeting, to waive the second reading and adopt the ordinance; and, authorized the Clerk to make available for public review the proposed ordinance and publish a notice of hearing as required by Government Code sections 50022.3, 50022.6, and 6066 – Planning ORD-56-P-3 2019-0616
- 5.D.2** Accepted the report of Planning Commission’s 09/05/2019, decision of approval of Vesting Tentative Subdivision Map Application No. PLN2017-0053, Adam & Diane Schwartz, a request to subdivide a 30.13 acre parcel into six parcels of at least 5 acres in the A-2-5 (General Agriculture) zoning district, located at 14291 Orange Blossom Road, between Stone Avenue and Orange Blossom Court, in the Oakdale area; and, allowed Planning Commission’s 09/05/2019, decision to stand without further hearing – Planning 2019-0617
- 5.D.3** Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding the property located at 716 Turner Street, Modesto, CA, Dangerous Building Abatement Case Number DNB2018-0005, as set forth in Attachment 1, of the agenda item – Planning 2019-0618

Chiesa/Berryhill (4-1)(Olsen absent) **6.1** Recognized the partnership among the County, the Housing Authority and the City of Modesto to acquire and rehabilitate an existing motel located at 722 Kansas Avenue, Modesto (Kansas House Project) to create 103 permanent supportive housing apartment units; approved the allocation of the Noncompetitive Award of No Place Like Home Funds to the Housing Authority, in the amount of \$2.3 million, for the Kansas House Project; approved a non-interest-bearing loan of \$2.3 million from the County General Fund pooled cash; authorized the Auditor-Controller to complete a promissory note to formalize the \$2.3 million interest-free receivable from the Housing Authority due in FY 2019-2020; approved the use of up to \$1.1 million in Mental Health Services Act (MHSA) – Housing Funds for the Kansas House Project as detailed in the budget journal, attached to the agenda item; and, authorized the Interim BHRS Director to sign and execute any correspondence, applications, loan agreements and documents necessary to access and expend MHSA – Housing Funds for the Kansas House Project – CEO C-6-N-6 2019-0619

Berryhill/Chiesa (4-1)(Olsen absent) **6.2** Authorized the CEO to negotiate and execute an agreement with The Salvation Army to operate the new Access Center Emergency Shelter at 330 9th Street, Modesto for a term of one year (approval of years two through five of the operations agreement will require a notice to proceed by the County); authorized the Operations Funding Strategy for the new Emergency Shelter in the amount of approximately \$950,000 from State of California sources to provide for initial operations with the final annual Operations Funding Strategy to be returned to the Board by midyear to formalize operations funding through the end of the 2019-2020 FY; and, authorized the Auditor-Controller to complete a budget journal to increase appropriations and estimated revenues in CSA by \$950,000 to begin emergency shelter operations – CEO 2019-0620

Chiesa/Berryhill (3-1-1)(DeMartini opposed)(Olsen absent) **6.3** Approved the recommended reorganization of CSA establishing the Division of Housing and Homeless Services; authorized CSA to apply for and serve as the Collaborative Applicant and Homeless Management Information System Administrator for the Stanislaus County Community System of Care; and, amended the Salary and Position Allocation Resolution to reflect the recommended changes as outlined in the Staffing Impacts section of the agenda item – CSA 2019-0621

Recessed at 11:39

Reconvened at 11:52

Chiesa/Berryhill (4-0)(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. PLN2018-0129, Mission Nurseries, LLC, request to operate a mixed-light commercial cannabis cultivation and nursery business, located at 2306 Almond Avenue, between Elm Avenue and the San Joaquin River, in the Patterson area; finds that no further analysis under CEQA is required pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a General Plan of 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 the 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 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; (c) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural product on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping; (d) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use; (e) 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; (f) The alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the exiting buffer standards; (g) The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; 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. PLN2018-0129, Mission Nurseries, LLC, subject to the 07/18/2019 Conditions of Approval recommended for approval by the Planning Commission with the deletion of Conditions No. 27, 28, 29, 33, 51, and the addition of Condition No. 52, as outlined in the 09/24/2019 Board of Supervisors Agenda Report; authorized the Chairman to execute the Development Agreement, attached to the agenda item; and, introduced, waived the reading, and adopted Ordinance 1252 for the approved Development Agreement – Planning ORD-56-N-2 2019-0622 & 2019-0623

Corr 1 Designated Supervisor DeMartini to represent the Board on the Election Observer Panel for the Consolidated District Election on Tuesday, 11/05/2019.

Corr 2 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Brandon Swoores; Dennis Ege; Dennis Fernandez; and, Jesus Rodriguez.

Supervisor DeMartini reported that he went on a ride-along with the Sheriff's Department and witnessed an illegal cannabis grow where 2800 plants were seized. He noted that this location was cited 4 months ago for the same activities.

Supervisor Withrow reported that he is aware of similar situations with illegal cannabis grows and that staff is working on enforcement options.

Supervisor Chiesa spoke regarding the need for prosecution of misdemeanors for cannabis enforcement.

CEO Hayes reported that Governor Newsom signed the budget bill which contains a \$12 million allocation for one-time funding to Stanislaus County to support emergency services communications. In addition, the County has been awarded a grant from the Bureau of Justice Assistance Comprehensive Opioid Abuse Sight Based Program for \$1.2 million to combat substance abuse and is hoping to receive another grant for \$750,000.

Adjourned at 12:23 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.)