

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

December 15, 2020

Convened at 5:03 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.

Aurora Thome, Attorney with CRLA, advocated for clients that are longtime campers at Woodward Reservoir to be able to keep their campsites during the stay-at-home order. She also spoke regarding eviction cases and the impacts of the temporary closure of Superior Court's clerk's offices to the public through 01/07/2021.

Adjourned to closed session at 5:10 p.m.

1.1 Conference with Labor Negotiator: Agency Negotiators: Jody Hayes, Tamara Thomas, Burke Dunphy, and Keira Vink. Labor Organization: Stanislaus Sworn Deputies Association (SSDA). Government Code Section 54957.6. No reportable action was taken.

1.2 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.

Reconvened at 6:35 p.m. for Regular Session

Invocation was given by Reverend Chuck Adams from Optimal Hospice.

A moment of silence was held for Former Superintendent of Schools Tom Changnon's wife Dianne Changnon.

Stanislaus County Supervisors Kristin Olsen and Jim DeMartini were recognized for their years of service to Stanislaus County.

Recessed at 7:30 p.m.

Reconvened at 7:39 p.m.

Public Health Officer Dr. Vaishampayan, Director of the Health Services Agency Mary Ann Lilly-Tengowski, Brian Jensen with the Hospital Council of Northern and Central California, and CEO Hayes provided an update related to the 2019 Novel Coronavirus (COVID-19) emergency and essential services in Stanislaus County.

Clerk of the Board read written public comments submitted by Tatiana Alman regarding her concerns with the County's response to COVID-19.

DeMartini/Withrow unan. Adopted the consent calendar

- 7.A.1 Approved the minutes of 12/01/2020
- 7.A.2 Adopted and waived the second reading of Ordinance C.S. 1288 to amend Chapters 2.08 and 2.52 of the Stanislaus County Code to transfer responsibility of the Director of OES from the CEO to the Sheriff
ORD-57-B-2 C.S. 1288 2020-0649
- 7.A.3 Reappointed John Bettencourt to the Assessment Appeals Board 2020-0650
- 7.A.4 Reappointed Emily Herrera to the Earl Pride Scholarship Committee 2020-0651
- 7.A.5 Reappointed Bryan Whitemyer and Richard Murdock to the Emergency Medical Services Committee 2020-0652
- 7.A.6 Reappointed Dorothy Griggs to the Housing Authority of the County of Stanislaus 2020-0653
- 7.A.7 Reappointed Janet Ward to the In-Home Supportive Services Advisory Committee 2020-0654
- 7.A.8 Reappointed Thomas Boze, Bruce E. Ramsey and Gregory Goodwin to the Law Library Board of Trustees 2020-0655
- 7.A.9 Reappointed Jim Jasper to the Hills Ferry Cemetery District Board of Directors 2020-0656
- 7.A.10 Reappointed Rebecca Bettencourt to the Patterson Cemetery District Board of Directors 2020-0657
- 7.A.11 Reappointed James Shade, John Utne, and Robert James Nickerson to the Building Code Appeals Board 2020-0658
- 7.A.12 Reappointed Anna Webb and Ron Greenwood to the East Side Mosquito Abatement District Board of Trustees 2020-0659
- 7.A.13 Reappointed Chris Savage and Suzanne Bauer to the San Joaquin Valley Air Pollution Control District Citizens Advisory Committee 2020-0660
- 7.A.14 Reappointed Rodman Hooker and Dan Peterson to the Turlock Mosquito Abatement District Board of Trustees 2020-0661
- 7.A.15 Reappointed Xavier Guluarte, Sonia Delgado, Jeremy Damas, Keith Highiet, Syvanna Diestel, Jesse Marchant and Arla Green to the Stanislaus County Local Task Force on Solid Waste Management 2020-0662
- 7.A.16 Reappointed Thomas Maring and Stanley Azevedo to the West Stanislaus Resource Conservation District Board of Directors 2020-0663
- 7.A.17 Reappointed Louis Brichetto, Rod Vilas, Larry Byrd, and Bill Zoslocki to the Stanislaus County Water Advisory Committee 2020-0664
- 7.A.18 Reappointed Ronald West to the Tuolumne River Regional Park Citizens Advisory Committee 2020-0665
- 7.A.19 Reappointed Charmaine Monte to the Stanislaus County Behavioral Health Board 2020-0666
- 7.A.20 Reappointed Wayne Zipser and David White to the Crows Landing Industrial Business Park Enhanced Infrastructure Financing District Public Financing Authority Board 2020-0667
- 7.A.21 Reappointed Laurie Daily-Johnson to the Stanislaus Animal Services Agency Advisory Committee 2020-0668
- 7.B.1 Declared Sheriff Vehicle 14-07, a 2014 Ford Explorer with the Vehicle Identification Number 1FM5K8AR0EGA65307, as surplus; authorized the GSA Fleet Services Division, on behalf of the Stanislaus County Sheriff's Department, to sell Vehicle 14-07 to The Veer

