

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

April 20, 2021

Convened at 5:31 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 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.

1.2 Conference with Labor Negotiator: Pursuant to Government Code Section 54957.6. Agency Negotiators: Jody Hayes, Burke Dunphy, Dania Torres-Wong, Tamara Thomas and Keira Vink. Labor Organizations: California Nurses Association; and, Stanislaus County Deputy Probation Officers Association. No reportable action was taken.

1.3 Conference with Legal Counsel - Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). Two Cases: County of Stanislaus and City of Modesto v. Covanta Stanislaus, Inc., Stanislaus County Superior Court Case No. CV-20-004932; Maria Ruiz Perez, et al., v. Oakdale Irrigation District and County of Stanislaus, et al., Stanislaus County Superior Court Case No. CV-19-004901. No reportable action was taken.

Reconvened at 6:34 p.m. for Regular Session

Invocation was given by Lara Dirks from Church of Jesus Christ Latter-day Saints.

Director of the Health Services Agency Mary Ann Lilly-Tengowski, Epidemiologist Chelsey Donohoo, and CEO Hayes provided an update related to the 2019 Novel Coronavirus (COVID-19) emergency and essential services in Stanislaus County.

Augusta Farley shared concerns regarding the Stanislaus Animal Services Agency (SASA) fees and fines and stated that SASA should consider no fees and fines.

Susan Beasley, Executive Director of the Parent Resource Center, thanked the Board for proclaiming April as Child Abuse Prevention Month. She invited everyone to hold a moment of silence this Friday, 04/23/2021 at 10 a.m. for the children that have been lost.

Surjit Malhi thanked the Board for their support of famers in India.

Nancy Klein spoke in support of Augusta Farley’s public comments and urged the Board to reconsider SASA’s fees and fines.

Withdraw/Grewal unan. Adopted the consent calendar

- 6.A.1** Approved the minutes of 03/30/2021
- 6.A.2** Accepted the resignation of Michael Shinkel from the Stanislaus County Behavioral Health Board 2021-0137
- 6.A.3** Accepted the resignation of David Dabulewicz from the Keyes Fire Protection District 2021-0138
- 6.A.4** Reappointed Wayne Pacheco to the Stanislaus County Planning Commission 2021-0139
- 6.A.5** Approved changing the representation of Rebecca Byars Clover from Supervisorial District Three to Supervisorial District One on the Behavioral Health Board 2021-0140
- 6.B.1** Approved a Professional Services Agreement with The Gordian Group, Inc., dba The Mellon Group (“Gordian”) in an amount not to exceed \$700,000 to provide job order contracting program development and implementation services for various County projects; and, authorized the Purchasing Agent to execute a Professional Services Agreement with The Gordian Group in an amount not to exceed \$700,000, and to sign necessary documents for the period from 07/01/2021 through 06/30/2026 – GSA 2021-0141
- 6.B.2** Proclaimed the week of 04/18/2021 to 04/24/2021 as Stanislaus County Volunteer Week; and, accepted the County Volunteer Program Annual Report for Calendar Years 2019 and 2020 – CEO 2021-0142
- 6.B.3** Approved Amendment No. 3 of the Independent Contractor Services Master Agreement with Tri-Signal Integration, Inc., for fire alarm maintenance and repair services, to increase the not-to-exceed limit from \$400,000 to \$600,000; and, authorized the Purchasing Agent to sign the Contract Amendment, and any subsequent amendments to the agreement on behalf of the County – GSA 2021-0143
- 6.B.4** Approved the Area Agency on Aging’s FY 2021-2022 Area Plan Update; and, authorized the Chairman to sign the Transmittal Letter to the CA Department of Aging – Aging and Veteran Services 2021-0144
- 6.B.5** Amended the Knights Ferry Municipal Advisory Council Bylaws, Section III, to change the members from elected members to appointed members; approved the changes to Section IV of the Bylaws to update the officers and their duties; approved the changes to Section V regarding meetings and Section VI regarding its Committees; approved the changes to Section IX of the Bylaws to allow the Board of Supervisors to appoint members, if a vacancy occurs; approved the addition of Sections X, XI, and XII to maintain uniformity between all the MACs and their respective Bylaws; and, approved other minor changes for clarification purposes and grammar revisions – CEO MAC-1-13 2021-0145
- 6.B.6** Approved an update in accordance with Public Contract Code Sections 20134 and 22050 for emergency repair and replacement of the boiler system at BHRS, located at 800 Scenic Drive in Modesto – GSA 2021-0146
- 6.B.7** 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, security electronics, and video surveillance systems along with the abatement of water damage found in the mechanical chases at the Public Safety Center West facility, including confirmation of the Project Manager’s actions to authorize change orders for this emergency project – GSA 2021-0147
- 6.B.8** Accepted the Community Services Facility Parking Lot Improvement Project and approved the final construction contract with Taylor Backhoe Services, Inc., dba TBS Contractors in the amount of \$220,062; and, authorized the Project Manager to record the required Notice

