

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

Regular Session

Tuesday

June 9, 2020

All Supervisors Present

Pledge of Allegiance to the Flag

*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.

A moment of silence was held for Stanislaus County Sheriff's Department employee Sergeant Bruce Mitchell.

Removed from the Agenda, Item **8.2** Approval to Adopt a Resolution Ratifying the Proclamation of a Local Emergency Related to Civil Unrest – OES 2020-0267

Alexxandria Paige inquired about the requirements regarding education of law enforcement and mental health services.

Invocation was given by Michael Douglass with Advancing Vibrant Communities.

CEO Hayes and Public Health Officer Dr. Vaishampayan provided an update related to the 2019 Novel Coronavirus (COVID-19) emergency and essential services in Stanislaus County and discussed the statewide opening of 12 new sectors allowed for option to open for counties with variances.

Thomas Tyler voiced concerns regarding masks not being mandated to wear in public.

Kim Martinez inquired about the reopening of public swimming pools.

Miguel Donoso expressed concerns regarding the timing of publishing the Board of Supervisors agenda.

Wendy Byrd expressed her condolences for the family of Bruce Mitchell and requested a moment of silence for George Floyd. She shared concerns of the use of force by law enforcement and suggested a Virtual Town Hall Meeting, and expressed concerns regarding COVID-19 testing for protestors and thanked the health services workers.

Monica Johnson shared concerns regarding mental health services affecting youth and future funding impacts.

Amy Villalovos expressed concerns regarding mental health budget cuts for youth.

Kyndal Harkrader shared concerns regarding racial equality and engagement of City and County officials. She also inquired about the CARES Act funding.

Steve Allen shared concerns regarding civil unrest and police brutality and asked the Board to make a clear statement as to what side they are on.

Clara Silva inquired about the Board’s views of reallocating funds from law enforcement to agencies that are better equipped to deal with mental health issues and review of resources for allocating funds to disadvantaged parts of the County.

Jonathan Grammatico inquired about what the County is doing to help with the racial disparities of COVID-19, free COVID-19 testing for peaceful protestors, and shared concerns regarding law enforcement funding.

Rachelle Edmonds inquired about building a bridge between the community and law enforcement and asked how we can create more community involvement with law enforcement.

Eric Green shared concerns regarding law enforcement and the safety of protestors. He also inquired about funding for mental health.

Leonela Mota expressed that not all community members have the same opportunities and the need to bridge the community and leadership. She also shared safety concerns in Oakdale.

Gregorio Tabera shared concerns about available resources the campus of CSU Stanislaus.

Adriana Ushishba voiced concerns about homeless and the hiring of more law enforcement. She also shared concerns about the safety of protestors.

Martha Caroltin Magana voiced concerns regarding episodes of violence with law enforcement and the lack of transparency, and masks not being required in the County Courthouse.

Berryhill/Withrow unan. Adopted the consent calendar after removing from consent Item **6.B.11** Approval to Accept the Comprehensive Economic Development Strategy as Submitted by the Stanislaus County Economic Development Action Committee as Part of the U.S. Economic Development Administration (EDA) Requirement for Application for Federal EDA Funding – CEO, and Item **6.D.2** Approval to Apply for, Accept, and Implement Local Early Action Planning Grant Program (LEAP) Funds from the California Department of Housing and Community Development (HCD) – Planning

6.A.1 Approved the minutes of 05/19/2020

6.A.2 Approved the consolidation of the Municipal Election for the City of Ceres with the Presidential General Election to be held on 11/03/2020 2020-0237

6.A.3 Approved the consolidation of the Municipal Election and a measure regarding cannabis business license tax for the City of Waterford with the Presidential General Election to be held on 11/3/2020 2020-0238

6.A.4 Approved the consolidation of the Municipal Election for the City of Newman with the Presidential General Election to be held on 11/03/2020 2020-0239

6.A.5 Approved the consolidation of the Municipal Election for the City of Hughson with the Presidential General Election to be held on 11/03/2020 2020-0240

