

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

Regular Session
District Four Vacant
Pledge of Allegiance to the Flag

Tuesday

October 27, 2020

Invocation was given by Cindy Marks with Pray Modesto.

Assistant Director of Emergency Services Richard Murdock, Community Liaison Erica Inacio, Public Health Officer Dr. Vaishampayan, and CEO Hayes provided an update related to the 2019 Novel Coronavirus (COVID-19) emergency and essential services in Stanislaus County.

Chairwoman Olsen acknowledged receipt of written public comments for item 5.D.1.

Chiesa/Withdraw (4-0)(District Four vacant) Adopted the consent calendar

- 5.A.1** Approved the minutes of 10/13/2020
- 5.A.2** Appointed Carman Ard to the Grayson Community Services District Board of Directors
2020-0553
- 5.A.3** Appointed Linda Nunes to the Riverdale Park Tract Community Services District Board of Directors
2020-0554
- 5.A.4** Approved a commendation for Judy Kindle, CEO for Sierra Vista Child and Family Services, upon her retirement
2020-0555
- 5.A.5** Approved the Amended Conflict of Interest Code for the Stanislaus Animal Services Agency
2020-0556
- 5.A.6** Approved the Amended Conflict of Interest Code for the Ceres Fire Protection District
2020-0557
- 5.A.7** Approved the Amended Conflict of Interest Code for the Oakdale Fire Protection District
2020-0558
- 5.A.8** Approved the Amended Conflict of Interest Code for the Empire Union School District
2020-0559
- 5.A.9** Approved the Amended Conflict of Interest Code for the Salida Union School District
2020-0560
- 5.A.10** Approved the Amended Conflict of Interest Code for the Sylvan Union School District
2020-0561
- 5.A.11** Approved the 2021 Meeting Calendar for the Stanislaus County Board of Supervisors
2020-0562
- 5.B.1** Approved Amendment No. 13 to the Professional Design Services Agreement with Jacobson James and Associates, Inc., for hydrogeological California Environmental Quality Act services, which increases the contract by \$49,196 for a not-to-exceed amount of \$1,046,971; authorized the Director of DER, or designee, to execute Amendment No. 13 with Jacobson James and Associates, Inc., and to sign any necessary documents; and, authorized the Director of DER, or designee, to sign additional related amendments to the agreement for an overall total not-to-exceed amount of \$1,051,891, which includes a contingency of \$4,920 – DER
2020-0563
- 5.B.2** Introduced and waived the first reading of Ordinance C.S. 1284 relating to mandatory testing of criminal defendants for the Human Immunodeficiency Virus (HIV) – CEO

- 5.B.3** Authorized the District Attorney to accept a grant award from the California Department of Insurance Fraud Division in the amount of \$194,678 for the DA's Office Automobile Insurance Fraud Program; adopted a formal resolution, as required by the California Department of Insurance, to receive the grant; authorized the DA to sign any documents related to the grant, including any agreement amendments and extensions, during the program period; and, directed the Auditor-Controller to decrease estimated revenue and appropriations by \$21,631, as detailed in the budget journal, attached to the agenda item – DA 2020-0565
- 5.B.4** Accepted the August 2020 Investment Report for the Stanislaus County Treasury Pool; and, authorized the Chairwoman to sign on behalf of the Board that the report has been reviewed and accepted – T/TC 2020-0566
- 5.B.5** Approved an update on the emergency repairs to the Public Safety Center West, Minimum Housing Unit 1, and Support Services Facility's fire-life safety, secure electronics, and video surveillance systems along with the abatement of water damage found in the mechanical chases at the Public Safety Center West facility – CEO 2020-0567
- 5.B.6** Approved the extension of the current health insurance agreement for the period of 01/01/2021 through 12/31/2021 between Stanislaus County and Service Employees International Union (SEIU), Local 521; and, authorized the CEO, or designee, and all parties to sign the agreement – CEO 2020-0568
- 5.B.7** Approved Grant Agreement Number 19-10978 with the California Department of Public Health for the California Sexually Transmitted Diseases (STD) Program, STD Program Management; authorized the HSA Managing Director, or her designee, to sign and execute the agreement and any subsequent amendments; and, directed the Auditor-Controller to increase estimated revenue and appropriations to support the STD Program, as detailed in the budget journal attached to the agenda item – HAS 2020-0569
- 5.B.8** Authorized the BHRS Director, or designee, to finalize, execute, and sign an agreement with Doctors Medical Center for Inpatient Psychiatric Services from 10/31/2020 through 06/30/2023 – BHRS 2020-0570
- 5.B.9** Approved the exchange of sales tax revenue in the proposed North Golden State Boulevard Sales Tax Sharing Agreement between the City of Turlock and County of Stanislaus pertaining to APN 045-053-038-000 and APN 045-053-039-000; authorized the CEO to negotiate, execute, and sign the proposed North Golden State Boulevard Sales Tax Sharing Agreement; adopted a resolution approving the exchange of sales tax revenue as required by article VIII, section 29(b) of the California Constitution and Government Code sections 55700-55707; and, directed the Auditor-Controller to establish an interest-bearing fiduciary fund to hold the sales tax revenue per the said agreement – CEO C-5-G-2 2020-0571
- 5.C.1** Adopted the Mitigated Negative Declaration for the Crabtree Road over Dry Creek Bridge Replacement Project 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 2020-0572
- 5.D.1** Adopted a resolution authorizing the County of Stanislaus to participate in the California Department of Housing and Community Development (HCD) Emergency Solutions Grants (ESG) Program for the Coronavirus Aid, Relief, and Economic Security Act (ESG-CV) Round 2 allocation; authorized the Department of Planning and Community Development

