

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

March 19, 2019

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.

Closed Session: Conference with Legal Counsel - Existing Litigation: Two Cases: City of Patterson v. County of Stanislaus, et al., Stanislaus County Superior Court Case No. CV18004195. City of Newman v. County of Stanislaus, et al., Stanislaus County Superior Court Case No. CV18004193. Government Code Section 54956.9(d)(1).

Reconvened at 6:30 p.m. for Regular Session

Invocation was given by Rabbi Shalom Bochner with Congregation Beth Shalom.

Rafael Rodriguez spoke in Spanish regarding his resignation from the Empire MAC and his opposition to cannabis businesses in Empire.

Debra Harper spoke regarding the need for everyone to work together.

Miguel Donoso provided a letter to the Board and spoke regarding Rafael Rodriguez's resignation from the Empire MAC, and the need for training of MAC members. He also voiced opposition to the cannabis business located at 4725 Yosemite Blvd.

Olsen/Chiesa unan. Adopted the consent calendar after removing from consent agenda item **5.A.12**
Acceptance of the Resignation of Rafael Rodriguez from the Empire Municipal Advisory Council

- 5.A.1** Approved the minutes of 03/05/2019
- 5.A.2** Proclaimed March 2019 as Bleeding Disorders Awareness Month in Stanislaus County
2019-0130
- 5.A.3** Proclaimed the week of 04/07/2019 to 04/13/2019 as Stanislaus County Library Week in
conjunction with National Library Week 2019-0131
- 5.A.4** Appointed Laurie Daily-Johnson to the Stanislaus Animal Services Agency Advisory
Committee 2019-0132
- 5.A.5** Appointed Paul T. Rivera to the Oakdale Rural Fire Protection District 2019-0133
- 5.A.6** Appointed Erika E. Durrer to the Stanislaus County Water Advisory Committee
2019-0134
- 5.A.7** Appointed Becky Arellano, Elizabeth Talbott, Cynthia Homen, Steven Hallam and Thomas
Powell to the Stanislaus County Economic Development Action Committee 2019-0135
- 5.A.8** Appointed Charles Dossett, Scott Kuykendall, and Lynis Croslin Chaffey to the Stanislaus
County Workforce Development Board 2019-0136

- 5.A.9 Appointed Lonnie Statzer to the Stanislaus County Local Task Force on Solid Waste Management 2019-0137
- 5.A.10 Appointed Thomas Boze to the Law Library Board of Trustees 2019-0138
- 5.A.11 Accepted the resignation of Carla Doshas from the Knights Ferry Municipal Advisory Council 2019-0139
- 5.B.1 Approved the use of the Electronic-Payment (E-Payment) Process for the Sheriff Department, Civil Division customers to make payments for civil service fees; and, authorized the Purchasing Agent to sign the Government Payment Service, Inc. participation agreement, and any amendments, on behalf of the County – Sheriff 2019-0141
- 5.B.2 Approved the use of up to \$25,500 in Community Development Funds to install a security fence at the Stanislaus County Police Activities League office; directed the Auditor-Controller to make the necessary budget adjustments per the budget journal, attached to the agenda item; and, authorized the CEO, or his designee, to negotiate and sign a long-term agreement with the City of Modesto regarding the installation of a security fence on a portion of City property – CEO 2019-0142
- 5.B.3 Approved CSA Child Advocacy Center Program Subaward Application Proposal; and, authorized CSA to accept, if awarded by the California Governor’s Office of Emergency Services, the Child Advocacy Center Program Subaward allocation of \$200,000 and future allocations – CSA 2019-0143
- 5.B.4 Approved the Second Amendment to the existing Full Service Partnership (FSP) agreement with Turning Point Community Programs, Inc., for the provision of the Triage Support Team for FY 2018-2019; authorized the BHRS Director, or his designee, to sign the Second Amendment with Turning Point Community Programs, Inc., to provide services through a Triage Support Team throughout FY 2018-2019 in the amount of \$317,139; approved the Third Amendment to the existing Children’s Crisis Intervention Program (CIP) Agreement with Aspiranet, for the provision of the Triage Linkage and Coordination Program; and, authorized the BHRS Director, or his designee, to sign the Third Amendment to the existing CIP Agreement with Aspiranet to provide triage services through the Triage Linkage and Coordination Program throughout FY 2018-2019 in the amount of \$47,873 – BHRS 2019-0144
- 5.B.5 Approved a Professional Design Services Agreement with Kitchell CEM, Inc. for the design of the heating, ventilation and air-conditioning systems replacement at 1021 I Street, Modesto for a not to exceed amount of \$126,672; and, authorized the Purchasing Agent to sign the agreement and any subsequent amendments to the agreement on behalf of the County for an overall total not to exceed amount of \$139,339, which includes a 10% contingency of \$12,667 – GSA 2019-0145
- 5.B.6 Authorized the Stanislaus County Library Director to sign, submit and accept an application and awarded funds from the California State Library for a family literacy grant in the amount of \$80,000; authorized the Stanislaus County Library director to sign an amendment to the FY 2018-2019 contract with Learning Quest to include family literacy services and increase the contract maximum by \$80,000; and, directed the Stanislaus County Auditor-Controller to increase Intergovernmental Revenue and increase appropriations in Services and Supplies as detailed in the budget journal, attached to the agenda item – Library 2019-0146

