

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

July 13, 2021

Invocation was given by Reverend John Torres, from City Ministry Network.

A presentation was given by David White, CEO of Opportunity Stanislaus, providing an update on Strategic Initiatives.

Miguel Donoso spoke regarding the creation of the Stanislaus Homeless Alliance (SHA), and noted that the Continuum of Care is a legal entity. He voiced concerns that Supervisor Withrow is a member of both the SHA and the Board of Supervisors, and he is going to ask that the District Attorney, State, and Federal Government investigate on whether this is a conflict of interest. He also noted that he supports the parents that are in attendance at today's Board meeting.

Teneya (Ty) Merriam shared concerns regarding the mask mandate for school age children. She spoke regarding the need for a middle-ground and making masks a personal choice not a mandate.

Dawn Reece shared concerns regarding child development and how wearing a mask limits visual cues, distorts the context of speech and limits children's access to education. She spoke regarding the need for parents to have the right to makes choices for their children.

Melissa Cortinas advocated for the Board to adopt a Healthy Children's Resolution at the next meeting. She also added that the many restrictions that were placed on the teachers in the classroom felt extreme.

Jeffrey Cortinas thanked the Board for their assistance earlier this year when clarification was needed on whether the County was more restrictive regarding contact tracing. He also reiterated the concerns of other parents present regarding the mask mandate for school age children.

Veronica Gonzales shared the challenges of masking school age children as experienced by her children, teachers, and other parents.

Grace Curry spoke against the masking mandate for school children. She shared her appreciation for the Hughson Unified School District for bringing the students back to in-person learning last year. She shared her concerns about returning to school this year and having to abide by the mask mandate. She stated that everyone has the right to choose.

Kimberly Valente, school psychologist, noted she is passionate about wellness especially for children. She shared that you can take children to a bowling alley, birthday parties, airplanes, and masks are not required, and requiring them in school does not make sense. She voiced concerns about the amount of money that has been spent on PPE and public facilities addressing COVID-19, which could have been spent on things related to wellness.

Kira Williams spoke regarding her son whose grades have decreased due to online learning. She shared the many challenges he faced this past school year, including wearing a mask to play sports and being COVID-19 tested twice a week. She works with pre-school children and shared how it felt to see young children wearing masks and surrounded by plexiglass. She had trouble hearing the children due to the masks. She asked the Board to send a request to the CDC and California Department of Health make masks a choice.

Samuel Bosshardt attended a Fourth of July Concert and Firework show in Atwater. He noted that Atwater declared themselves a sanctuary city for business. He voiced concerns regarding the COVID-19 variants and Critical Race Theory and feels it creates a psychological weapon causing division, fear, and hate. He spoke regarding the need for restoration of normalcy and liberty.

Samantha Tajeda, educator in Stanislaus County, noted that her child is starting kindergarten next year but not in the public school system due to the mask requirement. She would like to see the Healthy Children's Resolution on the next board meeting agenda and for it to be sent to the Governor and California Department of Health. She spoke in support of a choice in whether students wear a mask, and that children deserve to see a smile.

Caroline Nunes, Math Teacher, asked that masks be optional, and asked that the Board add the Healthy Children Resolution to the next agenda. She spoke regarding her observations in how previously successful students had become unmotivated and some have become anxious. She shared that she feels masks made it harder for her to develop a connection with her students. She noted that parents have a right to choose what is best for their families whether it be the vaccine and/or wearing masks. She asked the Board make masks optional.

Nancy Petty asked the Board to stand with parents and children regarding masks, especially in the classrooms. She shared the obstacles her children have experienced with wearing a mask at school.

Amber Maines asked the Board to add their voices to the voices of the parents in asking for the choice on whether to wear a mask or not.

Michael Nessler, resident of Oakdale, noted that he kept his two children home from school this year because of the mask requirement. He said that it was sad to see the neighbor kids walking to school wearing masks.

Sev noted that he has three children. He asked who is going to stand up for the kids? He noted that he spoke with the schools, the Superintendent, and Stanislaus County Public Health. He shared that parents should remove their kids from school.

Shannon Lynn noted she has family members moving out of state and the impact this has had on her children who have special needs. She is staying in California for the services that her children receive in school. She shared her husband's opinions regarding the teaching of Critical Race Theory in the classroom, and read from the California Department website and voiced concerns about Critical Race Theory.

Debbie Martinez, a member of the La Raza Parents Union and Latino Community Roundtable, noted that she brought the school to prison pipeline to the attention of the Modesto City Schools. She read a section from the California Constitution Article 1, Subsection 28 (F1), and spoke regarding the need for something to be done. She shared that children do not want to go back to school because they do not have a voice and do not have a choice.

