

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

Regular Session

Tuesday

July 28, 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.

Invocation was given by Pastor Dallas Jackson with Renew Church.

A moment of silence was held for Stanislaus County Workforce Development Employee Carol Pemberton.

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

Chiesa/Withrow unan. Adopted the consent calendar after removing from consent Item **6.A.5** Approval to Adopt and Waive the Second Reading of Ordinance C.S. 1273 to Establish New Fees and Amend or Eliminate Existing Fees for the Department of Environmental Resources – DER, and Item **6.B.5** Approval of 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

6.A.1 Approved the minutes of July 14, 2020

6.A.2 Accepted the appointment of Eric Feichter to the Oakdale Rural Fire Protection District

2020-0370

6.A.3 Accepted the appointment of Joseph Sanchez Arteaga to the Commission on Aging 2020-0371

6.A.4 Accepted the resignation of Davie Landers from the Keyes Municipal Advisory Council

2020-0372

6.A.6 Adopted and waived the second reading of Ordinance C.S. 1274 to establish a new fee and amend existing fees for planning services ORD-56-V-3 2020-0374

6.A.7 Adopted and waived the second reading of Ordinance C.S. 1275 to establish new fees and amend existing fees for building services ORD-56-V-4 2020-0375

6.A.8 Adopted and waived the second reading of Ordinance C.S. 1276 to amend existing fees and establish new fees for the Stanislaus Animal Services Agency ORD-56-V-5 2020-0376

6.A.9 Proclaimed 08/09/2020-08/15/2020 as Health Center Week in Stanislaus County 2020-0377

6.B.1 Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 1102 Garden Avenue, Modesto, CA CE No. 19-0028, as set forth in Attachment 1, of the agenda item – DER 2020-0378

6.B.2 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 2020-0379

6.B.3 Set a public hearing on 08/11/2020 at the 9:00 a.m. meeting, to consider the adoption of the updated County Public Facilities Fees pursuant to Title 23 of Stanislaus County Ordinance Code; and, authorized the Clerk to publish a notice of public hearing as required by law – CEO M-64-M-2 2020-0380

- 6.B.4** 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 2020-0381
- 6.B.6** Approved plans and specifications for the SDEA Joint Powers Agency Roof Repair and Tenant Improvement Project; authorized the Project Manager to issue a notice inviting bids for Bid Package One (Roof Repair) and Bid Package Two (Tenant Improvements), set bid due dates, and adjust the dates as necessary; and, authorized the Project Manager to contract for professional services and sign work authorizations for this phase of the project, as long as funding is available within the approved project budget – CEO 2020-0383
- 6.B.7** Authorized the Auditor-Controller to loan funds under Government Code 23010 for operational expenses to Oakdale Fire Protection District in an amount not to exceed \$1.7 million – Auditor-Controller DF-8-C-11 2020-0384
- 6.B.8** Approved the Mental Health Cooperative Agreement with the Department of Rehabilitation for FY’s 2020-2021, 2021-2022, and 2022-2023 for the provision of vocational rehabilitation services for persons with severe and persistent mental illness; adopted a resolution to authorize the BHRS Director, or designee, to sign agreement number 31389 and related documents required to execute an agreement with the Department of Rehabilitation for FY’s 2020-2021, 2021-2022 and 2022-2023; and, authorized the BHRS Director, or designee, to negotiate and sign amendments to this agreement when necessary to modify services and adjust payment for services, budget permitting, throughout FY’s 2020-2021, 2021-2022 and 2022-2023 – BHRS 2020-0385
- 6.B.9** Approved the three-year Enterprise Agreement with Dell, Inc. in the amount of \$7,822,809 for Microsoft’s Office 365 Product; authorized the Purchasing Agent, or designee, to enter into a three-year Enterprise Agreement with Dell, Inc. for the purchase of Microsoft’s Office 365 Product; and, authorized the Purchasing Agent, or designee, to execute any amendments and extensions – ITC 2020-0386
- 6.C.1** Approved the plans and specifications for the Diablo Grande Parkway Asphalt Rubber Chip Seal Project; awarded a contract for construction services to American Pavement Systems, Inc., of Modesto, CA for the Diablo Grande Parkway Asphalt Rubber Chip Seal Project; authorized the Director of Public Works to execute a contract with American Pavement Systems, Inc. in the amount of \$678,993.00 and to sign necessary documents, including any amendments to the agreement not to exceed 10%, in accordance with Public Contract Code Section 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 2020-0387
- 6.C.2** Approved an agreement for Construction Management Services with HDR Construction Control Corporation of Omaha, NE, for the Crows Landing Road Bridge over San Joaquin River Project; authorized the Director of Public Works to execute a contract with HDR Construction Control Corporation in the amount of \$2,159,560.85 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 2020-0388
- 6.C.3** Approved applying for Trade Corridor Enhanced Program funding for the North County Corridor; authorized the Chairwoman to sign a support letter on behalf of the Board for the Trade Corridor Enhancement Program Application; authorized the Director of Public Works to sign and submit a Funding Application to the CA Transportation Commission related to the Senate Bill 1 trade Corridor Enhancement Program for the North County Corridor; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2020-0389

