

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

Regular Session

Tuesday

August 25, 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.

A moment of silence was held for former Stanislaus County District Attorney Donald Stahl.

Invocation was given by Pastor Jim Applegate with Redeemer Church Modesto.

Milton O'Haire, Agricultural Commissioner, gave a presentation of the Stanislaus County 2019 Agricultural Crop Report.

Chairwoman Olsen acknowledged receipt of written public comments. She noted that all public comments submitted via email were distributed to the members of the Board of Supervisors.

Greg Pryor, Manager of Recology Blossom Valley Organics - North, acknowledged the Recology Scholarship Award recipients: Tiago Soares, William (Billy) Marchy, Mia Zaragoza, Bryson Bettencourt, and, Elena Carter.

Jamie Ciuffo expressed concerns regarding personal services not deemed as an essential service.

Miguel Donoso requested that next year's Crop Report mention the living conditions of farmworkers. He noted that some of his comments at the at 08/11/2020 meeting were not captured in the minutes including his statement that the Board should use the term Mexican-American instead of Latino, and that he feels the CEO should resign. He stated that the Mexican-American community leaders are not fighting for turf, as was mentioned at the last Board meeting.

Mary Jackson shared concerns regarding COVID-19 numbers, the lack of testing, and the waiver process to reopen schools.

Withdraw/Chiesa unan. Adopted the consent calendar after removing from consent Item **6.B.9** Acceptance of the Real Estate Fraud Prosecution Trust Fund Annual Report for FY 2019-2020 – District Attorney

6.A.1 Approved the minutes of 08/11/2020

6.A.2 Approved a commendation for the Honorable Judge Marie Sovey Silveira upon her retirement from the Stanislaus County Superior Court 2020-0422

6.A.3 Appointed Holly Grace Currie to the Stanislaus County Child Abuse Prevention Council 2020-0423

6.A.4 Accepted the resignation of Scott Hicks from the Stanislaus County Planning Commission 2020-0424

6.A.5 Accepted the resignation of Tatiana Olivera from the Stanislaus County Equal Rights Commission 2020-0425

- 6.B.1** Declared the list of vehicles and equipment, attached to the agenda item, as surplus and authorized these assets to be sold; and, directed the Auditor-Controller to deposit all receipts from the sale of these assets, net of General Services Agency-Fleet Services cost, into departmental accounts as appropriate to the fixed asset location of the asset – GSA
2020-0426
- 6.B.2** Approved Project Plans and Specifications for the Community Services Facility Parking Lot Improvement Project; authorized the Project Manager to issue a Notice Inviting Bids for the Project, set a bid due date, and adjust the date as necessary; and, authorized the Project Manager to contract for professional services and execute work authorizations needed for this phase of the project – CEO
2020-0427
- 6.B.3** Approved a resolution proclaiming September 2020 National Preparedness Month in Stanislaus County – OES/Fire Warden
2020-0428
- 6.B.4** 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
2020-0429
- 6.B.5** Accepted 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
2020-0430
- 6.B.6** Accepted the June 2020 Investment Report for the Stanislaus County Treasury Pool; and, authorized the Chairwoman of the Board to sign on behalf of the Board that the report has been reviewed and accepted – T/TC
2020-0431
- 6.B.7** Approved the extension of the current MOU between the County of Stanislaus and the Stanislaus County Deputy Probation Officers Association from 07/01/2020 to 12/31/2020; and, authorized the CEO and all parties to sign the extension agreement – CEO
2020-0432
- 6.B.8** Approved a change order, not to exceed \$31,500 for the Empire Branch Library Replacement Project for acoustical ceilings to be funded within the approved project budget; approved three change orders, not to exceed \$167,117, for the Turlock Branch Library Renovation and Replacement Project; the change orders include an additional fire hydrant in the amount of \$47,925 to be funded within the approved project budget; and two additional change orders, a Learning Tree-Children's Collection in the amount of \$79,742 and Interior Courtyard Upgrade for \$39,450, a subtotal of \$119,192, which is funded from donations from the Friends of the Turlock Library; directed the Auditor-Controller to increase revenue and appropriations in the Turlock Branch Library Expansion project budget in the amount of \$119,192 to reflect anticipated donations from the Friends of the Turlock Library and to reclass \$47,925 from construction contingency to construction, as detailed in the budget journal, attached to the agenda item; directed the Auditor-Controller to reclass \$31,500 from construction contingency to construction new structures for the Empire Branch Library Replacement Project budget, as detailed in the budget journal, attached to the agenda item; and, authorize the Project Manager to execute the recommended change orders – CEO
2020-0433
- 6.B.10** Authorized the Auditor-Controller, on behalf of the Department of the Public Defender, to pay a prior year invoice for services provided in a prior year – Public Defender
2020-0435
- 6.B.11** Approved a ninety (90) day lease extension with the La Grange Improvement Association for the property located at 30178 and 30198 Yosemite Blvd., La Grange, CA 95329 – Parks
2020-0436