- 6.B.1** Approved the closure of select Stanislaus County Libraries on Saturday, 07/04/2020; and, approved all Stanislaus County Libraries to remain open Friday, 07/03/2020 – Library
2020-0241
- 6.B.2** 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 – CEO C-6-O-10 2020-0242
- 6.B.3** Accepted an update in accordance with Public Contract Code Sections 20134 and 22050 for emergency remediation/repairs at 10th Street Place, to repair water damage and restore essential government operations – CEO 2020-0243
- 6.B.4** Authorized CSA to relinquish the department’s adoption license as allowed in Assembly Bill XI 16 Section 4 Section 30029.3 – CSA 2020-0244
- 6.B.5** Authorized the Sheriff to apply for a grant of up to \$389,836 from the California State Parks Off-Highway Vehicle Recreation Division (OHV) grant program for increased Law Enforcement services at Frank Raines Regional Park and La Grange Park in Stanislaus County; adopted the Resolution to apply for the California State Parks OHV grant; authorized the Sheriff to accept, if awarded, the funding from the California State Parks OHV; and, authorized the Sheriff to sign any documents related to the grant and administer the California State Parks OHV Grants And Cooperative Agreements Program for the project performance period, if awarded – Sheriff 2020-0245
- 6.B.6** Authorized the Sheriff, or his designee, to enter into and sign an agreement with the Stanislaus County Office of Education (SCOE), including any amendments or extensions, for the Department of Justice Tobacco Grant program; and, amended the Salary and Position Allocation resolution to add one (1) Community Services Officer position to be effective the first full pay period following approval by the Board – Sheriff 2020-0246
- 6.B.7** Approved the agreements and amendments with service providers for Behavioral Health and Recovery Services (BHRS) effective 07/01/2020, for FY 2020-2021, as reflected in the agenda item; authorized the BHRS Director, or designee, to sign the agreements and amendments for FY 2020-2021; authorized the BHRS Director, or designee, to negotiate and sign amendments to agreements discussed in the agenda item, as Attachment 1, to add services and payment for services up to \$200,000 per agreement, budget permitting, throughout FY 2020-2021; and, authorized the BHRS Director, or designee, to negotiate and sign amendments to agreements discussed in the agenda item, as Attachment 2, to add services and payment for services up to \$100,000 per agreement, budget permitting, throughout FY 2020-2021 – BHRS 2020-0247
- 6.B.8** Approved a five-year sublease agreement with Modesto Executive Air Charters, Inc., dba The Modesto Jet Center for space at the City of Modesto Municipal Airport designated as Hangar 5; and, authorized the Purchasing Agent to sign the sublease agreement and any related documentation and/or sublease renewals with Modesto Executive Air Charters, Inc., (The Modesto Jet Center) – Sheriff 2020-0248
- 6.B.9** Approved an amendment to extend the lease between Stanislaus County and the Health Plan of San Joaquin for 14,539 square feet of retail and commercial space at 10th Street Place; authorized the CEO, or his designee, to execute the amendment; and, authorized the CEO, or his designee, to negotiate and execute amendments for restaurants and retail tenants whose businesses have been negatively affected by the COVID-19 Pandemic – CEO 2020-0249
- 6.B.10** Approved the award of an agreement to Aspiranet for the provision of Transitional Housing Program-Plus Services (THP-Plus) to former foster youth ages 18-24, resulting from a Request For Proposal process issued by GSA–Purchasing Division on behalf of CSA; and, authorized the CSA Director, or her designee, to sign the agreement, attached to the agenda item, for services in the amount of \$327,303 for the term of 07/01/2020 through 6/30/2021,

- and the two potential one-year renewal agreements along with any amendments to add services and payment for services up to \$100,000, budget permitting, for the term of each agreement – CSA 2020-0250
- 6.B.12** Approved an update on 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 – CEO 2020-0252
- 6.B.13** Accepted a report and ratified actions by the CEO related to the Novel Coronavirus Local Emergency Declaration and confirmed the delegated authority to the CEO to ensure essential County operations; ratified the CEO's actions and directions for general administration and Human Relations support of County operations, as detailed in the agenda item; approved the amendment to the County of Stanislaus Flexible Benefits Plan to include over-the-counter medications or medical products, retroactive to 01/02/2020; and, authorized the CEO, or his designee, to sign the approved amendment and any subsequent amendments to the Plan – CEO 2020-0253
- 6.B.14** Approved the initiation of the Agricultural Commissioner's Warehouse Project; approved the initial project budget of \$976,671 and directed the Auditor-Controller to transfer appropriations from the Agricultural Commissioner and University of California Cooperative Extension FY 2019-2020 budgets to the CEO Ag Commissioner Warehouse Improvement Project, as detailed in the budget journal, attached to the agenda item; designated the CEO, or his designee, to act as Project Manager; authorized the Project Manager to enter into contracts and sign work authorizations needed for this phase of the project, so long as they are within the project budget; authorized the Project Manager to release a Request for Proposals for On-Call Construction Management firms for this project and as needed for other capital projects efforts; and, authorized the Project Manager to negotiate and execute change orders for up to \$25,000, consistent with the County's Change Order Policy – CEO 2020-0254
- 6.B.15** Approved a Reciprocal Easement Agreement with the City of Turlock for shared parking at the Turlock Branch Library and City of Turlock Senior Center; and, authorized the CEO, or his designee, to execute the agreement and have it recorded with the Clerk-Recorder's office – CEO C-5-F-8 2020-0255
- 6.B.16** Accepted the CEO's analysis of necessary FY 2019-2020 year-end budget adjustments inclusive of department reports of lower projected revenues due to the impact of the COVID-19 Pandemic response, as noted on the budget journals, attached to the agenda item, resulting in increased Net County Cost for the Public Defender, CEO, and Parks and Recreation; authorized the Sheriff to accept the Coronavirus Emergency Supplemental Funding Program grant of \$95,241 from the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) as described in the budget journal, attached to the agenda item and authorized the Sheriff to sign all necessary award documents and reimbursement claims; authorized the CEO and Auditor-Controller to make the necessary adjustments as recommended in the budget journals, attached to the agenda item; authorized appropriations to be transferred between budget units, excluding Fixed Asset transfers over \$10,000, within CSA Department Budget units, upon review and approval by the CEO as needed to direct General Fund Match to meet requirements in mandated programs to ensure maximized Federal and State revenue drawdown at year-end; authorized appropriations to be transferred between budget units, excluding Fixed Asset transfers over \$10,000, within the Probation Department upon review and approval by the CEO as needed to end the year in a positive position, the General Fund budget units included are: Probation Administration, Field Services, Juvenile Commitment Facilities and Institutions; and, approved the Plan for FY 2019-2020 Project Savings Carryover for

