

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

Regular Session

Tuesday

August 11, 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 Lyn Crase with Emmanuel Lutheran Church.

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

Supervisor Withrow requested staff to research holding a Special Meeting next week to review board authorities related to COVID-19 and reopening schools.

John Mataka voiced concerns regarding telephone public comments no longer being available during Board meetings. He spoke regarding the need for more resources on the West Side of the County and asked how much money is earmarked for farmworkers in response to COVID-19. He expressed concerns about schools reopening and children bringing home the virus to adult family members. He also read a letter from Michael Garcia with the GI Forum, regarding the need for increased COVID-19 outreach and testing in the Latino community.

Miguel Donoso shared concerns regarding the effects of COVID-19 on farmworkers and fear of retaliation. He also spoke about navigators that are assisting businesses with completing grant applications and the need for interpretation to Spanish. He also expressed concerns regarding CEO Hayes.

Katherine Borges shared her experience with COVID-19 testing.

Chiesa/Withrow unan. Adopted the consent calendar after removing from consent **5.B.6** Approval of the Final 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, and **5.C.1** Approval to Initiate Proceedings for the Expansion of County Service Area No. 4 in Salida – PW

5.A.1 Approved the minutes of July 28, 2020

5.A.2 Approved a commendation for the Stanislaus County Swiss Club Upon their 100th Anniversary 2020-0400

5.A.3 Appointed Ernie Garza to the Keyes Municipal Advisory Council 2020-0401

5.A.4 Appointed Dean Fadeff as a Labor Organization Representative to the Stanislaus County Workforce Development Board 2020-0402

5.B.1 Set the date of 09/15/2020, at the 6:30 p.m. meeting, to receive a report from the Sheriff’s Department and hold a Community Forum regarding Immigration and Customs Enforcement access, pursuant to Government Code Section 7283.1(d); and, authorized the Clerk of the Board to publish public notice as required by law – Sheriff

2020-0403

- 5.B.2** Authorized the Auditor-Controller to close the Community Services Agency Revolving Imprest (Petty) Cash Fund – CSA 2020-0404
- 5.B.3** Awarded a construction contract in the amount of \$392,989 with Barham Inc., dba BZ Construction of Ceres, CA, for the Modesto Library MakerSpace Project; authorized the Capital Projects, Project Manager to execute the contract and issue a Notice to Proceed upon the receipt of required project bonds and insurance; authorized the Project Manager to contract for professional services and execute work authorizations needed in this phase of the project, so long as they are within the approved project budget; and, authorized the Project Manager to execute change orders for the project, so long as they do not exceed \$25,000, consistent with the County’s Change Order Policy – CEO 2020-0405
- 5.B.4** Accepted the responses to the Stanislaus County Civil Grand Jury 2019-2020 Final Report, and authorized the Chairwoman of the Board to forward the response to the Presiding Judge of the Superior Court by 08/14/2020; and directed the CEO to ensure that any recommended actions by the Board of Supervisors be followed and completed by the subject County departments and report back to the Board of Supervisors, as appropriate – CEO M-39-O-3 2020-0406
- 5.B.5** 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 2020-0407
- 5.B.7** 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 2020-0409
- 5.B.8** Approved finalizing and executing an amendment to extend the agreement with Doctors Medical Center for Inpatient Psychiatric Services from 09/01/2020 through 09/30/2020; and, authorized the BHRS Director, or designee, to sign the amendment to extend the current agreement for Inpatient Psychiatric Services with Doctors Medical Center from 09/01/2020 through 09/30/2020 – CEO 2020-0410
- 5.B.9** Authorized the Department of Environmental Resources to offer employment to Jose Silveira as a Landfill Equipment Operator III at step five of the salary range, \$27.50 per hour, contingent upon passing background clearance – DER 2020-0411
- 5.C.2** Approved the Plans and Specifications for the Keyes Road at Turlock Irrigation District (T.I.D.) Ceres Main Canal Bridge Replacement Project; awarded a construction contract to Agee Construction Corporation of Clovis, CA for the Keyes Road at T.I.D. Ceres Main Canal Bridge Replacement Project; authorized the Director of Public Works to execute a contract with Agee Construction Corporation in the amount of \$725,464 and to sign necessary documents; authorized the Director of Public Works to execute change orders, not to exceed 10%, in accordance with the Public Contract Code, Sections 20137 and 20142.5; 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 2020-0413
- 5.C.3** Finds that the Stanislaus County owned parcel, identified as Assessor’s Parcel Number (APN) 136-036-089, is not required for County use; finds that this transaction is categorically exempt from the provisions of the California Environmental Quality Act (CEQA); and, authorized the Chairwoman of the Board to execute the Grant Deed transferring title of said parcel to the City of Modesto – PW C-6-P-6 2020-0414

5.D.1 Set a public hearing on 08/25/2020, at the 9:00 a.m. meeting, to consider the Planning Commission's Recommendation of General Plan Amendment, Rezone, Use Permit, and Development Agreement Application No. PLN2018-0093, The Genezen Project, a request to amend the General Plan and zoning designation, to allow operation of an indoor commercial cannabis cultivation, manufacturing (volatile), distribution, and potential future retail activities in an existing 25,758 square-foot warehouse, located at 485 Bitritto Way, between Charity Way and Kiernan Avenue, in the Modesto area; and, authorized the Clerk of the Board to publish a notice of public hearing as required by law – Planning
ORD-56-X-1 2020-0415