- of Completion with the Stanislaus County Clerk-Recorder's Office, release retention and conduct any other necessary project-related closeout activities – GSA 2021-0148
- 6.B.9** Approved the 2021 Stanislaus County Legislative Platform – CEO 2021-0149
- 6.B.10** Authorized the Chairman to sign, on behalf of the Board, a formal letter of opposition to SB 467, authored by Senators Scott Wiener (D-San Francisco) and Monique Limon (D-Santa Barbara), regarding oil and gas; hydraulic fracturing , acid well stimulation treatments, steam flooding, water flooding, or cyclic steaming and prohibition: job relocation; and, directed County staff to distribute the letter of opposition to the authors, co-authors, appropriate committee, and local State representatives – CEO 2021-0150
- 6.B.11** Set a public hearing on 05/11/2021, at the 9:00 a.m. meeting, to introduce and waive the first reading of an ordinance to establish new fees and amend existing fees for the Department of Public Works as they relate to development permits, grading permits, building permits, encroachment permits, and other projects involving construction activities in Stanislaus County; and, authorized the Clerk of the Board to publish notice as required by law – PW ORD-57-F-1 2021-0151
- 6.B.12** Set a public hearing on 05/11/2021, at the 9:00 a.m. meeting, to introduce and waive the first reading of an ordinance to establish new fees and amend or eliminate existing fees for the DER; and, authorized the Clerk of the Board to publish notice as required by law – DER ORD-57-F-2 2021-0152
- 6.B.13** Set a public hearing on 05/11/2021, at the 9:00 a.m. meeting, to introduce and waive the first reading of an ordinance to establish new fees and eliminate existing fees for Commercial Cannabis Activities; and, authorized the Clerk of the Board to publish notice as required by law – CEO ORD-57-F-3 2021-0153
- 6.B.14** Set a public hearing on 05/11/2021, at the 9:00 a.m. meeting, to consider the adoption of the updated County Public Facilities Fees pursuant to Title 23 of the Stanislaus County Ordinance Code; and, authorized the Clerk of the Board to publish notice as required by law – CEO 2021-0154
- 6.B.15** Set a public hearing on 05/11/2021, at the 9:00 a.m. meeting, to introduce and waive the first reading of an ordinance to amend existing fees for building permit services; and, authorized the Clerk of the Board to publish notice as required by law – Planning ORD-57-F-4 2021-0155
- 6.B.16** Set a public hearing on 05/11/2021, at the 9:00 a.m. meeting, to introduce and waive the first reading of an ordinance to amend existing fees for planning services; and, authorized the Clerk of the Board to publish notice as required by law – Planning ORD-57-F-5 2021-0156
- 6.C.1** Awarded a Contract for All-Inclusive Bridge Engineering Services to Dokken Engineering, Inc., of Folsom, CA, for the East Las Palmas Avenue over San Joaquin River Bridge Preventive Maintenance Project, Federal Project No: BRLS-5938(200); authorized the Director of Public works to execute a contract with Dokken Engineering, Inc., in the amount of \$150,347.04, 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 2021-0157
- 6.C.2** Approved the Preliminary Engineering Services Agreement with Burlington Northern Santa Fe Railway Company for the North County Corridor Phase I Project; authorized the Director of Public Works to execute a Preliminary Engineering Services Agreement with Burlington Northern Santa Fe Railway Company in the amount of \$267,643.20 and to sign necessary documents, including any amendments to the agreement not-to-exceed 10%, in accordance with Public Contract Code, Sections 20137 and 20142; and, authorized the

Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2021-0158

6.C.3 Approved Amendment No. 5 to the T.Y. Lin International Professional Design Services Agreement for the Hills Ferry Road Bridge Seismic Retrofit Project, in the amount of \$60,391; with a new, not-to-exceed, total contract amount of \$2,703,394; and, authorized the Director of Public Works to execute the amendment with T.Y. Lin International in the amount of \$60,391 and to sign necessary documents – PW 2021-0159

6.D.1 Cancelled the public hearing set for 04/27/2021, 9:00 a.m. meeting, to consider the Planning Commission's recommendation for General Plan Amendment and Rezone application number PLN2019-0079-Cal Sierra Financial, Inc. – Planning