- 5.B.7** Adopted the Property Tax Administration Cost Recovery Plan for use in FY 2018-2019; approved the Final Report determining the Property Tax Administration Costs for FY 2017-2018 are \$7,783,214 and establishing the proportion of recoverable costs attributable to incorporated cities and other jurisdictions in FY 2018-2019 are \$1,504,328; and, authorized the collection of said costs pursuant to the provisions of the Revenue and Taxation Code Sections 95.3 and 97.75, and Stanislaus County Ordinance Code Section 4.44.010 – Auditor-Controller 2019-0147
- 5.B.8** Approved the use of \$10,000 from the Community Development Fund to support Stanislaus Partners in Education programs; and, directed the Auditor-Controller to make the necessary budget adjustments per the budget journal, attached to the agenda item – CEO 2019-0148
- 5.B.9** Approved the filing of a Notice of Exemption finding that the proposed event is exempt under the provisions of the CEQA pursuant to State guidelines Section 15323; approved the Exclusive Use Agreement/Permit with One World to hold a Water Lantern Festival at Woodward Reservoir Regional Park on Saturday, 05/04/2019; authorized the Director of Parks and Recreation, or designee, to direct One World to adhere to the requirements set forth as outlined in the Temporary Exclusive Use Event Agreement/Permit, attached to the agenda item; and, authorized the Director of Parks and Recreation, or designee, to negotiate and approve future events with One World – Parks 2019-0149
- 5.B.10** Authorized the Registrar of Voters to enter into an agreement with California Secretary of State for HAVA federal reimbursement funds provided by the U.S. Election Assistance Commission for expenses associated with the improvement of the administration of elections up to a maximum amount of \$25,000 for the period of 12/10/2018 through 06/30/2021; approved the Registrar of Voters to negotiate, award, and execute all corresponding contracts with vendors in connection with HAVA related activity up to a maximum amount of \$25,000; approved the Registrar of Voters to expend funds and seek reimbursement from the California Secretary of State; and, authorized the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$25,000, as detailed in the budget journal, attached to the agenda item – Elections 2019-0150
- 5.B.11** Authorized the Registrar of Voters to enter into an agreement with the California Secretary of state for HAVA federal funds provided by the U.S. Election Assistance Commission for expenses associated with cyber security and infrastructure related to VoteCal up to maximum amount of \$25,000 for the period 01/02/2019 through 06/30/2021; approved the Registrar of Voters to negotiate, award and execute all corresponding contracts with vendors in connection with HAVA related activity up to a maximum amount of \$25,000; approved the Registrar of Voters to expend funds and seek reimbursement from the California Secretary of State; and, authorized the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$25,000 as detailed in the budget journal, attached to the agenda item – Elections 2019-0151
- 5.B.12** Accepted the sixteenth 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 2019-0152
- 5.B.13** Approved the first 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 2019-0153