- 6.C.4** Approved a resolution to levy FY 2020-2021 benefit assessment rates for the following Lighting Districts: Airport Neighborhood, Almond Wood, Beard Industrial, Country Club-Zone A, County Club-Zone B, Crows Landing, Deo Gloria, Denair, Empire, Fairview, Fruit Yard, Gibbs Ranch, Gilbert Road, Golden State Zone A and Zone B, Hillcrest, Kenwood Park, Mancini Park Homes, Marshall, Monterey, North Oaks, North McHenry, North McHenry #2, Olympic, Peach Blossom, Richland, Salida, Schwartz Baize, Sunset Oaks, Sylvan Village, and Tempo Park; and, directed the Auditor-Controller to add the assessments to the 2020-2021 tax roll – PW 2020-0390
- 6.C.5** Approved Amendment No. 4 to the Siegfried Engineering, Inc. professional design services agreement for additional all-inclusive engineering services for the Measure-L Sidewalk Projects, in the amount of \$36,416; and, authorized the Director of PW to execute the amendment with Siegfried Engineering, Inc. in the amount of \$36,416 and to sign necessary documents – PW 2020-0391
- 6.C.6** Approved First Amendment to the Construction Contract with VSS International, Inc. in the amount of \$155,788 for additional asphalt emulsion oil supply and services for the 2020 Chip Seal Project; approved First Amendment to Service Contract with F.T.G. Construction Materials Inc., in the amount of \$65,525.40 for additional chip aggregate material; authorized the Director of PW to execute the amendment with VSS International, Inc., in the amount of \$155,788 and to sign necessary documents; authorized the Director of PW to execute the amendment with F.T.G. Construction Materials, Inc., in the amount of \$65,525.40 and to sign necessary documents; and, authorized the Director of PW to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2020-0392
- 6.D.1** Adopted a resolution to authorize the Director of Planning and Community Development to apply for and receive Permanent Local Housing Allocation (PLHA) funds from the CA Department of Housing and Community Development (HCD); authorized the Director of Planning to submit the PLHA application to HCD; authorized Stanislaus County to accept the PLHA funding and authorized the Director of Planning to enter into and sign the grant agreements for the PLHA funding with HCD; authorized the Director of Planning to sign, submit, and execute any other documentation required for implementation of PLHA funding allocated to Stanislaus County HCD; and, authorized Stanislaus County’s CEO, or Chief Financial Officer, to sign PLHA Annual Reports to HCD – Planning 2020-0393
- 6.D.2** Set a public hearing for 08/11/2020, at the 9:00 a.m. meeting, to consider the Planning Commission’s recommendation of approval of Rezone Application No. PLN2017-0098 – Best RV Center, a request to Rezone eight parcels to expand and reorganize an existing recreational vehicle (RV) sales business by allowing the expansion of RV storage in two phases, located at 5100, 5340, 6424, and 6460 Taylor Court and 4318 W. Warner Road, between East Keyes Road and East Taylor Road, in the Keyes and Turlock Area; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-56-W-2 2020-0394

Chiesa/Withrow (3-2)(Olsen and Berryhill opposed) **6.A.5** Adopted and waived the second reading of Ordinance C.S. 1273 to establish new fees and amend or eliminate existing fees for the Department of Environmental Resources – DER ORD-56-V-2 2020-0373

Withrow/Chiesa unan. **6.B.5** 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 provision of the Public Contract Code – CEO C-6-P-4 2020-0382

DeMartini/Withrow unan. **7.1** Finds that the notice of public hearing was published in compliance with Section 6066 of the Government Code; conducted a public hearing to receive comments regarding the FY 2020-2021 annual assessments; set the FY 2020-2021 annual assessments as shown on Exhibit “A”, attached to the agenda item, for Various County Service Areas, Landscape Assessment District and Landscape and Lighting Districts; made the Engineer’s Reports a part of the record of this proceeding; and, authorized the Auditor-Controller to add the annual assessments to the 2020-2021 Tax Roll – PW 2020-0395

