

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

Regular Session
All Supervisors Present*
Pledge of Allegiance to the Flag

Tuesday

April 28, 2020

*Supervisor Berryhill attended via teleconference pursuant to Governor Newsom's Executive Order N-25-20.

Chairwoman Olsen announced that this meeting will be held in accordance with the Governor's Stay at Home Executive Order N-33-20 and will not include in person public attendance. She reviewed the options for the members of the public to observe the meeting and provide comments to the Board via email or telephone as listed on the first page of the agenda.

Invocation was given by the Cindy Marks with Pray Modesto.

CEO Hayes provided an update on the 2019 Novel Coronavirus (COVID-19) Emergency and explained the effort this week will focus specifically on the Turlock Nursing and Rehabilitation Center. The CEO shared updates to the www.stanemergency.com website explaining it now shows live, up-to-date information.

Rick Santos, StanCERA Executive Director, gave a presentation to the Board regarding the Stanislaus County Employees' Retirement Association (StanCERA).

Kathaleen Bach spoke in support of the reservoirs reopening.

David Bach voiced concerns regarding the reservoirs being closed.

Miguel Donoso voiced concerns about the Coronavirus Aid, Relief, and Economic Security (CARES) Act money being spent correctly.

Margaret McKain inquired via email what the process is for COVID-19 testing.

Christine Pierson submitted a letter in support of pet grooming businesses reopening.

Withdraw/Berryhill unan. Adopted the consent calendar

6.A.1 Approved the minutes of 04/21/2020

6.A.2 Accepted the resignation of Jill Neifer from the Stanislaus County Behavioral Health Board
2020-0178

6.A.3 Accepted the resignation of Jane Lopes from the Oakdale Rural Fire Protection District Board
of Directors
2020-0179

- 6.B.1** Adopted the retirement contribution rates for Budget Year 2020-2021 as contained in the Stanislaus County Employees' Retirement Association Actuarial Valuation as of 06/30/2019, and as recommended by the Stanislaus County Employees' Retirement Association Board; and directed the Auditor-Controller to change the employer and employee retirement contribution rates for Budget Year 2020-2021 in accordance with the Actuarial Valuation of 06/30/2019, in the first full pay period in July 2020 – CEO
2020-0180
- 6.B.2** Authorized the Auditor-Controller to transfer \$55,000 from Salary and Benefits into Fixed Assets-Equipment in the Department of Child Support Services budget to cover emergency technology safeguards – DCSS
2020-0181
- 6.C.1** Approved the Consent to Common Use Agreement between Stanislaus County and TID for the Keyes Road over Ceres Main Canal Bridge Replacement Project; authorized the Chairwoman 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
2020-0182
- 6.C.2** Adopted the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding on the basis of the whole record, including the Initial Study and any comments received, there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis; and, directed the Department of Public Works to file a Notice of Determination with the Stanislaus County Clerk Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075 – PW
2020-0183
- 6.C.3** Adopted a resolution certifying the mileage in Stanislaus County's maintained mileage road system to be 1,508.78 miles as of 12/31/2019 – PW
2020-0184
- 6.C.4** Adopted the Plans and Specifications for the Albers Road Pavement Rehabilitation Project; awarded a construction contract to George Reed, Inc. of Modesto, CA for the Albers Road Pavement Rehabilitation Project; authorized the Director of Public Works to execute a contract with George Reed, Inc. in the amount of \$3,029,333.00 and to sign necessary documents; authorized the Director of Public Works to execute change orders, not to exceed 10%, in accordance with Public Contract Code, Sections 20137 and 20142; authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities upon project completion; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW
2020-0185

DeMartini/Berryhill unan. **7.1** Conducted a public hearing to consider the Planning Commission's recommendation of approval for General Plan Amendment and Rezone Application No. PLN2019-0045, Beeler Development, a request to amend the General Plan, Community Plan, and zoning designations of a 1.08-acre parcel to Planned Development to allow for construction of a 19,652 square-foot warehouse building to allow for low-people intensive light industrial, office, and commercial uses, located at 4731 Kiernan Court, north of the Highway 99 and Kiernan interchange, west of Sisk Road, in the Community of Salida; 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 pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; finds, based on the discussion in the report, and the whole of the record that: (a) the General Plan and Community Plan Amendments will maintain a logical land use pattern without detriment to existing and planned land uses; (b) the General Plan and Community Plan

