

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

Regular Session

Tuesday

November 5, 2019

All Supervisors Present

Pledge of Allegiance to the Flag

Invocation was given by Pastor Lonnie Skiles, Big Valley Grace Community Church.

Jan Schmidt, Law Library Director, presented the Stanislaus County Law Library 2018-2019 Annual Report.

Karen Kincy, StanCOG Financial Services Manager, presented the Measure L Oversight Committee 2017-2018 Annual Report.

Blanca Rivera, In-Home Supportive Services (IHSS) provider, spoke in support of a wage increase.

Astrid Zuniga spoke in support of a wage increase for IHSS providers.

Aurora Licudine spoke in support of Correspondence No. 2 listed on today's agenda from the California Chapter of the American College of Cardiology regarding an emergency ban on the sale of vaping products.

Margaret Countryman spoke regarding the public records request she made concerning the appeal of her neighbors second structure permit.

Berryhill/Chiesa unan. Adopted the consent calendar

5.A.1 Approved the minutes of 10/22/2019

5.A.2 Proclaimed November 15, 2019 as America Recycles Day in Stanislaus County, a Nationally
Recognized Day to Encourage Americans to Recycle 2019-0658

5.A.3 Proclaimed November 2019 as Adoption and Permanency Awareness Month in Stanislaus
County 2019-0659

5.A.4 Approved a Commendation for the Stanislaus Farm Supply Company Upon their 70th
Anniversary 2019-0660

5.A.5 Adopted and Waived the Second Reading of Ordinance C.S. 1256 to Amend Existing Fees
for County Clerk Recorder-Elections ORD-56-P-2 2019-0661

5.A.6 Appointed Supervisor Chiesa as the Primary Member and Supervisor Olsen as the Alternate
Member to the 2019-2020 California State Association of Counties Board of Directors
2019-0662

5.A.7 Appointed Bill Donahue to the East Side Mosquito Abatement District Board of Trustees
2019-0663

5.A.8 Approved Request to Consolidate the Chatom Union School District Bond Measure with the
Presidential Primary Election to be Held on March 3, 2020 2019-0664

5.A.9 Approved Request to Consolidate the Burbank Paradise Fire Protection District's Measure
Relating to a Special Tax with the Presidential Primary Election to be Held on
March 3, 2020 2019-0665

- 5.B.1** Approved the closing of the Modesto Library from December 2, 2019, through December 9, 2019, for interior remodeling – Library 2019-0666
- 5.B.2** Introduced and waived the first reading of an ordinance amending Chapter 16.55 of the Stanislaus County Code, and adopting by Reference the California Fire Code, 2019 Edition with certain changes, additions, and modifications thereto; authorized setting a Public Hearing on November 26, 2019, at the 9:00 a. m. meeting to waive the second reading and adopt the ordinance; and, authorized the Clerk of the Board of Supervisors to make available for public review the proposed ordinance and publish a notice of public hearing as required by Government Code sections 50022.3, 50022.6, and 6066 – OES
ORD-56-Q-2 2019-0667
- 5.B.3** 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 2019-0668
- 5.B.4** 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-6N-9 2019-0669
- 5.B.5** Authorized the Interim Director of Behavioral Health and Recovery Services, or his designee, to apply for, and if awarded, enter into and sign the agreements for the California Department of Housing and Community Development "No Place Like Home Program" Round 2 Competitive Allocation Funding for acquiring, designing, and rehabilitating an existing motel located at 722 Kansas Avenue, Modesto, California (Kansas House Project); adopted a Resolution to authorize the Interim Director of Behavioral Health and Recovery Services, or his designee, to apply for, sign, and accept funds in an amount not to exceed \$11 million, including the submission of all documents required to secure funding, from the "No Place Like Home Program" Round 2 Competitive Allocation for the Kansas House Project; and, authorized the Auditor-Controller to modify the promissory note formalizing the \$2.3 million non-interest-bearing loan from the County General Fund to the Housing Authority to extend the payment deadline as necessary, in the event that the "No Place Like Home Program" Round 2 Competitive Allocation Funding disbursement is delayed – BHRS 2019-0670
- 5.B.6** Approved the Agreement between the County of Stanislaus Sheriff's Department and the California Department of State Hospitals (DSH), dated December 1, 2019 through November 30, 2021 for a Jail Based Competency Treatment (JBCT) program; approved the Agreement between the County of Stanislaus Sheriff's Department and California Forensic Medical Group dated January 1, 2020 through November 30, 2021, for Competency Treatment Services; authorized the Sheriff or his designee to sign the agreements and execute any subsequent amendments or other forms as required; authorized the Auditor-Controller to increase appropriations and estimated revenue in the Adult Detention Expansion Legal Budget Unit per the budget journal attached to the agenda item; and, adopted a resolution as required by the State in order to contract with the California Department of State Hospitals – Sheriff 2019-0671
- 5.B.7** Approved the Agreement with Yosemite Community College District and the Stanislaus County Fire Agencies for the joint use of the Regional Fire Training Facility through June 30, 2024; authorized the Chief Executive Officer to sign the agreement for the joint use of the Regional Fire Training Center at Modesto Junior College – OES 2019-0672

