

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

Special and Regular Session
Berryhill Absent
Pledge of Allegiance to the Flag

Tuesday

December 17, 2019

Convened at 5:15 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.

1.1 Conference with Legal Counsel - Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). One case: Lydia Garcia and Roldan Medina v. Stanislaus County, et al., Stanislaus County Superior Court Case No. CV-18-000648.

Reconvened at 6:33 p.m. for Regular Session

A moment of silence was held for former City of Modesto Councilmember Dave Lopez.

Invocation was given by Lloyd Payne, Bishop from the Church of Jesus Christ of Latter-day Saints.

Louisa Bryant spoke regarding her small claims court case.

Margaret Countryman spoke regarding the appeal of her neighbor's second structure permit.

Nick Webb spoke regarding his concerns regarding Verizon Wireless placing a tower on Brady Road.

Steve Webb requested that a halt be placed on the Verizon Wireless Tower project on Brady Road.

Vicente Meja urged the Board to fill the vacancy on the Empire Municipal Advisory Council (MAC).

Miguel Donoso requested that the Board act quick to fill the vacancies on the Empire MAC.

Fabian Tamayo, an Empire resident, stated that he is interested in becoming an Empire MAC member.

Olsen/Chiesa (4-0)(Berryhill Absent) Adopted the consent calendar after removing from the agenda

5.A.12 Approval of Reappointment of Valerie Mitchell and Shelli Margarite to the In-Home Supportive Services Advisory Committee. 2019-0747

5.A.1 Approved the Minutes for December 10, 2019

5.A.2 Approved a Commendation for the Assyrian Wellness Collaborative Upon their 5th Anniversary 2019-0737

5.A.3 Proclaimed January 2020 Human Trafficking Awareness Month in Stanislaus County 2019-0738

5.A.4 Accepted the resignation of Paul Melgard from the Turlock Rural Fire Protection District 2019-0739