to submit the authorizing resolution for the ESG-CV Round 2 allocation to HCD; authorized the County of Stanislaus to accept the ESG-CV Round 2 allocation and authorized the Director of Planning and Community Development to execute an administrative entity standard agreement with HCD; and, authorized the Director of Planning and Community Development, or designee, to execute any related program agreements, contracts, certifications, or other documentation required for implementation of the HCD ESG-CV Round 2 allocation awarded to the County of Stanislaus by HCD, this authorization includes the use of any program income in accordance with applicable program guidelines – Planning 2020-0573

Chiesa/DeMartini (3-0)(Withrow Abstain)(District Four vacant) **6.1** Conducted a public hearing to consider the Planning Commission’s recommendation for approval of Use Permit and Development Agreement Application No. PLN2019-0133, Legacy Nursery, LLC, S. Daubenberger Road, a request to establish a commercial cannabis nursery business, in three phases, on a 38.1-acre parcel in the M (Industrial) zoning district, located at 2201 S. Daubenberger Road, at the north corner of the Paulson and S. Daubenberger Roads intersection, east of S. Golden State Boulevard, in the Turlock area; finds that: (a) no further analysis under CEQA is required pursuant to CEQA Guidelines Section 15183 (Consistency with a General Plan, Community Plan or Zoning Ordinance for which an Environmental Impact Report (EIR) was prepared), on the basis of the whole record, including any comments received in response to the Environmental Review Referral; (b) the project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified; (c) there are no project specific effects which are peculiar to the project or its site, and which the 2016 Stanislaus County General Plan Update (GPU) EIR failed to analyze as significant effects; (d) there are no potentially significant off-site and/or cumulative impacts which the GPU EIR failed to evaluate; (e) there is no substantial new information which results in more severe impacts than anticipated by the GPU EIR; (f) the project will undertake feasible mitigation measures specified in the GPU EIR; (g) the project is exempt as per CEQA Guidelines Section 15061, Common Sense Exemption, from CEQA; 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; ordered the filing of a Notice of Exemption with the Stanislaus County Clerk Recorder’s Office pursuant to CEQA Guidelines Section 15061; 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; 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; approved Use Permit and Development Agreement Application No. PLN2019-0133 – Legacy Nursery, S. Daubenberger Road, subject to the conditions of approval, attached to the agenda item; authorized the Chairwoman of the Board to execute the Development Agreement, attached to the agenda item; and, introduced, waived the reading, and adopted Ordinance C.S. 1283 for the approved Development Agreement – Planning

C.S. 1283 ORD-56-Z-1 2020-0574

Withdraw/DeMartini (4-0)(District Four vacant) **7.1** Accepted an update on the Non-Profit Support Grant Program; and, authorized the Chief Executive Office to distribute grant funds as recommended by the Non-Profit Support Grant Program Selection Committee – CEO 2020-0575

Corr 1 Referred to the Department of Workforce Development, a Worker Adjustment and Retraining Notification letter regarding the layoff of employees from Southwestern & Pacific Specialty Finance, Inc.

Corr 2 Acknowledged receipt of claims and referred to the CEO's Office the following claims: Ramiro A. Barrueta; Tyler Hetrick; Noah P. c/o Robert R. Powell; Jayme L. Walker, Gwilliam Ivary Chiosso Cavalli & Brewer on behalf of Georgia DeFilippo; Jared A. Amaral (amended); and, Mercury Insurance on behalf of Elizabeth Bowcutt.

Supervisor DeMartini noted that he was designated to participate on the Election Observer Panel and has been observing daily. He is satisfied with the process and glad to see that signatures are being verified properly.

Supervisor Withdraw thanked Supervisor DeMartini for always participating on the Election Observer Panels.

CEO Hayes reminded everyone to visit stanvote.com for more election information.

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 10:36 a.m.

12.1 Conference with the Chief Executive Officer - Threat to Public Services: Pursuant to Government Code section 54957(a), the Board will confer with the Chief Executive Officer and County Counsel regarding matters posing a threat to essential public services and the public's right of access to public services or facilities. No reportable action was taken.

12.2 Conference with Labor Negotiator - Agency Negotiators: Jody Hayes, Patrice Dietrich, Tamara Thomas, and, Keira Vink. Labor Organizations: California Nurses Association, Stanislaus Sworn Deputies Association, and Stanislaus County Deputy Probation Officers Association. Government Code Section 54957.6. No reportable action was taken.

12.3 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. No reportable action was taken.

Adjourned at 12:05 p.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.)