

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

Regular Session

Tuesday

September 24, 2019

All Supervisors Present

Pledge of Allegiance to the Flag

Invocation was given by Mark Gunnarson from City Ministry Network.

Amanda Hughes from the Stanislaus Community Foundation presented a check for the Area Agency on Aging Senior Meals on Wheels Program.

Marycruz Vargas and MaElena Rico-Smith from the Behavioral Health and Recovery Services received their 25-year Employee Service Award. Annette Patton from Animal Services received her 30-year Employee Service Award.

Rhonda Johnson, In Home Supportive Services (IHSS) provider, spoke in support of fair pay for IHSS workers.

Lupe Sanchez, IHSS provider, requested that the providers receive a pay increase.

Susan Beasley invited the Board to attend the International Festival on 10/05/2019 11:00 a.m. to 5:00 p.m. at the MJC East Campus.

Olsen/Chiesa unan. Adopted the consent calendar after removing from consent item **5.A.3** Approval to Proclaim October 2019 as Italian American Heritage Month in Stanislaus County

**5.A.1** Approved the minutes of 09/17/2019

**5.A.2** Adopted and waived the second reading of Ordinance C.S. 1254 amending Stanislaus County Code Chapter 11.16, Highway Weight Limits and Alternate Routes

ORD-56-O-2 2019-0574

**5.A.4** Proclaimed of the week of 09/29/2019 through 10/05/2019 as Stanislaus County Diversity Awareness Week – CEO

2019-0576

**5.A.5** Proclaimed the intent to participate in the 2019 Great California ShakeOut Earthquake Drill – OES

2019-0577

**5.B.1** Approved contract number 19-10195 with the CA Department of Public Health for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) from 10/01/2019 through 09/30/2022; and, authorized the HSA Managing Director, or her designee, to sign and execute the contract and subsequent amendments – HSA

2019-0578

**5.B.2** Accepted the Stanislaus County Treasury Pool's August 2019 Monthly Investment Report as prepared by the Stanislaus County Treasurer-Tax Collector's Office and reviewed for conformity with the 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

2019-0579

**5.B.3** Accepted an update in accordance with Public Contract Code Sections 20134 and 22050 for emergency remediation/repairs at 10<sup>th</sup> Street Place, to repair water damage and restore essential government operations – CEO

2019-0580

- 5.B.4** Set a public hearing on 10/22/2019, at the 9:00 a.m. meeting, to introduce and waive the first reading of Ordinance C.S. 1256 to amend existing fees for the County Clerk-Recorder – Elections ORD-56-P-2 2019-0581
- 5.B.5** Adopted the 1% Ad Valorem Tax rate authorized by Sections 93(b) and 135 of the Revenue and Taxation Code; adopted tax rates that are “...needed to make annual payments for the interest and principal on general obligation bonds or other indebtedness approved by the voters” to be levied pursuant to Revenue and Taxation Code 93(a) and 93(c); adopted the Countywide Unitary Tax rate of 1.380093% as calculated and authorized by Section 100 of the Revenue and Taxation Code; and, adopted the 0.8714% tax rate for the territory formerly served by the Lower San Joaquin Levee District – Auditor-Controller 2019-0582
- 5.B.6** 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-5 2019-0583
- 5.B.7** Accepted an update on the Public Safety Center West, Minimum Housing Unit One, and Support Services Building, Secure Electronics and Fire-Life Safety Project in accordance with the provisions of the Public Contract Code and related matters – CEO 2019-0584
- 5.B.8** Approved the agreement between the Department of Aging and Veterans Services and the California Department of Aging to provide Supplemental Nutrition Assistance Program Education services for Federal FY 2019-2020; and, adopted a resolution to authorize the Director of the Department of Aging and Veterans Services to sign the agreement and any subsequent amendments to this agreement with the CA Department of Aging for Federal FY 2019-2020 – Aging and Veteran Services 2019-0585
- 5.B.9** Authorized the Auditor-Controller to increase the Behavioral Health and Recovery Services Support Services Revolving Fund from \$8,000 to \$30,000 – BHRS 2019-0586
- 5.C.1** Approved the Agreement for Acquisition of Property for the McHenry Avenue Widening Project, Grantor: Lu Good Fortune Investment, LLC, APN: 004-102-002 (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 2019-0587
- 5.C.2** Approved the Agreement for Acquisition of Property for the McHenry Avenue Widening Project, Grantor: Todd and Ryan Rausch, APN: 074-001-011 (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 2019-0588
- 5.C.3** Approved the Agreement for Acquisition of Property for the McHenry Avenue Widening Project, Grantor: River Bluff Ranch, LLC, APN: 074-001-010 (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 2019-0589
- 5.C.4** Approved the Agreement for Temporary Construction Easement for the St. Francis Ave Bridge Project, Grantor: BPL Properties, APN: 004-070-010 (partial); authorized the Chairman to execute the Agreement for Temporary Construction Easement; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2019-0590
- 5.C.5** Awarded a contract for Engineering Design Services to Siegfried Engineering of Modesto, CA for the County Corporate Yard Phase II Project; authorized the Director of Public Works to execute a contract with Siegfried Engineering in the amount of \$267,334.23 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 2019-0591