Dan Leonard from Bronco Wine Company shared that he was impressed and enthused by the young faces in the audience and noted that they were seeing democracy in action. He encouraged the parents to bring their children and to stay engaged in the democratic process. He noted that Supervisor Withrow spoke out last year about the need to get kids back to school, and he thanked Supervisor Withrow for his efforts.

Supervisor Withrow thanked everyone for coming and noted that the Board appreciates the feedback. He agrees with the public comments today regarding masks and vaccines. He stated that the Board of Supervisors are not a school board, and he encouraged members of the community to address the school boards through elections if they do not listen to their requests. He also encouraged the teachers in the audience today to reach out to their unions regarding this issue.

Dan Avila spoke regarding his Use Permit Application and asked the Board for assistance. He noted that County staff are disagreeing with some of the studies he has submitted.

Mary Ann Lilly-Tengowski, HSA Managing Director, reported that the State school masking guidance came out late yesterday afternoon. She noted that they anticipate that more information will be coming from the State and possibly more control at the local level.

Recessed at 10:42 a.m.

Reconvened at 10:49 a.m.

Grewal/C. Condit unan. Adopted the consent calendar after removing from consent items **B5** Acceptance of the Stanislaus County Treasury Pool April 2021 Monthly Investment Report – T/TC; and, **B11** Approval of Compensation Changes for Unrepresented Confidential, Management Employees, Management Attorneys, Department Heads, and Elected Officials – CEO

5.A.1 Approved the minutes of 06/29/2021

5.A.2 Accepted the resignation of Sally Jo Chrisman from the Valley Home Municipal Advisory Council 2021-0325

5.A.3 Appointed Michelle Bernal to the Keyes Municipal Advisory Council 2021-0326

5.A.4 Proclaimed August 2021 as Child Support Awareness Month in Stanislaus County 2021-0327

5.A.5 Adopted and waived the second reading of Ordinance C.S. 1301 to repeal and replace Stanislaus County Code Chapter 16.50 related to Flood Plain Management in Stanislaus County ORD-57-G-2 2021-0328

5.B.1 Authorized the Auditor-Controller to establish a Revolving Fund for the Stanislaus Special Investigations Unit (SIU) High Intensity Drug Trafficking Area (HIDTA) funding in the amount of \$15,000; authorized the Auditor-Controller to establish a Revolving Fund for the Detective Division in the of \$6,000; and, authorized the Auditor-Controller to establish a Revolving Fund for Patterson Police services in the amount of \$3,000 – Sheriff 2021-0329

5.B.2 Authorized the Stanislaus County Chief Probation Officer to accept awarded funds of \$27,300 from the CA Department of Justice to reimburse for mandated enhancements to the Supervised Release File system; and, authorized the Stanislaus County Chief Probation Officer to execute related grant documents and the MOU with the CA Department of Justice to facilitate the reimbursement process – Probation 2021-0330

5.B.3 Approved the conditional award of the construction contract for the Geer Road Landfill’s Final Cover Cap Repair Project in the amount of \$791,955 to Ford Construction Company, Inc.,