- 5.A.5** Appointed Aaron Mundello to the Fire Code Board of Appeals 2019-0740
- 5.A.6** Appointed Joe Lopez to the Emergency Medical Services Committee 2019-0741
- 5.A.7** Appointed E. Vernon Seeley to the Assessment Appeals Board 2019-0742
- 5.A.8** Reappointed Carlos Romeo Hernandez, Jr., Jerold Rosenthal, Frank William Ploof, and Virginia Rose Solorzano to the Stanislaus County Behavioral Health Board 2019-0743
- 5.A.9** Reappointed Bruce Laverty, Mary Ann Lilly-Tengowski, and Paul Baxter to the Emergency Medical Services Committee 2019-0744
- 5.A.10** Reappointed Jeremiah Williams and Keenon J. Krick to the Stanislaus County Equal Rights Commission 2019-0745
- 5.A.11** Reappointed Allen Mitterling to the Indigent Health Care Program Fair Hearing Board of Directors 2019-0746
- 5.A.13** Reappointed Fred Leslie Dolling and Shavon Haskell to the Knights Ferry Cemetery District Board of Directors 2019-0748
- 5.A.14** Reappointed Thomas Boze, Bruce E. Ramsey and Gregory Goodwin to the Law Library Board of Trustees 2019-0749
- 5.A.15** Reappointed Bryan Whitemyer, Gary Torrijos and Ignacio Chavez to the Stanislaus County Local Task Force on Solid Waste Management 2019-0750
- 5.A.16** Reappointed Kyle Fliflet to the Stanislaus County Parks and Recreation Commission 2019-0751
- 5.A.17** Reappointed Rick Scheuber, Patrick Alves and Steve Amador to the Storm Drain District No. 8 Board of Directors 2019-0752
- 5.A.18** Reappointed Bobby Yamamoto, Bruce A. Thompson, and Jim Melo to the Patterson Cemetery District Board of Directors 2019-0753
- 5.A.19** Reappointed Everett B. Souza, Jr. to the Turlock Mosquito Abatement District Board of Trustees 2019-0754
- 5.A.20** Reappointed Shivaugn Alves to the San Joaquin Valley Air Pollution Control District Citizens Advisory Committee 2019-0755
- 5.A.21** Reappointed Rachelle Antinetti, Francisco Canela, Richard Gimperle, Erika E. Durrer, Jim Mortensen, Sean Roddy, Daniel Bays, Tim Sanders, Vince Dykzeul, and Cooper M. Rossiter to the Stanislaus County Water Advisory Committee 2019-0756
- 5.A.22** Reappointed Ken Cheeseman and John Degele to the Housing Authority of the County of Stanislaus 2019-0757
- 5.A.23** Appointed Lee Hetzler to the Knights Ferry Community Services District 2019-0758
- 5.B.1** Authorized the Sheriff to enter into and sign an agreement to purchase one canine from the Stanislaus Sheriff's K9 Association for \$1.00 – Sheriff 2019-0759
- 5.B.2** Approved a resolution authorizing the sale of tax-defaulted properties for the minimum bids as described on the "List of Properties for Delinquent Tax Sale," attached to the agenda item, pursuant to Sections 3694 and 3699 of the California State Revenue and Taxation Code; authorized the Treasurer-Tax Collector to re-offer the parcels that did not obtain the minimum bids during the previous tax sale at a price which is deemed appropriate by the Treasurer-Tax Collector pursuant to Section 3698.5(c) of the Revenue and Taxation Code; authorized the Treasurer-Tax Collector to re-offer the parcels that do not obtain the minimum bids during the March 2020 tax sale within 90 days after the tax sale at a price which is deemed appropriate by the Treasurer-Tax Collector pursuant to Sections 3692(e) and 3698.5(c) of the Revenue and Taxation Code; and, authorized the Treasurer-Tax Collector to exempt those parcels which are owned by the Federal and State Government from the tax sale as identified on the "List of Properties Exempted from the Delinquent Tax Sale," attached to the agenda item, pursuant to Section 202 of the Revenue and Taxation Code, Article XIII, Section 3 of the Constitution, and Federal Law; exempt four other parcels under Revenue and Taxation Code Section 3692(a); and exempt nine parcels

under active bankruptcy protection each with an automatic stay in place – T/TC

2019-0760

- 5.B.3** Authorized the Sheriff to retire one (1) canine from the Sheriff’s Department service and enter into a Canine Retirement Contract with the Canine’s current handler – Sheriff

2019-0761

- 5.B.4** Authorized the Auditor-Controller, on behalf of the General Services Agency to pay one invoice totaling \$13,800 for services provided by Access Electric related to the 2017 electrical work performed at the Downtown Men’s Jail located at 1115 H Street in Modesto, CA – GSA

2019-0762

- 5.B.5** Adopted the Mental Health Services Act (MHSA) plan update for FY 2019-2020 to allow the expenditure of MHSA funds for the projects and agreements referenced in the plan update; authorized the Interim Behavioral Health Director, or his designee, to sign and submit the Mental Health Services Act plan update for FY 2019-2020 to the Department of Health Care Services and the Mental Health Services Oversight and Accountability Commission; authorized the Auditor-Controller, or her designee, to sign the MHSA County Fiscal Accountability Certification certifying that the fiscal requirements have been met; authorized the Auditor-Controller to increase appropriations and estimated revenue in support of the services outlined in the MHSA Plan Update for FY 2019-2020 in the BHRS budget, as detailed in the budget journal attached to the agenda item; authorized the Auditor-Controller to make a technical adjustment in relation to Resolution No. 2019-0677 to reduce Community Services Agency Housing and Homeless Services appropriations by \$146,015; authorized the Auditor-Controller to increase appropriations in the BHRS budget by \$91,813 in relation to Resolution No. 2019-0677; and, authorized the Auditor-Controller to make a technical adjustment in the BHRS budget to increase revenue and decrease appropriations, as detailed in the budget journal attached to the agenda item – BHRS