5.D.2 Set a public hearing on August 25, 2020, at the 9:00 a.m. meeting, to consider the Planning Commission's Recommendation of Approval for Use Permit and Development Agreement Application No. PLN2020-0036, The Peoples Remedy, a request to establish a commercial cannabis retail storefront business including delivery services, located at 1119 Lone Palm Avenue, between Woodland and Kansas Avenues, west of State Route 99, in the Modesto area; and, authorized the Clerk of the Board to publish a notice of public hearing as required by law – CEO
ORD-56-Y-1 2020-0416

Withrow/Berryhill unan. **5.B.6** Approved the final 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-P-5 2020-0408

Withrow/DeMartini unan. **5.C.1** Directed staff to initiate proceedings for the expansion of County Service Area (CSA) No. 4 Bristol Glen to cover all of unincorporated Salida to provide storm drainage maintenance; approved the resolution of application to the Local Agency Formation Commission (LAFCO) pursuant to Government Code sections 25217 and 56654 for annexation of the unincorporated area of Salida to CSA No. 4; approved the Engineers Report for CSA No. 4 for submittal with the application to LAFCO; approved renaming CSA No. 4 Bristol Glen to CSA No. 4 Salida Storm Drain, contingent upon completion of annexation proceedings; approved the use of up to \$40,000 of Community Development Funds for the annexation proceedings to CSA No. 4 Salida Storm Drain; directed the Auditor-Controller to make the necessary budget adjustments per the budget journal, attached to the agenda item; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW
CSA-4-12 2020-0412

Chiesa/Berryhill unan. **6.1** Conducted a public hearing 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; adopted the Mitigated 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 Mitigated 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 15075.4; finds that: (a) the project is consistent with the overall goals and policies of the County General Plan (b) the proposed Planned Development zoning is consistent with the Planned Development General Plan designation (c) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements (d) the alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards; approved Rezone Application No. PLN2017-0098-Best RV Center, subject to the Development Standards and

Mitigation Measures, attached to the agenda item, including the deletion of Development Standards Nos. 13 and 14, and amendments to Nos. 15 and 26; introduced, waived the reading, and adopted Ordinance C.S. 1278 – Planning
ORD-56-W-2 2020-0417 & 2020-0418

Berryhill/DeMartini unan. **6.2** Conducted a public hearing to consider the adoption of the updated County Public Facilities Fees pursuant to Title 23 of Stanislaus County Ordinance Code; accepted the 07/30/2020 Stanislaus County Comprehensive Public Facilities Impact Fee Update Study; approved and adopted the findings set forth in the Public Facilities Impact Fee Update Study and in this item, and as required by Section 66001 of the California Government Code; and, approved the revised Public Facilities Impact Fees as recommended in the study to be effective 60 days from date of adoption, 10/10/2020 – CEO
M-64-M-3 2020-0419

Withrow/Chiesa unan. **7.1** Accepted the Interim Report of Costs Incurred Through Coronavirus Relief Fund Proceeds for the period beginning 03/01/2020 and ending 06/30/2020 as prepared by the Auditor-Controller's Office and submitted to the U.S. Treasury Office of Inspector General on 07/17/2020; ratified the CEO's actions and directions, as the Director of Emergency Services, for general administration and Human Relations support of County operations, as detailed in this agenda item; ratified the actions of the CEO to execute a lease amendment with Circle Bar Investments LLC., for additional space at 4701 Stoddard Road, Modesto for the Office of Emergency Services and the Health Services Agency/Public Health needed to ensure essential County operations in response to the COVID-19 Emergency; and, directed the Auditor-Controller to make the budget adjustments as reflected in the budget journal, attached to the agenda item – CEO
2020-0420

Corr 1 Referred to the Chief Executive Office, a letter from the U.S. Department of the Interior regarding the President's Executive Order on Building and Rebuilding Monuments to American Heroes.

Corr 2 Referred to the Clerk-Recorder and Registrar of Voters, a letter from the Keyes Community Services District regarding the resignation of Davie Landers from their Board of Directors.

Corr 3 Referred to the Clerk-Recorder and Registrar of Voters, a letter regarding the resignation of Linda Nunes from the Riverdale Park Tract Community Service District Board of Directors.

Corr 4 Acknowledged receipt of claims and referred to the CEO's Office the following claims: Monique Lee; City of Stockton; Thomas Crum; Jill Bodenhausen and Ryan Kennedy; and, Katherine Dugan, GEICO Indemnity Company on behalf of Timothy Marc Andrews.

Supervisor DeMartini acknowledged the 100th Anniversary of the Stanislaus County Swiss Club. He stated that if we allow the pastor to call into the meeting for the invocation, we should allow public comments via telephone as well.

CEO Hayes reported that County staff are tracking the potential of additional stimulus funds at the federal level. He noted that the evictions and foreclosure moratorium is a hot topic at the State level.

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 12:26 p.m.

12.1 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.

12.2 Conference with Legal Counsel - Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). One Case: James Allen Jack v. Eric Pearson, Stanislaus County Superior Court Case No. CV-20-000945. No reportable action was taken.

12.3 Conference with Legal Counsel - Anticipated Litigation pursuant to Government Code Section 54956.9 (d)(4). Two matters.

12.3a Closed Session Announcement: Chiesa/Olsen unan. The Board approved payment to Central San Joaquin Valley Risk Management Authority for subrogation of loss claims in the amount of \$61,798.40.
2020-0421

12.3b No reportable action was taken.

Adjourned at 1:05 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.)