- 5.B.8** Authorized the Registrar of Voters to enter into an amendment to the agreement with the California Secretary of State for Voting System Replacement Contract 2018 in the amount of \$976,834 State reimbursement funds for expenses associated with voting system replacement activities up to a maximum amount of \$2,477,334 for the period April 29, 2015 through June 30, 2022; authorized the Registrar of Voters to seek bids from vendors for voting system replacement activities funded by the Voting System Replacement Contract 2018 State reimbursement funds; and, authorized the Auditor-Controller to increase revenue and appropriations in the Clerk-Recorder budget in accordance with the budget journal attached to the agenda item – Elections 2019-0673
- 5.B.9** Approved the Performance Agreement with the California Department of Health Care Services (DHCS) to receive program funding for FY 2018-2021 from the Mental Health Services Act (MHSA), Lanterman-Petris-Short (LPS) Act, Projects for Assistance in Transition from Homelessness (PATH), Community Mental Health Services Block Grant (MHBG), Crisis Counseling Assistance and Realignment funds to provide community mental health services pursuant to the Bronzan-McCorquodale Act; authorized the Interim Behavioral Health Director, or designee, to sign the Performance Agreement for the term of July 1, 2018 through June 30, 2021, and any additional documentation including amendments required for the execution of this agreement – BHRS 2019-0674
- 5.B.10** Approved an update on emergency repairs to the Public Safety Center West, Minimum Housing Unit One, and Support Services Facility's Fire-Life Safety, Secure Electronics, and Video Surveillance Systems; approved extending the Emergency Declaration in accordance with Public Contract Code Sections 20134 and 22050 to make further immediate repairs to abate water damage found in the mechanical chassis at the Public Safety Center West; made the following findings: (a) water damage has been identified within the mechanical chassis in the Public Safety Center West facility and requires immediate abatement and repair; (b) the abatement is necessary to ensure the safety of the Sheriff's staff, inmates, and County personnel; and (c) the emergency will not allow for the delay that would result if the project were competitively bid, and the action to immediately repair and abate the hazardous material on an emergency basis is needed; authorized the Chief Operations Officer, acting as Project Manager to negotiate and execute a contract with Belfor USA Inc., an approved vendor for the County's insurer, to abate the hazardous materials and make any other necessary repairs within the Public Safety Center facilities; and, authorized the Project Manager to take any additional actions necessary to abate the hazardous materials – CEO 2019-0675
- 5.B.11** Approved an agreement with the City of Modesto to operate government and educational programming on AccessModesto Community Television for seven years, with a not to exceed cost of \$959,535; authorized the CEO to sign and execute the agreement with the City of Modesto – CEO C-6-N-10 2019-0676
- 5.B.12** Authorized the Auditor-Controller to transfer \$3,477,273 in existing appropriations and revenue to the new Community Services Agency – Housing and Homeless Services budget unit to support operations of the Access Center, Emergency Shelter, 1128 South 9th Street family housing facility, and the continuation of the Empire Migrant Center – Family Winter Shelter Project, as detailed in the as detailed in the budget journal attached to the agenda item which is consistent with the October 1, 2019, Board of Supervisors' approval of the Community Services Agency responsibility for housing and homeless programs; directed the Auditor-Controller to increase appropriations and revenue by \$1,559,325, of which \$90,000 is for the Kaiser Permanente Community Benefit Grant that supports operations for the Emergency Shelter. An augment in the CalWORKs Housing Support Program (HSP) totaling \$1,469,325 will support the operations of the 1128 South 9th