Firm, P.C., Matiastic Firm, PC, and Snell & Wilmer L.L.P. for \$500; and, authorized the Purchasing Agent to sign the release of liability for Vehicle 14-07 – GSA

2020-0669

- 7.B.2** Authorized the Director of DER, or designee, to apply for, enter into and sign routine FY 2021-2022 grant agreements and contracts for various State and Regional programs; authorized the director of DER or designee, to approve and sign any amendments to the routine FY 2021-2022 grant agreements and contracts for various state and regional programs; adopted a resolution to authorize the Director of DER, or designee, to apply for a Waste Tire Enforcement Grant from the CA Department of Resources Recycling and Recovery for FY 2021-2022 to promote the administration of a regional waste tire enforcement program; and, adopted a resolution to authorize the Director of DER, or designee, to apply for the two year Local Government Waste Tire Amnesty Grant from the CA Department of Resources Recycling and Recovery for FY 2021-2022 and 2022-2023 to promote the administration of the County’s Waste Tire Amnesty Program – DER
2020-0670
- 7.B.3** Appointed the following members to the 2021 term of the Stanislaus County Discipline/Equal Employment Opportunity (EEO) Grievance Appeals Board: (a) Paul Gibson, Director of Information Technology Central as the Department Head Member; (b) Jeffrey Graham, Deputy Sheriff’s Association as the Employee Member; (c) Local Attorney, David Walker, with Ramsbacher Prokey Leonard LLP to serve as the Chairperson; and, appointed alternates to the panel as follows: (a) Baljit Atwal, Department of Child Support Services; and Dan Wirtz, GSA as Department Head Alternates; (b) Renee Crawford, SEIU as the First Alternate Employee Member; Juan Alanis, Stanislaus County Sheriff’s Supervisors Association as the Second Alternate Employee Member; and Matthew Cantrell, AFSCME as the Third Alternate Employee Member – CEO
2020-0671
- 7.B.4** Accepted the Report of Donations Received by the County of Stanislaus for the First Quarter of FY 2020-2021 – Auditor-Controller
2020-0672
- 7.B.5** Authorized the Sheriff’s Department to offer employment to Austin Larson and David Lewellen as Deputy Sheriff I staff, both at step five of the salary range, \$38.57 per hour – Sheriff
2020-0673
- 7.B.6** Approved Amendment No. 1 to the South Oakdale Industrial Specific Plan Joint Powers Agreement; and, authorized the CEO to sign the said amendment – CEO
2020-0674
- 7.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, secure electronics, and video surveillance systems along with the abatement of water damage found in the mechanical chases at the Public Safety Center West facility – GSA
2020-0675
- 7.B.8** Approved the naming of the Children’s Area in the new Empire Library in honor of Bob and Jane Dittman recognizing their decades of contributions to the Empire Community – CEO
2020-0676
- 7.B.9** Accepted the Enterprise Resource Planning (ERP) project update for the Financial Management System (FMS); and, approved the release of an RFP for System Integrator support – Auditor-Controller
2020-0677
- 7.B.10** Authorized the CEO, or his designee, to finalize and execute a MOU with the Stanislaus County Superior Court for the temporary use of the Sheriff’s Detention Center-West for arraignment court proceedings during the COVID-19 Pandemic Emergency – Sheriff
2020-0678