- of Lodi, CA, subject to receipt of appropriate insurance and bonds; authorized the Director or Interim Director of Environmental Resources to execute the contract with Ford Construction Company, Inc., and to sign any necessary documents; authorized the Director or Interim Director of Environmental Resources to execute change orders not to exceed 10% of the original contract price, in accordance with Public Contract Code § 20137 and 20142; and, upon project completion, authorized the Director or Interim Director of Environmental Resources to accept the completed improvements and perform all necessary closeout activities for the project – DER 2021-0331
- 5.B.4** Approved Amendment No. 1 to the Master Agreement for Professional Design Services at the Geer Road Landfill with Tetra Tech, BAS, Inc., for Environmental Monitoring, Testing, and Reporting Services, which increases the Agreement by \$400,000, for a not-to-exceed amount of \$5,450,000; authorized the Interim Director of Environmental Resources, to sign Amendment No. 1 to the Master Agreement with Tetra Tech, BAS, Inc.; authorized the Director or Interim Director of Environmental Resources to sign individual project authorizations under the Master Agreement, providing that the cumulative total does not exceed the contract amount; and, authorized the Director or Interim Director of Environmental Resources to sign amendments to the Master Agreement for an overall not-to-exceed amount of \$5,550,000, which includes a contingency of \$100,000 – DER 2021-0332
- 5.B.6** 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, security electronics, and video surveillance systems along with the abatement of water damage found in the mechanical chassis at the Public Safety Center West facility – GSA 2021-0334
- 5.B.7** Approved the provisions contained within the Tentative Agreement reached between the County and the County Attorneys Association (CAA) representing the Attorneys Bargaining Unit; amended the Salary and Position Allocation Resolution to reflect the changes included in the Tentative Agreement; and, authorized the Chairman and all parties to sign the agreement – CEO 2021-0335
- 5.B.8** Authorized the Sheriff’s Department to offer employment to Kenneth Blewett and Erik Fidalgo as Deputy Sheriff I at step five of the salary range, \$39.32 per hour – Sheriff 2021-0336
- 5.B.9** Approved the provisions contained within the Tentative Agreement reached between the County and the CA Nurses Association (CNA) representing the Nurses Bargaining Unit; amended the Salary and Position Allocation Resolution to reflect the changes included in the Tentative Agreement; and authorized the Chairman and all parties to sign the agreement – CEO 2021-0337
- 5.B.10** Approved a COVID Recovery One-Time Payment for the members of the Stanislaus Sworn Deputies Association (SSDA) and Stanislaus Regional Emergency Dispatchers Association (SREDA); and, authorized the CEO to negotiate and execute agreements with the Stanislaus Sworn Deputies Association (SSDA) and Stanislaus Regional Emergency Dispatchers Association (SREDA) to implement all provisions of the COVID Recovery One-Time Payment – CEO 2021-0338
- 5.C.1** Adopted the Mitigated Negative Declaration for the River Road (also known as, Hills Ferry Road) over San Joaquin River Bridge Replacement Project, pursuant to CEQA Guidelines § 15074(B), by finding that 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 judgement 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 § 21152 and CEQA Guidelines § 15075 – PW 2021-0340

5.C.2 Approved Amendment No. 6 to the Professional Design Services Agreement for additional Right-of-Way services with Mark Thomas and Company, in the amount of \$24,230 for the St. Francis Avenue over Modesto Irrigation District (MID) Main Canal Bridge Replacement Project; authorized the Director of Public Works to execute the amendment with Mark Thomas and Company in the amount of \$24,230, for a new not-to-exceed amount of \$475,801, and to sign necessary documents; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2021-0341

Withrow/Grewal unan. **B.5** Accepted the April 2021 Investment Report for the Stanislaus County Treasury Pool; authorized the Chairman to sign on behalf of the Board that the report has been reviewed and accepted; and, acknowledged that the Short-Term Investment Pool Summary Report attached to the agenda item was updated to reflect the market value column – T/TC 2021-0333

B.11 Supervisor C. Condit made a **motion that failed for lack of second** to amend Staff Recommendation No. 1 to remove department heads and elected officials from the base salary increase; and to approve Staff Recommendations Nos 1-3 as amended

Chiesa/Withrow (4-1)(C. Condit opposed) **B.11** Approved a three percent increase in base salary and corresponding amendment to the Salary and Position Allocation Resolution for all unrepresented confidential, management employees, management attorneys, department heads, and elected officials effective the first full pay period following 07/01/2021, 07/01/2022, and 07/01/2023; approved a COVID Recovery one-time payment for full-time unrepresented confidential, management employees, management attorneys, department heads, and elected officials to be issued the first full pay period in 09/2021; and, amended the Salary and Position Allocation Resolution to reflect the recommended changes effective the first full pay period following 07/01/2021 – CEO 2021-0339

B. Condit/Grewal unan. **6.1** Conducted a public hearing to consider the Planning Commission's recommendation of approval for Rezone and Williamson Act Cancellation Application No. PLN2019-0061 – Bronco Wine Company, a request to cancel Williamson Act Contract Numbers 1972-0838 and 1974-1790, on two parcels totaling 38.58 acres, and to rezone three parcels, consisting of 157.98 total acres, from P-D (336) and A-2-40 (General Agriculture) to a new P-D to allow for an expansion of the Bronco Winery Facilities, located at 6342 Bystrum Road, 800, 1000, and 1130 E. Keyes Road, east of Crows Landing Road, west of State Highway 99, and south of the City of Ceres; adopted the Mitigated Negative Declaration and Mitigation Monitoring Plan pursuant to CEQA Guidelines §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 pursuant to Public Resources Code §21152 and CEQA Guidelines §15075; finds that, (a) the cancellation is consistent with the purposes of the Williamson Act, (b) the cancellation is for land on which a notice of nonrenewal has been served pursuant to CA Government Code §51245, (c) the cancellation is not likely to result in the removal of adjacent lands from agricultural use, (d) the cancellation is for an alternative use which is consistent with the applicable provisions of the County General Plan, (e) the cancellation will not result in discontinuous patterns of urban development, (f) there is not proximate noncontracted land which is available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land, (g) the cancellation is in the public interest, (h) other public concerns substantially outweigh the objectives of the Williamson Act; accepted the cancellation value of the subject properties as \$573,500 for APN 041-046-013 and as \$596,500 for APN 041-046-012 as determined by the