- various General Fund budgets identified in this report and displayed in Attachment 1, attached to the agenda item, to be subsequently included as a technical adjustment in the recommended 2020-2021 Final Budget – CEO 2020-0256
- 6.B.17** Approved the award of a Public Works of Improvement Agreement to Champion Industrial Contractors, Inc. of Modesto, CA for the Sheriff’s Public Safety Center Kitchen Refrigeration Equipment Project for the lump sum amount not to exceed \$934,000; authorized the Purchasing Agent to execute the Agreement, and to sign any necessary documents on behalf of the County; authorized the Purchasing Agent to sign Change Orders up to \$25,000, consistent with the County’s Change Order Policy; and, directed the Auditor-Controller to increase appropriations by \$1,052,000 in the Sheriff’s Office (SO) Public Safety Center (PSC) Heating, Ventilation and Air Conditioning (HVAC) and Refrigeration fund as outlined in the budget journal, attached to the agenda item – GSA 2020-0257
- 6.B.18** Approved proceeding with the Modesto Branch Library Makerspace Project; approved the establishment of the project budget and transfer \$550,000 in appropriations from the FY 2019-2020 CEO-Plant Acquisition Budget, identified for this purpose into the CEO Modesto Library Makerspace capital project fund; designated the CEO, or his designee, to act as Project Manager; approved the Project Plans and Specifications as developed by Aspen Architects Inc., of Twain Harte, CA, and authorized the Project Manager to issue a Notice Inviting Bids, set a bid date, and adjust the date as necessary; authorized the Project Manager to issue work authorizations and execute contracts for professional services, so long as the cost for these services are within the approved project budget; and, authorized the Project Manager to execute Change Orders for up to \$25,000 consistent with the County’s Change Order Policy – CEO 2020-0258
- 6.B.19** Accepted an update on the transition of the Collaborative Applicant and Homeless Management Information System Administrator from the City of Modesto to CSA; amended the Salary and Position Allocation Resolution to reflect the recommended changes as outlined in the Staffing Impacts section of the agenda item; authorized the appointment of two City of Modesto employees to the County positions of Staff Services Coordinator and Family Services Specialist IV – CSA C-6-O-11 2020-0259
- 6.C.1** Approved the Plans and Specifications for the West Modesto Sewer Infrastructure Project, Spencer/Marshall Neighborhood (County Area 7) – Phase 1; awarded a construction contract to Rolfe Construction of Atwater, CA, for the West Modesto Sewer Infrastructure Project, Spencer/Marshall Neighborhood (County Area 7); authorized the Director of PW to execute a contract with Rolfe Construction in the amount of \$563,435 and to sign necessary documents; authorized the Director of PW to execute change orders, not to exceed 10%, in accordance with the Public Contract Code, Sections 20137 and 20142; authorized the Director of PW to accept the completed improvements and perform all necessary closeout activities upon project completion; and, authorized the Director of PW to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2020-0260
- 6.C.2** Approved the removal of stop sign traffic controls on Hatch Road at Vivian Road – PW 2020-0261
- 6.C.3** Approved a Resolution to adopt additional projects funded by Senate Bill 1 and the Road Repair and Accountability Act for FY 2020-2021– PW 2020-0262
- 6.C.4** Approved the Measure L Master Funding Agreement between the Stanislaus Council of Governments (StanCOG) and the County of Stanislaus (Fiscal Years 2020-2025); and, authorized the CEO to sign the Master Agreement with StanCOG – PW 2020-0263
- 6.D.1** Rescinded portions of Williamson Act Contract Nos. 1971-0396 and 1971-0397, located at 1100 Rushing Road, between Barnett Road and the M.I.D. Main Canal, in the La Grange