- 7.B.11** Authorized the Chairwoman of the Board to sign a letter of support for the Alternate Management Standards for the disposal of treated wood waste in composite-lined Class II or Class III Landfills – DER 2020-0679
- 7.B.12** Approved a Master Agreement for Independent Contractor Services with Pride Industries One, Inc. for countywide janitorial services in the amount up to \$10,402,801 for the term beginning 01/01/2021 and ending 06/30/2026; approved a Master Agreement for Independent Contractor Services with Quality Cleaning Professionals, LLC for countywide janitorial services in the amount up to \$11,627,232 for the term beginning 01/01/2021 and ending 06/30/2026; and, authorized the Purchasing Agent to sign the Master Agreements identified above, and any subsequent amendments to the agreements on behalf of the County – GSA 2020-0680
- 7.B.13** Accepted the Stanislaus County Public Facilities Fees Annual Financial Report for FY ending 06/30/2020 – Auditor-Controller 2020-0681
- 7.B.14** Approved an agreement for the provision of Homeless Assistance Program and Housing Support Program Services with the Community Housing and Shelter Services (CHSS), in the amount of \$760,704 as a result of an RFP process for such services; and, authorized the CSA Director, or her designee, to sign the agreement, and any amendments up to \$100,000, to provide Homeless Assistance Program and Housing Support Program Services – CSA 2020-0682
- 7.C.1** Introduced and waived the first reading of Ordinance C.S. 1289 adding Chapter 11.27 of the Stanislaus County Code, to enforce agricultural planting setbacks from the County right-of-way; finds the project is generally exempt for the CEQA pursuant to CEQA Guidelines Section 15061 and ordered the filing of a Notice of Exemption with the Stanislaus County Clerk-Recorder pursuant to CEQA Guidelines Section 15062; finds that there is no substantial evidence the project will have a significant effect on the environment and that the exemption reflects Stanislaus County’s independent judgement and analysis; and, finds that the use of Road Commissioner authority to remove trees from the right-of-way is prudent and necessary and authorized County Counsel to recover the costs of said tree removals in accordance with Streets and Highways Code – PW 2020-0683
- 7.C.2** Approved Second Amendment to Service Contract with F.T.G. Construction Materials Inc., in an amount of \$79,657 for additional chip aggregate material for the 2020 Chip Seal Project plus \$1,992 for contingencies; authorized the Director of PW to execute the Second Amendment with F.T.G. Construction Materials, Inc. in an amount of \$79,657 plus \$1,992 for contingencies, for a not to exceed amount of \$81,649 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 2020-0684
- 7.C.3** Approved the installation of Stop Sign Traffic Control on Keyes Road at the Highway 99 interchange; approved the installation of Stop Sign Traffic Control on South Washington Road at West Harding Road; approved the installation of Stop Sign Traffic Control on South Walnut Avenue at West Harding Road; finds and determined that the installation of stop sign control is a Class 1, categorically exempt project under the provisions of Section 15301(c) of the CEQA Guidelines; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2020-0685
- 7.C.4** Approved the Stanislaus County Public Works Transit Division’s Public Transportation Agency Safety Plan (PTASP) to comply with Federal Transit Administration (FTA) Regulations; and, authorized the Chairwoman of the Board to sign the PTASP on behalf of Stanislaus Regional Transit (StaRT) – PW 2020-0686

- 7.C.5** Approved the Common Use Agreement between Stanislaus County and the South San Joaquin Irrigation District (SSJID) for the Schell Road over SSJID Canal Bridge Replacement Project; authorized the Chairwoman of the Board to sign the Consent to Common Use Agreement; authorized the Road Commissioner to carry out the work for this project by Force Account pursuant to Public Contract Code 20409 and Streets and Highways Code 1331 and Streets and Highways Code 1331; and, authorized the Director of PW to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2020-0687
- 7.C.6** Approved the Agreement for Acquisition of Property for the Crows Landing Industrial Business Park from Ramon L. Perez, Trustee of the Ramon L. Perez Irrevocable Trust dated 12/28/2012, APN: 027-004-044 (partial); authorized the Director of PW to execute the Agreement for Acquisition of Property, subject to prior approval of a use permit for development of the well site and a General Plan consistency determination; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2020-0688