County Assessor; certified to the County Auditor-Controller that the cancellation fee, which must be paid as deferred taxes, is an amount equal to 12 ½ percent of the cancellation value, or a total of \$71,688 and \$74,563; approved the tentative cancellation of Williamson Act Contract Nos. 1974-1790 and 1972-0838 subject to payment of the cancellation fee, unless the fee is paid within one year of the filing of the Certificate of Tentative Cancellation, the fee shall be re-computed as provided by state law; directed the Clerk of the Board to record a Certificate of Tentative Cancellation within 30-days of this action; directed the Clerk of the Board, within 30-days of the Board of Supervisors action, to publish the Notice of the Decision and to deliver a copy of the published Notice of the Decision to the Director of the Department of Conservation (DOC); 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 Agriculture General Plan designation, (c) the alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards, (d) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; **amended** Development Standard No. 19 as proposed in the May 20, 2021 memo from the Department of Planning and Community Development to the Planning Commission (Attachment 2) to read as follows: “19. In no case shall truck traffic use East Barnhart Road”; **amended** the Development Schedule as proposed by the project applicant in correspondence to the Board dated July 12, 2021 to read as follows: “Construction of the remaining buildings approved with the 2016 Rezone shall begin within five years of project approval and shall be completed within ten years. Construction of the tank farm and shallow check expansion to begin within seven to ten years of project approval. Issuance of any building permit after these time frames for construction of a building shall be subject to a staff approval permit to allow modification to development standards as determined necessary by the Planning Director.”; approved Rezone and Williamson Act Cancellation No. PLN2019-0061 – Bronco Wine Company, subject to the attached Development Standards/Mitigation Measures and Development Schedule as **amended**; and introduced, waived the reading, and adopted Ordinance C.S. 1302 for the approved Rezone Application No. PLN2019-0061 – Bronco Wine Company – Planning
ORD-57-G-3 2021-0342

Corr 1 Referred to the Auditor-Controller and the CEO, a copy of the 2020-2021 Stanislaus County Civil Grand Jury Report No. 21-14GJ regarding the Annual Financial Audit Report for FY Ending 06/30/2020.
M-39-O-4

Corr 2 Acknowledged receipt of claims and referred to the CEO’s Office the following claims: Omar Chaudhry; and, Angela Canchola.

Supervisor B. Condit announced that he is holding mobile office hours on 7/14/2021 between 1:00 p.m. - 3:00 p.m. at the House of Beef located at 201 N. 3rd Street in Oakdale.

CEO Hayes reported that the County continues to review the State’s budget process for any impacts to the community. He noted that Chairman Chiesa, Supervisor Grewal, and members of CEO staff met with US Senator Alex Padilla’s Central Valley District Director regarding several legislative and policy issues including water, infrastructure, public transit, and the Crows Landing Industrial Business Park. Chairman Chiesa also joined the CEO staff and met with Governor Newsom’s Central Valley Deputy Regional Director of External Affairs to discuss several issues including cannabis, mental health facilities, water, rail, and other infrastructure projects. The CEO shared his appreciation to all of the members of the Board for their continued work with the CEO’s office, as well as State and Federal elected officials and is hopeful to the positive changes that can benefit Stanislaus County.

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 11:42 a.m.

12.1 Conference with Labor Negotiator: Pursuant to Government Code Section 54957.6. Agency Negotiators: Jody Hayes, Tamara Thomas, Keira Vink, and Burke Dunphy. Labor Organizations: Stanislaus County Employees Association, American Federation of State, County & Municipal Employees Local 10; Service Employees International Union, Local 521; Deputy Sheriff's Association; Stanislaus County Probation Corrections Officers' Association; Stanislaus County Sheriff's Management Association; and, Stanislaus County District Attorney Investigators' Association. No reportable action taken.

12.2 Conference with Legal Counsel - Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). One Case: County of Stanislaus and City of Modesto v. Covanta Stanislaus, Inc., Stanislaus County Superior Court Case No. CV-20-004932. No reportable action taken.

Adjourned at 1:09 p.m.

ATTESTED: ELIZABETH A. KING, Clerk
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: Marcie Dunn, Deputy 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.)