2019-0763

- 5.B.6** Authorized the Director of Environmental Resources, or designee, to apply for, enter into and sign routine FY 2020-2021 grant agreements and contracts for various State and Regional programs; authorized the Director of Environmental Resources, or designee, to approve and sign any amendments to the routine FY 2020-2021 grant agreements and contracts for various State and Regional programs; adopted a resolution authorizing the Director of Environmental Resources, or designee, to apply for a Waste Tire Enforcement Grant from the California Department of Resources Recycling and Recovery for FY 2020-2021 to promote the administration of a regional waste tire enforcement program; and, adopted a resolution to authorize the Director of Environmental Resources, or designee, to apply for the two year Local Government Waste Tire Cleanup Grant from the California Department of Resources Recycling and Recovery for FY 2020-2021 and FY 2021-2022 to promote the administration of the County’s Waste Tire Cleanup Program – DER

2019-0764

- 5.B.7** Accepted the Stanislaus County Public Facilities Fees Annual Financial Report for Fiscal Year Ending 06/30/2019 – Auditor-Controller

2019-0765

- 5.B.8** Approved an amendment to the Veterans Advisory Commission Bylaws to allow the Commission to change from monthly meetings to bi-monthly meetings – Aging and Veteran Services

2019-0766

- 5.B.9** Accepted the 2019 Public Safety Power Shutoff Resiliency Allocation from the California Governor’s Office of Emergency Services; authorized the Auditor-Controller to establish revenue and appropriations as outlined in the budget journal attached to the agenda item; and, authorized the Assistant Director of Emergency Services or designee to transfer ownership of items purchased to receiving agencies – OES

2019-0767

- 5.B.10** Accepted the report of Multi-Department Contracts and Agreements for the period of 07/01/2018 through 06/30/2019 – GSA

2019-0768

- 5.B.11** Approved the tentative health insurance agreement for the period of 01/01/2020 through 12/31/2020 between Stanislaus County and Stanislaus Sworn Deputies Association; approved the tentative health insurance agreement for the period of 01/01/2020 through 12/31/2020 between Stanislaus County and Service Employees International Union, Local 521; and, authorized the CEO and all parties to sign the agreements – Risk Management
2019-0769

Recessed to sit as the Stanislaus County In-Home Supportive Services Public Authority at 7:20 p.m.

Chiesa/Olsen(4-0)(Berryhill Absent) unan. **6.1** Adopted the consent calendar

6.1.B.1 Approved the Minutes of July 16, 2019

6.1.B.2 Appointed Kathryn M. Harwell as the new Executive Director of the Stanislaus County In-Home Supportive Services Public Authority effective 01/04/2020. 2019-0770

The Board and CEO recognized Jeff Lambaren for his many years of service as the IHSS Public Authority Executive Director and congratulated him upon his retirement.

Reconvened as the Stanislaus County Board of Supervisors at 7:23 p.m.

Chiesa/Olsen(4-0)(Berryhill Absent) unan. **6.2** Conducted a public hearing to consider the Planning Commission's recommendation for General Plan Amendment, Rezone, Use Permit, and Development Agreement Application No. PLN2018-0101 – Natural Remedies Consulting, request to amend the General Plan and Zoning Designation to allow indoor commercial cannabis cultivation, manufacturing (non- volatile), retail, and distribution activities, located at 5272 Jerusalem Court, north of Kiernan Avenue, in the Modesto area; adopted the amended Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis; 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 General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses; (b) the County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service; (c) the amendment is consistent with the General Plan goals and policies; (d) the proposed Planned Development (P-D) zoning is consistent with the Planned Development General Plan designation; (e) 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, (f) the alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards; 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; and, (f) will promote and encourage the orderly development of the proposed project by providing a greater degree of requisite certainty; approved General Plan Amendment, Rezone, Use Permit, and Development Agreement Application No. PLN2018-0101 – Natural Remedies Consulting, subject to the Development Standards, attached to the agenda item; authorized the Chair to execute the Development Agreement, attached to the agenda item; and, introduced, waived the reading, and adopted