**5.C.6** Approved to declare pursuant to Public Contract Code Section 22031 the County's intention to use County workforce to perform new road and road reconstruction projects on Arnold Avenue, Euclid Avenue, Mitchell Road, Powell Road, Tim Bell Road, and Zeering Road – PW 2019-0592

**5.D.1** Set a public hearing on 10/22/2019, at the 9:00 a.m. meeting, to consider the Planning Commission's recommendation for denial of Use Permit and Development Agreement application No. PLN2018-0115, Empire Health and Wellness, request to establish a commercial cannabis retail business with delivery services, located at 4725 Yosemite Boulevard (State Route 132), between A and B Streets, in the Community of Empire; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-56-P-1 2019-0593

DeMartini/Chiesa unan. **5.A.3** Proclaimed October 2019 as Italian American Heritage Month in Stanislaus County 2019-0575

Olsen/DeMartini unan. **7.1** Conducted a public hearing to consider the adoption of the Stanislaus Urban County FY 2018-2019 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) and Emergency Solutions Grant (ESG) Programs; adopted the Stanislaus Urban County FY 2018-2019 CAPER for the CDBG and ESG Programs and authorized staff to submit the CAPER to the U.S. Department of Housing and Urban Development (HUD); and, authorized the Planning and Community Development to incorporate any comments received during the public hearing into the adopted CAPER document and to make alterations to the CAPER as directed by HUD, provided alterations are technical in nature – Planning 2019-0594

Olsen/Berryhill(4-1)(DeMartini opposed) **7.2** Conducted a public hearing to consider the Planning Commission's recommendation for denial of Use Permit and Development Agreement application No. PLN2018-0121, All Season Organics, LLC, request to operate a mixed-light commercial cannabis cultivation, nursery and distribution business, located at 1054 Merriam Road, between Riverview and Blue Gum Roads, in the Hickman area; the Board finds that no further analysis under CEQA is required pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a General Plan or 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 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 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) The alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards; (f) 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; **amended** the Conditions of Approval as follows: deleted Conditions No. 28, 29, 30, and 34, added Condition No. 50 to read “All creation, collection, and disposal of process wastewater shall be done in accordance with the latest requirements from the State Water Resources Control Board Guidelines and County’s Department of Public Works requirements in effect at the time of wastewater disposal. Prior to issuance of a CCA Permit, the applicant shall demonstrate compliance with these requirements to the Department of Public Works.”, and **amended** Condition No. 17 to read “Within six months of issuance of a CCA permit, the existing corrugated metal fence along the Merriam Road front yard setback area shall be removed and any replacement fencing shall meet County setback requirements. The location, design, and construction of any fencing shall be reviewed and approved by the Director of Planning and Community Development prior to installation for conformance with County Code Section 6.78.080 (D). Any modification to any fencing located on the project site, shall be subject to review and approval by the Planning Director or appointed designee(s) for aesthetics and security purposes.”; the Board approved Use Permit and Development Agreement Application No. PLN2018-0121, All Season Organics, LLC, subject to the Conditions of Approval as amended; authorized the Chairman to execute the Development Agreement; and, introduced, waived the reading, and adopted Ordinance C.S. 1253 for the approved Development Agreement – Planning ORD-56-O-1 2019-0595 & 2019-0596

**Corr 1** Referred to the Department of Public Works, a notice from the California High-Speed Rail Authority regarding the availability of a draft supplemental environmental impact statement for the Merced to Fresno Section of the High-Speed Rail Project.

**Corr 2** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Sidney Brewton; Jett Cofield; Denise Agness Johnson; and, Reed A. and Margaret Countryman.

Supervisor DeMartini announced that the Westside Health Healthcare Task Force will be holding its 2<sup>nd</sup> Annual Senior Health and Nutrition Program on 09/30/2019 from 12:30 – 2:00 p.m. at the Hammon Senior Center, 1033 W. Las Palmas Ave. in Patterson.

Supervisor Chiesa noted that he would like the County to look into fines regarding repeat offenders of illegal cannabis grows.

CEO Hayes announced that there will be a tour of the Emergency Shelter Tuesday, 10/01/2019, following today’s Board of Supervisors meeting at 330 9<sup>th</sup> Street, Modesto, CA.

Adjourned at 11:31 a.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.)