6.C.1 Approved a one-year agreement for Transit Contractor Services with Storer Transit Systems, Inc. in the amount of \$5,962,748; and, authorized the Director of Public Works to sign and execute all necessary documents – PW

2020-0437

6.C.2 Approved Amendment No. 1 to the Cooperative Agreement A-07-568 with San Joaquin County for the McHenry Avenue and Stanislaus River Bridge Replacement Project; authorized the Chairwoman of the Board to execute Amendment No. 1 to Cooperative Agreement A-07-568 with San Joaquin County for the McHenry Avenue and Stanislaus River Bridge Replacement Project; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW

2020-0438

6.C.3 Adopted the Mitigated Negative Declaration for the East Las Palmas Bridge Maintenance 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

2020-0439

6.C.4 Approved the Plans and Specifications for the Intersection Safety Improvement Project Ladd Road and Saint John Road; awarded a contract for Construction Services to George Reed, Inc. of Modesto, CA for the Intersection Safety Improvement Project Ladd Road and St. John Road; authorized the Director of Public Works to execute a contract with George Reed Inc. in the amount of \$489,335 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

2020-0440

6.D.1 Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 716 Turner Street, Modesto, CA, DNB2018-0005, as set forth in Attachment No.1, of the agenda item; and, authorized the recovery of costs associated with the abatement of the property as a lien by special assessment and directed the Treasurer/Tax Collector, or her designee, to record the lien amount on the assessment roll – Planning

2020-0441

6.D.2 Approved the MOU with the Housing Authority of the County of Stanislaus for the completion of National Environmental Policy Act (NEPA) Environmental Reviews for Federal Housing and Urban Development (HUD) Funded Projects within the Stanislaus Urban County Area; and, authorized the Director of Planning and Community Development to execute the MOU – Planning

2020-0442

6.D.3 Authorized the Director of Planning and Community Development, or designee, to negotiate and sign an agreement with Benchmark Resources, of Folsom, CA, to provide mining inspection services through 06/30/2025 at an amount not to exceed \$244,460 – Planning

2020-0043

DeMartini/Chiesa unan. **6.B.9** Accepted the FY 2019-2020 annual report from the DAs Office regarding the Real Estate Fraud Prosecution Trust Fund pursuant to California Government Code Section 27388 – DA

2020-0434

Chiesa/Withrow unan. **7.1** Conducted a public hearing to consider the Planning Commission's recommendation of approval for General Plan Amendment, Rezone, Use Permit, and Development Agreement Application No. PLN2018-0093-the Genezen Project, a request 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; adopted the 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 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; finds that, (a) the General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses; (b) the County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service; (c) the amendment is consistent with the General Plan goals and policies; (d) finds that the proposed Planned Development (P-D) zoning is consistent with the Planned Development General Plan designation; (e) 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 General Plan Amendment, Rezone, Use Permit, and Development Agreement Application No. PLN2018-0093-The Genezen Project, subject to the Development Standards, attached to the agenda item, including the amendment to Development Standard No. 2, as recommended by the Planning Commission; authorized the Chairwoman of the Board to execute the Development Agreement; and, introduced, waived the reading, and adopted Ordinance C.S. 1279 for the approved Rezone and Ordinance C.S. 1280 for the approved Development Agreement – Planning

ORD-56-X-1 2020-0444 & 2020-0445 & 2020-0446

Withrow/Chiesa unan. **7.2** Conducted a public hearing to consider the Planning Commission's recommendation for approval of 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; finds that; (a) no further analysis under California Environmental Quality Act (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 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. PLN2020-0036 – The Peoples Remedy, subject to the Conditions of Approval, attached to the agenda item; authorized the Chairwoman of the Board to execute the Development Agreement; introduced, waived the reading, and adopted Ordinance C.S. 1281 for the approved Development Agreement – Planning
ORD-56-Y-1 2020-0447 & 2020-0448

8.1 The Board received an update on the 2019 Novel Coronavirus (COVID-19) emergency and essential services in Stanislaus County, including a report on the authorities of the Board of Supervisors related to State of California Public Health Orders for schools in response to COVID-19 and compliance requirements for receipt of funding to assist in the local response to the Pandemic authorized per the State Budget Act of 2020

Withdraw/Berryhill (2-3) (Chiesa, DeMartini and Chairwoman Olsen opposed) **8.1** The **motion failed** to approve that Stanislaus County will not expend any staff or resources to enforce the State's current order prohibiting schools from opening – CEO 2020-0449