Chiesa/Olsen(4-0)(Berryhill Absent) unan. **6.3** Conducted a public hearing to consider the Planning Commission’s recommendation for General Plan Amendment, Rezone, Use Permit, and Development Agreement Application No. PLN2018-0112, Jayden’s Journey, request to amend the General Plan and Zoning Designation, and to obtain a Use Permit and Development Agreement, to allow operation of a commercial cannabis retail business within an existing 5,525 square-foot suite, located at 5054 Pentecost Drive, at the southeast corner of Bitritto Way and Pentecost Drive, north of Kiernan Avenue, in the Modesto area.; adopted the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County’s independent judgment and analysis; 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 General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses; (b) the County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service; (c) the amendment is consistent with the General Plan goals and policies; (d) the proposed Planned Development (P-D) zoning is consistent with the Planned Development General Plan designation; (e) 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, (f) the alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards; 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; and, (f) will promote and encourage the orderly development of the proposed project by providing a greater degree of requisite certainty; approved General Plan Amendment, Rezone, Use Permit, and Development Agreement Application No. PLN2018-0112 – Jayden’s Journey, subject to the Development Standards, attached to the agenda item; authorized the Chair to execute the Development Agreement, attached to the agenda item; and, introduced, waived the reading, and adopted ordinance C.S. 1265 for the Rezone and adopted ordinance C.S. 1263 for the approved Development Agreement – Planning

ORD-56-R-3 2019-0774, 2019-0775, 2019-0776

Corr 1 Acknowledged receipt of the Comprehensive Annual Financial Report of the Stanislaus County Employees’ Retirement Association (StanCERA) for fiscal year ending 06/30/2019.

Corr 2 Acknowledged receipt of the Community Services Agency’s FY 2018-2019 Annual Audit of the California Department of Education Child Care and Development Alternate Payment Programs Stage 2 and 3 Contracts.

Corr 3 Referred to County Counsel and the Auditor-Controller a Claim for Refund of Property Taxes filed on behalf of T-Mobile West LLC, regarding assessments for tax year 2015-16.

Corr 4 Referred to County Counsel and the Auditor-Controller a Claim for Refund of Property Taxes filed on behalf of Sprint TelephonyPCS, LP, regarding assessments for tax year 2019-20.

Corr 5 Referred to County Counsel and the Auditor-Controller a Claim for Refund of Property Taxes filed on behalf of Frantz Properties Family Limited Partnership, regarding assessments for tax year 2019-20.

Corr 6 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Emma Takhar, Roberto Vasquez, Eric I. Gutierrez, Esq., Curtis Legal Group, on behalf of Alexis Nicole Kangas; Carlos Antonio Kelting; Mayra Ledesma; and, Karns & Karns, LLP on behalf of Cristina Herrera.

Supervisor Chiesa thanked everyone for sticking around until the end of the meeting.

On behalf of the Board, Chairman Withrow wished everyone Happy Holiday's.

Supervisor DeMartini reported that StanCERA recently had an actuarial review and the retirement board is in fair shape and we are expecting a pretty good year this year.

Chairman Withrow thanked Supervisor DeMartini for all the work he's done on StanCERA.

The CEO reported that the County had a very successful visit touring some of our facilities related to homelessness last Friday with a group of legislative staff from the State as well as some representatives from Assemblymen Flora's and Gray's offices, and representatives from California State Association of Counties. He also noted that the County signed a letter to the Governor's office regarding some specific advocacy points to support the valley on issues such as the Williamson Act, affordable housing, sustainable water supplies, transportation, wildfire prevention, forest management and energy.

Adjourned at 7:58 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.)