area., APNs: 008-015-009 and 008-015-015; finds that, pursuant to Government Code Section 51257, determined that the following seven findings can be made based on the written evidence submitted by the applicant: (a) the new contract, or contracts, would enforceably restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the rescinded contract, or contracts, but for not less than ten years, except as authorized under the County’s implementation of AB 1265; (b) there is no net decrease in the amount of the acreage restricted, in cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts; (c) at least 90 percent of the land under the former contract, or contracts, remains under the new contract, or contracts; (d) after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Government Code Section 51222; (e) the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract, or contracts; (f) the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; (g) the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan; approved a new contract(s), pursuant to Lot Line Adjustment Application No. PLN2019-0050, Erickson 2007 Trust; and, authorized the Director of Planning and Community Development to execute a new contract(s)

– Planning 2020-0264

Chiesa/Withdraw unan. **6.B.11** Accepted the Comprehensive Economic Development Strategy as submitted by the Stanislaus County Economic Development Action Committee as part of the U.S. Economic Development Administration (EDA) requirement for application for Federal EDA grant funding – CEO 2020-0251

Chiesa/Withdraw unan. **6.D.2** Adopted a resolution to authorize the Director of Planning and Community Development to apply for and receive Local Early Action Planning Grant Program (LEAP) funds from the California Department of Housing and Community Development (HCD); authorized the Director of Planning and Community Development to submit the LEAP application to HCD; authorized Stanislaus County to accept the LEAP funding and authorized the Director of Planning and Community Development to enter into and sign the grant agreements for the LEAP funding with HCD; and, authorized the Director of Planning and Community Development to execute any related program agreements, contracts, or other documentation required for implementation of LEAP funding awarded to Stanislaus County by HCD – Planning 2020-0265

Chiesa/Withdraw unan. **8.1** Approved policy recommendations to designate CARES Act Coronavirus Relief Fund (CRF) funds of \$96.1 million for Business Revitalization and Community Support to County incorporated cities, Stanislaus County direct budget support for departments, and the remainder for a County Contingency Reserve; authorized the CEO, or his designee, to finalize and execute a one-year lease agreement, with a one-year option to extend, between the County and Circle Bar Investments LLC., for 22,320 square feet of space at 4701 Stoddard Road in Modesto, CA for the Stanislaus County Health Services Agency Administration-Public Health Division; approved the total use of \$648,438 in CARES Act CRF funding, the estimated operating cost is \$284,063 of this facility and \$364,375 is the projected one-time costs which include the installation of data cabling, connections for county equipment to the backup generator, purchase of minimal furnishings and activation of the proximity card system needed to establish this Public Health Facility; and, directed the Auditor Controller to increase appropriations and

revenues for FY 2019- 2020 and FY 2020-2021 in the Public Health Budget unit, budget journals are attached to the agenda item – CEO
C-2-D-3, C-9-B-13, C-6-O-12, C-03-A-9, C-7-C-3, C-4-B-13, C-1-C-2, C-5-F-9, C-8-B-13 2020-0266

Corr 1 Referred to the Department of Planning and Community Development and the Department of Public Works, a notice from the San Joaquin Regional Rail Commission regarding the preparation of an environmental impact report for the Altamont Commuter Express (ACE) Ceres-Merced Extension Project.

Corr 2 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: Golden Valley Health Centers; Western Dental Services, Inc.; and, San Joaquin Valley College, Inc.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Mark E. Merin on behalf of Misael Medina; Kermit Falls II; Scott Righthand, Esq. /Brittany Rogers, Esq. on behalf of Vonzella Ann Kennedy; Sheri J. Moyer; Tom Crum; Spencer Crum; Clay Calvino; and, Diana Davis.

CEO Hayes reported that we are awaiting the outcome of the State Budget.

Supervisors Chiesa shared that there is CARES Act funding through HUD for rental assistance.

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 12:48 p.m.

13.1 Conference with Director of Emergency Services - Threat to Public Services: Pursuant to Government Code section 54957(a), the Board will confer with the Director of Emergency Services 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 in closed session.

13.2 Conference with Legal Counsel - Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). Alex Barbour v. County of Stanislaus, et al., US District Court, Eastern District Case No. 1:18-CV-01702-DAD-EPG. No reportable action was taken in closed session.

Adjourned at 1:30 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.)