Chiesa/Grewal (4-0)(Withrow abstained) **8.1** Conducted a public hearing to consider the Planning Commission’s recommendation of approval for General Plan Amendment and Rezone Application No. PLN2020-0016, Brichetto, River Road, a request to amend the General Plan designation of a 3.9± acre parcel and the zoning designation of two parcels totaling 7.8 acres in size to Planned Development, to allow for the storage of recreational vehicles (RVs), located at 9919 Valley Home Road (SR 120) and 7420 River Road, between Rodden and Jackson Roads, north of the Stanislaus River, in the Oakdale area; adopted the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Amended 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, based on the discussion in this report, and the whole of the record 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) The Agricultural Land Conversion Findings can be made, as outlined in Policy 2.7 of the General Plan’s Agricultural Element; (e) The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring improvements; finds that the proposed Planned Development zoning is consistent with the General Plan designations of Planned Development and Commercial; approved General Plan Amendment and Rezone Application No. PLN2020-0016– Brichetto – River Road, subject to the attached Development Standards; and, introduced, waived the reading, and adopted Ordinance C.S. 1286 – Planning

ORD-57-A-2 C.S. 1288 2020-0690

Chiesa/Grewal (3-2)(Withrow and DeMartini opposed) **8.2** Conducted a public hearing to consider the Planning Commission’s recommendation for denial of Use Permit and Development Agreement Application No. PLN2019-0095, Central Valley Growers LLC, Howard Road III, a request to establish a mixed-light commercial cannabis cultivation, nursery, processing, and distribution operation in phases on a 49-acre parcel in the A-2 (General Agriculture) zoning district, located at 3735 Howard Road, between the CA Aqueduct and the Delta Mendota Canal, east of Interstate Highway 5, in the Westley area; 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 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; (b) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district; (c) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural product on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping; (d) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use; 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. PLN2019-0095 – Central Valley Growers, LLC – Howard Road III., subject to the Conditions of Approval; authorized the Chairwoman of the Board to execute the Development Agreement; and, introduced, waived the reading, and adopted Ordinance C.S. 1287 for the approved Development Agreement – Planning ORD-57-B-1 C.S.1287 2020-0692

Withrow/Grewal (4-1)(DeMartini opposed) **9.1** Accepted an update on Emergency Non-Congregate Sheltering and Support provided during the COVID-19 Public Health Emergency; authorized the Director of CSA, or her designee, to accept one-time funding in the amount of \$436,143 from the State General Fund Disaster Response Emergency Operations Account to allow Project Roomkey operations to continue; authorized the Director of CSA, or her designee, to negotiate and enter into any new agreements or execute amendments to existing agreements through 03/31/2021, in an amount up to \$938,053 to secure sites and services to reduce the transmission of COVID-19; and, authorized the Auditor-Controller to make the necessary budget adjustments, increasing appropriations and revenues in the CSA Housing and Homeless Services budget by \$813,921, and in the CSA Services and Support budget by \$124,132, as detailed in the budget journal which also reflects a shift in expected revenue of \$100,000 in the CSA Housing and Homeless Services budget – CSA 2020-0693

Grewal/Chiesa unan. **9.2** Accepted an update on the use of CARES Act Coronavirus Relief Fund (CRF) allocation for Community Support; and, authorized the CEO, or his designee, to negotiate and execute

amendments to the current agreements with local Community Based Organizations extending the provision of COVID-19 emergency response services through 03/31/2021, as detailed in the staff report
– CEO 2020-0694

Corr 1 Referred to County Counsel and the Auditor-Controller, a Claim for Refund of Property Taxes filed on behalf of T-Mobile West LLC, regarding assessments for tax year 2016-2017.

Corr 2 Referred to Clerk-Recorder and Registrar of Voters, a notice from the Knights Ferry Community Services District regarding a vacancy on their Board of Directors due to the passing of Eric Ulrich.

Corr 3 Acknowledged receipt of the Comprehensive Annual Financial Report of the Stanislaus County Employees' Retirement Association (StanCERA) for FY ending 06/30/2020.

Corr 4 Acknowledged receipt of claims and referred to the CEO's Office the following claims: Angel Duran; Anthony M. Harrison; Sergio E. Padilla; Brandon Gray; Shelby Valadez, Brent Lopez, Silverio Ramirez, Alissa Elliott; and, Tyler Treat.

Supervisor DeMartini reported that the Patterson City Council has continued the matter regarding the rezone of the property located at Sperry Avenue and Baldwin Road.

Withrow/Grewal unan. **13.1** Elected Supervisor Vito Chiesa as the Chairman of the Stanislaus County Board of Supervisors for 2021 2020-0695

Chiesa/Grewal unan. **13.2** Elected Supervisor Terry Withrow as the Vice-Chairman of the Stanislaus County Board of Supervisors for 2021 2020-0696

Adjourned at 10:15 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.)