Chiesa/Olsen unan. **8.2** Accepted a report on the State Pass-through CRF funds allocated to Stanislaus County in the amount of \$12.8 million; reviewed the Proposed Local Spending Plan for State Pass-through CRF funds to be used to support the COVID-19 emergency response in the local community; directed any changes the Board of Supervisors chooses to make and approve the Local Spending Plan, which is due to the State by 09/01/2020, for continued receipt of pass-through CRF funds – CEO 2020-0450

Withdraw/Chiesa unan. **8.3** Approved the Business Grant Program Scoring Criteria as detailed in the staff report; authorized the CEO, or designee, to negotiate and execute a MOU between Stanislaus County and Valley First Credit Union as a third-party funding distributor for the Business Grant Program; approved the use of up to \$2 million of CARES Act CRF to work with Community Based Organizations, such as established family resource centers throughout Stanislaus County, to provide outreach, education, and wraparound services to individuals affected by COVID-19; authorized the CEO, or designee, to negotiate and execute agreements with Community Based Organizations to provide outreach, education, and wraparound services to individuals affected by COVID-19; approved the establishment of the Stanislaus County Non-Profit Support Program using up to \$2 million of CARES Act CRF Funds for grants to non-profit organizations located, and providing youth and community-centered arts and culture services, within Stanislaus County; directed the Auditor-Controller

to make the budget adjustments as reflected in the budget journal, attached to the agenda item; and, **amended** the item in regards to the Non-Profit Support Program: to establish a grant cap at \$300,000, and to not require applicants provide “audited financial statements” but instead “reviewed financial statements” – CEO 2020-0451

Chiesa/Olsen unan. **8.4** Proclaimed the existence of a local emergency in Stanislaus County due to current wildland fires and evacuations in the Calaveras and Canyon Zones of the Cal Fire Santa Clara Unit (SCU) Lightning Complex Incident, located within Stanislaus County; and, authorized the CEO/Director of Emergency Services to take the necessary actions in accordance with the Stanislaus County Code Section 2.52.110 to respond to the emergency – CEO 2020-0452

Corr 1 Referred to the Department of Public Works, a notice from the California High-Speed Rail Authority regarding the availability of the final supplemental environmental impact report and statement for the Merced to Fresno Section of the High-Speed Rail Project.

Corr 2 Referred to the Department of Workforce Development, Worker Adjustment and Retraining Notification letters regarding the layoff of employees from Chartwells; Charlotte Russe; and, Golden Valley Health Centers.

Corr 3 Acknowledged receipt of claims and referred to the CEO’s Office the following claims: Jerry Imig; Sasha Farahi Esq. on behalf of Gloria Jasso Rangel; Sasha Farahi Esq. on behalf of Alma Delia Jasso Rangel; R&P Vending aka Bella Vending; Ivette Diaz; Antonio J. Reyes; Mendoza & Figone, Attorneys at Law on behalf of Amanoel Yonenpour; Lisa Ballard and, Jason Edwin Felt.

Supervisor DeMartini spoke regarding the 10/12/2004 Development Agreement with the City of Patterson.

Supervisor Withrow thanked Assistant Executive Officer Raul Mendez and Manager Patrick Cavanah for their hard work.

CEO Hayes reported we are nearing the end of the legislative session. County staff are watching if there will be any action at the State level related to evictions, as well as plans for the future of juvenile justice.

Prior to adjourning into Closed Session an opportunity was given to the public to address matters listed under Closed Session.

County Counsel Boze made a correction to closed session item 13.2 to correct the case number for Vasquez v. County of Stanislaus to reflect US District Court for the Eastern District of CA, Case No. 1:19-cv-01610-AWI-SAB.

Adjourned to closed session at 2:07 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.

13.2 Conference with Legal Counsel - Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). Two cases: Vasquez v. County of Stanislaus, US District Court for the Eastern District of CA,

Case No. 1:19-cv-01610-AWI-SAB; David McDaniel v Stanislaus County Sheriff's Department, et al
United States District Court Eastern District Case No. 2:20-at-00604. No reportable action was taken.

13.3 Conference with Real Property Negotiator: Property: Finch Road Animal Shelter, 2846 Finch Road, Modesto, CA. Agency Negotiators: Jody Hayes, Patricia Hill Thomas. Negotiating Party: Shane Parsons and Partners or Sarjiwan Singh. Under Negotiation: Both Terms of Payment and Price. No reportable action was taken.

13.4 Conference with Legal Counsel - Anticipated Litigation pursuant to Government Code Section 54956.9 (d)(4). Two items. No reportable action was taken.

Adjourned at 3:40 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.)