Berryhill/Withrow unan. **7.2** Closed the 5-day public comment period and conducted the public hearing; approved Substantial Amendment No. 2 to the Stanislaus Urban County’s FY 2015-2020 Consolidated Plan (Con Plan); FY 2019-2020 Annual Action Plan (AAP); and Citizen Participation Plan (CPP); authorized the Director of Planning and Community Development to sign and submit to the Federal Housing and Urban Development (HUD) the Applications for Federal Assistance (SF-424 and SF-424D), for Coronavirus Aid, Relief and Economic Security Act (CARES Act) funding and program certifications; authorized the Director of Planning to execute any related program agreements, contracts, or other documentation required for implementation of CARES Act funding, this authorization includes the use of any program income in accordance with applicable program guidelines; and, authorized the Planning Department to incorporate any comments received prior to the close of the public comment period and during the public hearing in the final documents and to make alterations to the documents as directed by HUD, provided alterations are technical in nature and do not alter the approved programs or funding allocations – Planning 2020-0396

Withrow/Berryhill unan. **7.3** Conducted a public hearing to consider the Planning Commission’s recommendation for approval of Use Permit and Development Agreement Application No. PLN2019-0092 – Pacific Botanicals Laboratories, LLC, a request to operate a commercial cannabis and hemp testing laboratory within an existing two-story building on a 2.28-acre parcel in the P-D 180 (Planned Development) zoning district, located at 4100 Bangs Avenue, east of Sisk Road, between Pelandale and Kiernan Avenue, in the Community of Salida; 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: (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. PLN2019-0092 – Pacific Botanicals Laboratories, LLC, subject to the Conditions of Approval, attached to the agenda item; authorized the Stanislaus County Chairwoman to execute the Development Agreement, attached to the agenda item; and, introduced, waived the reading, and adopted ordinance C.S. 1277 for the approved Development Agreement – Planning

ORD-56-W-1 2020-0397 & 2020-0398

DeMartini/Chiesa unan. **8.1** Adopted a resolution approving the Infrastructure Financing Plan for the Crows Landing Industrial Business Park Enhanced Infrastructure Financing District; and, authorized the CEO, or designee, to sign a certification to the CA Department of Finance and the Public Financing Authority that the requirements set forth in Government Code Section 53398.54 are met – CEO DEFD-01-2 2020-0399

Corr 1 Referred to the Department of Planning and Community Development, a letter from the U.S. Department of Housing and Urban Development (HUD) regarding the award of the second allocation of Emergency Solutions Grant Program funds as authorized by the Coronavirus Aid, Relief, and Economic Security Act.

Corr 2 Referred to the Fish and Wildlife Committee, a letter from the California Fish and Game Commission regarding the proposed simplification of Statewide inland sport fishing regulations.

Corr 3 Referred to the Department of Workforce Development, Worker Adjustment and Retraining Notification letters regarding the furlough or temporary layoff of employees from John’s Incredible Pizza Co., Golden Valley Health Centers, Western Dental Services, Inc., and Torrid LLC.

Corr 4 Referred to the Auditor-Controller, Clerk-Recorder, Sheriff, CSA and the CEO, the 2019-2020 Stanislaus County Civil Grand Jury Final Report.

Corr 5 Acknowledged receipt of a letter from Western Hills Water District regarding the resignation of Douglas Kearney and the appointment of Zechariah Manning to their Board of Directors.

Corr 6 Referred to the General Services Agency, a letter from Salida Fire Protection District regarding the availability to purchase a forklift that was declared surplus property.

Corr 7 Referred to the Department of Public Works, a notice from the Federal Emergency Management Agency regarding the proposed flood hazard determinations for Stanislaus County and the process to appeal changes made to the Flood Insurance Rate Map.

Corr 8 Acknowledged receipt of claims and referred to the CEO’s Office the following claims: Dolan Law Firm on behalf of Francisco Nunez; Marti Kopiej; Law Offices of John L. Burris on behalf of Ronald Grisby, et al; Alexandria S. Garcia; and, Joe Danyelle Alcon.

Supervisor Chiesa suggested utilizing Cannabis Program funds for purchasing cameras to deter crime near grows and dispensaries in Stanislaus County.

Supervisor Withrow recommends using Code Enforcement to pursue the small illegal grows of Cannabis.

CEO Hayes provided an update on the proposed State legislation as it relates to COVID-19 and the potential of a \$100 billion stimulus plan. He noted that at the federal level a stimulus plan may come forward as well. 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 11:04 a.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.

13.2 Conference with Legal Counsel - Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). One Case: State of California, Regents of the University of California, etc. vs. Cellco Partnership dba Verizon Wireless, et al., Sacramento County Superior Court Case No. 34-2012-00127517. No reportable action was taken.

Adjourned at 12:04 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.)