ORD-57-E-2 2021-0160

Grewal/B. Condit (Withrow recused) unan. **7.1** Conducted a public hearing to consider the Planning Commission's recommendation of approval of Williamson Act Cancellation and Lot Line Adjustment No. PLN2020-0122 – Covolo – Lemon Avenue; finds that the project is categorically exempt from the CEQA and ordered the filing of the Notice of Exemption; finds, on the basis of the whole record, that (a) the cancellation is for land on which a notice of nonrenewal has been served pursuant to CA Government Code Section 51245; (b) the cancellation is not likely to result in the removal of adjacent lands from agricultural use; (c) the cancellation is for an alternative use which is consistent with the applicable provisions of the County General Plan; (d) the cancellation will not result in discontinuous patterns of urban development; (e) there is no proximate non-contracted land which is available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land; (f) other public concerns substantially outweigh the objectives of the Williamson Act; accepted the cancellation value of the 0.16-acre portion of APN 047-014-031 as \$4,480 as determined by the County Assessor; certified to the County Auditor-Controller that the cancellation fee, which must be paid as deferred taxes, is an amount equal to 12.5% of the cancellation value, or a total of five hundred sixty dollars (\$560); approved the Tentative Cancellation of a portion of Williamson Act Contract No. 2012-03 subject to payment of the cancellation fee, unless the fee is paid within one year of the filing of the Certificate of Tentative Cancellation, the fee shall be re-computed as provided by state law; directed the Clerk of the Board to record a Certificate of Tentative Cancellation within 30 days of this action; directed the Clerk of the Board, within 30 days of the Board of Supervisors' action, to publish the Notice of the Decision, pursuant to Government Code, and to deliver a copy of the published Notice of the Decision to the Director of the Department of Conservation; rescinded a portion of Williamson Act Contract No. 2012-03 and approved a new contract pursuant to Minor Lot Line Adjustment No. PLN2020-0121, Covolo – Lemon Avenue; approved Lot Line Adjustment Application No. PLN2020-0121, Covolo - Lemon Avenue subject to the completion of Williamson Act Cancellation No. PLN2020-0122; and, authorized the Director of Planning and Community Development to execute a new contract pursuant to Williamson Act Cancellation No. PLN202-0122 and Lot Line Adjustment Application No. PLN2020-0121, Covolo - Lemon Avenue – Planning 2021-0161

Withrow/C. Condit unan. **8.1** Approved the Redistricting Project Charter; approved the Redistricting Steering Committee membership appointments of: CEO Jody Hayes, Clerk-Recorder / Registrar of Voters Donna Linder, Assessor Don Gaekle, ITC Director Paul Gibson, Planning Director Angela Freitas, and Public Works Director David Leamon; appointed the following persons to serve on the Ad Hoc Citizen Advisory Redistricting Commission: Angela Garcia representing District 1, Anokeen Varani representing District 2, Christine Schweininger representing District 3, Mark Looker representing District 4, and Kimberly Ochoa representing District 5; appointed the following persons to serve on the Ad Hoc Citizen Advisory Redistricting Commission that were selected by random during the Board meeting: Perfecto Munoz representing District 1; Cecelia Hudelson representing District 2; Carmen Morad representing

District 3; Miguel Donoso representing District 4; John Mataka representing District 5, and April Henderson Potter representing the County At-Large; and approved the appointment of the following alternate members to the Ad Hoc Citizen Advisory Redistricting Commission which were nominated during the Board meeting: Andrew Genasci representing District 1; Sam David representing District 2, Alex Samano representing District 3, Solange Altman representing District 4, and Steve Brooks representing District 5 – CEO 2021-0162

Corr 1 Referred to Public Works, a letter from Caltrans regarding the availability of the Draft Environmental Impact Report/Environmental Assessment and a virtual Open House for the State Route 132 Dakota Avenue to Gates Road Project.

Corr 2 Referred to OES, Department of Planning and Community Development, and Department of Public Works, a letter from the Federal Emergency Management Agency regarding the revised Flood Insurance Rate Map panels, Index, and Flood Insurance Study report for the unincorporated areas of Stanislaus County.

Corr 3 Referred to HSA, a letter from Sutter Health notifying the County that the Valley Hyperbaric Oxygen Center will no longer be an offsite service for the Stanislaus Surgical Hospital.

Corr 4 This Board has Acknowledged receipt of claims and referred to the CEO's Office the following claims from Maria Teresa Gonzalez and a minor; Shakaya Joann Hill; David Renteria; Kelly Pimley; Michelle Griffith; Nicklaus R. Siguenza; Manuel Medina; Melissa Ashley Cheek; and, David Walter Roberts.

Chairman Chiesa noted that there has been an increased number of complaints of illegal cannabis grows. He would like to have a discussion with the Sheriff and CEO's Office on strategies how to handle this issue.

CEO Hayes thanked Damien Martinez, Counsel Boze, and the individuals that have been appointed or selected to work on the Redistricting Project. He reported that the County is working with Congressman Harder's office and submitted several projects that would benefit from federal appropriations. The CEO shared that the Board submitted a letter of opposition for AB 1188, which addresses issues relating to detailed reporting for rental requirements. In addition, the Board sent a letter requesting support for water to Senator Caballero's Office. CEO Hayes also mentioned a letter was sent in opposition to SB 467, regarding oil and gas.

Adjourned at 8:18 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.)