- 5.C.1 Approved an amendment in the amount of \$149,704.96 to the Contribution Agreement between the County of Stanislaus and the City of Patterson for the Project Approval and Environmental Document (PA&ED) phase of the Sperry Road Interchange Project for a total of \$1,147,738.07; authorized the Director of Public Works to execute an amendment to the Contribution Agreement between the County of Stanislaus and the City of Patterson for the PA&ED phase of the Sperry Road Interchange Project; authorized the Director of Public Works to sign the necessary documents, including an amendment, to the previously executed agreement with NCM Engineering Corporation up to the amount of \$149,704.96; and, authorized the Director of Public Works to sign Change Orders within the approved budget up to 10% of the contract amount – PW 2019-0154
- 5.C.2 Finds that the Stanislaus County owned parcel, identified as APN 067-016-022 located on Scenic Bend East of the intersection of Scenic Drive and El Vista Avenue, is not required for County use; finds that this transaction is categorically exempt from the provisions of the CEQA; and, authorized the Director of Public Works to sign the Quitclaim Deed transferring the title of this parcel to the City of Modesto – PW 2019-0155
- 5.C.3 Approved Amendment No. 1 to the Engineering Services agreement with O’Dell Engineering of Modesto, CA, in the amount of \$13,800, for an amended not to exceed \$103,800, for the Stanislaus County Corporation Yard Security Wall Project; authorized the Director of Public Works to execute the amendments with O’Dell Engineering, in the amount of \$13,800 and to sign 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 2019-0156
- 5.D.1 Opened the 30-day public review period to consider approval of the Stanislaus Urban County’s FY 2019-2020 Annual Action Plan (AAP); and, set a public hearing for the 04/30/2019, 9:00 a.m. meeting to consider approval of the Stanislaus Urban County’s FY 2019-2020 AAP – Planning 2019-0157
- 5.D.2 Accepted the Annual Progress Report for the Stanislaus County Housing Element for the calendar year 2018 – Planning 2019-0158
- 5.D.3 Set a public hearing on 04/02/2019, at the 9:00 a.m. meeting, to consider the Planning Commission’s recommendation for approval of Rezone Application No. PLN2016-0071, Wells Avenue RV & Self-Storage, located at 418 Wells Avenue, west of McHenry Avenue, south of Pelandale Avenue, in the Modesto area, and adoption of a Mitigated Negative Declaration; and, authorized the Clerk to publish notice of hearing as required by law – Planning ORD-56-F-4 2019-0159
- 5.D.4 Set a public hearing on 04/02/2019, at the 9:00 a.m. meeting, to consider the Planning Commission’s recommendation for approval of Use Permit and Development Agreement application No. PLN2018-0108, MDF Farms, located at 16218 Sycamore Avenue, between Fig and Orange Avenues, in Patterson Area; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-56-G-1 2019-0160

Chiesa/DeMartini unan. **5.A.12** Accepted the resignation of Rafael Rodriguez from the Empire Municipal Advisory Council 2019-0140

DeMartini/Berryhill unan. **6.1** Authorized the District Attorney to accept a grant award from the California Governor’s Office of Emergency Services Victim/Witness Assistance Program grant for Federal FY 2018-2019 in the amount of \$1,021,044; authorized the District Attorney to sign the grant award agreement, including any extensions or amendments; and, amended the Salary and Position Allocation to add two new block-budgeted Victim Advocate II positions to the Victim Services Legal Budget effective the first pay period following the Board of Supervisors approval. 2019-0161

Chairman Withrow left at 7:07 p.m.

Chairman Withrow recused himself from Public Hearings items 7.1 and 7.2 due to a disqualifying financial interest.

7.1 The Board conducted the public hearing to consider Use Permit and Development Agreement Application No. PLN2018-0098, Legacy Nursery, LLC.

Recessed at 8:35 p.m.

Reconvened at 8:46 p.m.

The following motions were made regarding the Use Permit and Development Agreement Application No. PLN2018-0098, Legacy Nursery, LLC:

Supervisor DeMartini made a **motion that failed for a lack of a second** to deny Use Permit and Development Agreement Application No. PLN2018-0098, Legacy Nursery, LLC.

Olsen/Berryhill (3-1)(DeMartini opposed)(Withrow recused) **7.1 Continued** the public hearing to consider the Planning Commission's recommendation for approval of Use Permit and Development Agreement Application No. PLN2018-0098, Legacy Nursery, LLC, to a future unspecified date to give the CEO and County Counsel time to research whether the applicant can find another location for this project – Planning ORD-56-F-3 2019-0162

Olsen/Berryhill (3-1)(DeMartini opposed)(Withrow recused) **7.2 Continued** the public hearing to consider the Planning Commission's recommendation for denial of Use Permit and Development Agreement Application No. PLN2018-0097, Legacy Nursery, LLC, to a future unspecified date to give the CEO and County Counsel time to research whether the applicant can find another location for this project – Planning ORD-56-F-2 2019-0163

Recessed at 12:18 a.m.

Reconvened at 12:31a.m.

Supervisor Withrow returned at 12:31a.m.

Berryhill/Olsen unan. **7.3** Conducted a public hearing to consider the Planning Commission's recommendation for denial of Use Permit and Development Agreement Application No. PLN2018-0110, Prem Gen Corp - El Roya Ave, located at 536 El Roya Avenue, south of Yosemite Boulevard (HWY 132), in the Modesto 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 EIR was certified), 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; and, (b) 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)