Street family housing facility and the continuation of the Empire Migrant Center – Family Winter Shelter Project, as detailed in the budget journal attached to the agenda item – CSA
2019-0677

5.B.13 Accepted the CEO’s First Quarter Financial Report for FY 2019-2020; authorized the CEO and the AC to make the necessary adjustments as recommended in the First Quarter Financial Report; authorized the use of \$1,558,711 in appropriations for contingencies as recommended in the First Quarter Financial Report; amended the Salary and Position Allocation Resolution to reflect the recommendations included as part of the First Quarter Financial Report, as outlined in the Staffing Impacts section of the agenda item and detailed in Attachment 2 of the agenda item, to be effective the start of the first full pay period beginning on or after November 9, 2019, unless otherwise noted; approved contracts and/or agreements listed on Attachment 3 of the agenda item in cumulative amounts of \$200,000 or greater since July 1, 2017; and, authorized the GSA Director/Purchasing Agent or Department Head to sign – CEO 2019-0678

5.C.1 Awarded a contract for Engineering Design Services to O’Dell Engineering of Modesto, California for the Turlock/Denair Station Bus Loop Project; authorized the Director of PW to execute a contract with O’Dell in the amount of \$124,661 and to sign necessary documents, including any amendments to the agreement not to exceed 10%; and, authorized the Director of PW to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2019-0679

5.D.1 Adopted a Resolution to authorize the Director of Planning and Community Development to apply for and receive Senate Bill (SB) 2 Planning Grants Program (PGP) funds from the California Department of Housing and Community Development (HCD); authorized the Director of Planning and Community Development to submit the SB 2 PGP application to HCD; authorized the County to accept the SB 2 PGP funding and authorized the Director of Planning and Community Development to enter into and sign the grant agreements for the SB 2 PGP funding with HCD; authorized the Director of Planning and Community Development to execute any related program agreements, contracts, or other documentation required for implementation of SB 2 PGP funding awarded to Stanislaus County by HCD. This authorization includes executing a participating agreement with local jurisdictions combining their SB 2 PGP funding with the County on joint projects – Planning 2019-0680

Chiesa/Berryhill unan. **6.1** Conducted a public hearing to receive public comment and input on the proposed amendment to Title 16 of the County Code; waived the second reading of an ordinance amending Title 16 of the County Code, and adopting by reference the California Code of Regulations Title 24, 2019 Edition, of the California Building Code; finds that the proposed changes and modification to the 2019 California Building Standards contained in the proposed ordinance are necessary because of local climatic, geological, and/or topographical conditions, as detailed in the proposed ordinance; adopted the ordinance amending Title 16 of the County Code and adopted by reference the California Code of Regulations Title 24, 2019 Edition, of the California Building Standards; directed the Building Official to file the adopted ordinance and the Board of Supervisor’s findings with the California Building Standards Commission; and, ordered the Clerk of the Board to publish the ordinance in accordance with Government Code Section 25124(b) – Planning ORD-56-P-3 2019-0681