Amendments are consistent with the overall goals and policies of the County General Plan and Salida Community Plan; (c) 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; (d) the Agricultural Land Conversion Findings can be made, as outlined in Policy 2.7 of the General Plan's Agricultural Element; (e) the proposed Planned Development (P-D) zoning is consistent with approval of the General Plan Amendment; (f) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring improvements; approved General Plan Amendment and Rezone Application No. PLN2019-0045, Beeler Development, subject to the Development Standards attached to the April 16, 2020 Planning Commission Staff Report attached to the agenda item; and, introduced, waived the reading, and adopted ordinance C.S. 1271 – Planning
ORD-56-U-2 2020-0186

Chiesa/Berryhill unan. **7.2** Conducted a public hearing to consider the Planning Commission's recommendation of approval for General Plan Amendment and Rezone Application No. PLN2019-0077, Derrel's Mini Storage, a request to amend the General Plan and zoning designation of a 9.77 acre parcel from Agriculture and A-2-40 to Planned Development (P-D) and amend the Zoning designation of three parcels totaling three acres from expired P-D (202) to a new P-D to allow expansion of an existing mini storage and RV storage business in phases, located at 5024, 5038, and 5118 Tunson Road, and 907 Kiernan Avenue, on the north side 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, based on the discussion in the report, and the whole of the record 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 Agricultural Land Conversion Findings can be made, as outlined in Policy 2.7 of the General Plan's Agricultural Element; (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 improvements; finds that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation; approved General Plan Amendment and Rezone Application No. PLN2019-0077–Derrel's Mini Storage, subject to the Development Standards attached to the 03/19/2020 Planning Commission Staff Report, including an amendment to proposed Development Standard No. 32, attached to the agenda item; and, introduced, waived the reading, and adopted ordinance C.S. 1270 – Planning
ORD-56-U-1 2020-0187

Berryhill/Withrow unan. **8.1** Authorized the use of up to \$3,000,000 from the Coronavirus Aid, Relief, and Economic Security Act to fund all 334 qualified Small Business Relief Program applicants; directed the Auditor-Controller to make the budget adjustments as reflected in the budget journal attached to the agenda item; and, authorized the transfer of up to \$2,000,000 to the Small Business Relief Program from the Community Development Fund – CEO
2020-0188

Corr 1 Referred to the Fish and Wildlife Committee, a notice from the California Wildlife Conservation Board regarding the Great Valley and Modoc Plateau Vernal Pool Conservation Planning Project.

Corr 2 Referred to BHRS, and the Department of Workforce Development, a notice regarding the substantial reduction in operations at Trumpet Behavioral Health – Modesto, which offers therapy services for children with autism and their families.

Corr 3 Referred to the Department of Workforce Development, Worker Adjustment and Retraining Notification letters regarding the furlough or temporary layoff of employees from the following businesses: Black Bear Diner; Dick's Sporting Goods, Inc.; Out West Restaurant Group, Inc.; San Joaquin Valley College, Inc.; Abercrombie & Fitch Company; Southwestern & Pacific Specialty Finance, Inc.; Sysco Central California, Inc.; and, Torrid LLC.

Corr 4 Referred to DER, a letter from the Riverdale Park Tract Community Services District regarding chemicals in their water system exceeding the notification levels.

Corr 5 Referred to the CEO's Office, a letter from the Stanislaus County Employees Retirement Association regarding FY 2020-2021 retirement contribution rates and funded status as of 06/30/2019.

Corr 6 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Frederick J. Sette, Esq. on behalf of Rosa E. Cornejo, Brian Cornejo, Adriana Cornejo; Frederick J. Sette, Esq. on behalf of Jorge Gutierrez; Juan C. Marquez; and, Nationwide Agribusiness a/s/o Gary & Deborah Babb.

CEO Hayes reported that staff are hard at work on budget preparation.

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 10:57 a.m.

13.1 Conference with Legal Counsel - Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). One case: The House Modesto v. County of Stanislaus, Stanislaus Superior Court Case No. 2027505.

13.1 Closed Session Announcement: DeMartini/Olsen unan. Accepted the ruling of the Stanislaus County Superior Court in its Tentative Decision Following Trial and directed County Counsel not to file an appeal.

13.2 Conference with Legal Counsel - Anticipated Litigation: Pursuant to Government Code Section 54956.9 (d)(4). One Matter. No reportable action was taken in closed session.

Adjourned at 11:45 a.m.

ATTESTED: ELIZABETH A. KING, Clerk
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: KELLY RODRIGUEZ, 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.)