Olsen/Chiesa (4-1)(DeMartini opposed) **6.2** Conducted a public hearing to consider the Planning Commission’s recommendation for denial of Ordinance Amendment Application No. PLN2018-0037, Commercial Cannabis Ordinances, a request to amend Chapter 6.78-Commercial Cannabis Activities and Chapter 21.20 - General Agriculture District (A-2) of the County Code; finds the project is Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 26055(h) of the California Code of Regulations and ordered the filing of a Notice of Exemption with the County Clerk-Recorder pursuant to CEQA Guidelines Section 15062; finds that there is no substantial evidence the project will have a significant effect on the environment and that the General Exemption reflects the County’s independent judgment and analysis; finds the project is consistent with the overall goals and policies of the County General Plan; finds that the project is in conformity with and will promote public convenience, general welfare, and good land use practice; finds that the project will not be detrimental to health, safety, and general welfare of the County; **amended** 6.78.120 subsection E (7) of the proposed ordinance to read as follows: “Permittees shall agree that, as an express and ongoing condition of permit issuance and subsequent renewal, the Permittee is prohibited from advertising any Commercial Cannabis Activity located in the unincorporated area of Stanislaus County utilizing a billboard (fixed or mobile), bus shelter, placard, aircraft, or other similar forms of advertising, anywhere in the unincorporated area. This paragraph is not intended to place limitations on the ability of a Commercial Cannabis Activity to advertise in other legally authorized forms, including on the internet, in magazines, or in other similar ways”; and, approved and adopted Ordinance Amendment Application No. PLN2018-0037–Commercial Cannabis Ordinances as amended; introduced, waived the reading, and adopted the amended Ordinance C.S. 1258 amending Chapters 6.78 and 21.20 of the County Code relating to Commercial Cannabis Activities – Planning
ORD-56-Q-1 2019-0682 & 2019-0682a

DeMartini/Berryhill unan. **7.1** Introduced and waived the first reading of Ordinance C.S. 1260 amending chapter 6.78 of the County Code regarding enforcement procedures for unlawful cannabis activities within the unincorporated areas of County; finds that the adoption of the proposed Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines section 15061(b)(3). Specifically, this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment because it is essentially a textual amendment setting forth the enforcement procedures for enforcement of prohibited activities and does not authorize the construction of any new structures or other physical changes to the environment – County Counsel

ORD-56-Q-3 2019-0683

Withrow/Olsen unan. **7.2** Accepted the Behavioral Health Board Annual Report for Fiscal Year 2018-2019 – BHRS
2019-0684

Olsen/Chiesa unan. **7.3** Accepted the Internal Audit Reports prepared by the Internal Audit Division of the Auditor-Controller's Office
2019-0685

Corr 1 Referred to County Counsel and the Auditor-Controller, a Claim for Refund of Property Taxes filed on behalf of Wood Colony Christian School for tax year 2018-19.

Corr 2 Referred to the Health Services Agency, a request from the California Chapter of the American College of Cardiology that the County issues an emergency ban on the sale of all vaping products.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Roberto C. Vasquez; Allison Lambertson; Scott A. Williams (2); Renee Frazier; Robin Riner; and, Stephen Burns.

Supervisor Olsen reported that she, along with Supervisor Chiesa and Deputy Executive Officer Keith Boggs, will attend the 2019 California Economic Summit November 7th and 8th in Fresno.

Supervisor DeMartini reminded everyone that today is election day, and he noted that he will be participating on the Election Observer Panel as the Board's representative for today's election.

CEO Hayes reported that the Governor signed: SB 438 (Hertzberg. Emergency medical services – dispatch), SB 450 (Unberg. CEQA exemption: supportive and transitional housing: motel conversion), SB 742 (Allen. Intercity passenger rail services: motor carrier transportation of passengers), and the Governor vetoed the following: SB 1 (Beall. Transportation funding), SB 531 (Glazer. Local agencies: retailers), and AB 1184 (Gloria. Public records: writing transmitted by electronic mail: retention).

CEO Hayes announced that there will be an Open House for the Access Center Emergency Shelter on Tuesday, November 5, 2019 at 1:30 p.m., at 330 9th Street, Modesto, CA.

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 11:52 a.m.

13.1 Conference with Legal Counsel - Existing Litigation: Pursuant to Government Code § 54956.9(d)(1): One case. Stanislaus County Behavioral Health and Recovery Services Network Adequacy Appeal, FS19-0619-1080-AC. No reportable action was taken in closed session.

13.2 Conference with Legal Counsel - Anticipated Litigation: Pursuant to Government Code § 54956.9(d)(2). One case. No reportable action was taken in closed session.

Adjourned at 12:30 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.)