

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

August 17, 2021

Convened at 5:31 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.

1.1 Conference with Labor Negotiator: Pursuant to Government Code Section 54957.6. Agency Negotiators: Jody Hayes, Tamara Thomas, Keira Vink, and Burke Dunphy; Service Employees International Union, Local 521; Deputy Sheriff's Association; Stanislaus County Sheriff's Management Association; and, Stanislaus County District Attorney Investigators Association. No reportable action was taken.

1.2 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 was taken.

1.3 Conference with Legal Counsel - Anticipated Litigation: pursuant to Government Code Section 54956.9 (d)(4): one matter. No reportable action was taken.

Reconvened at 6:31 p.m. for Regular Session

Invocation was given by Pastor Michael Douglass from Advancing Vibrant Communities.

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

John Mataka read a letter written by Noe Paramo, Legislative Advocate CRLA, in support of race equity and social justice.

Cherise Babb, Social Services Assistant, spoke in support of In-Home Supportive Services (IHSS) reclassifications of her unit.

Maria Delgado, Social Services Assistant, spoke in support of the IHSS reclassifications.

Loren Cruz, Social Services Assistant, shared the importance of client services and IHSS. She added that she supports the reclassification of IHSS.

Joslyn spoke on behalf of Nadia Ramos, Social Services Assistant, requesting the Board consider their request to reclassify this group of Social Service Assistants to IHSS Provider Coordinators and Registry Specialists.

Angela Guzman, Supervising Account Administrative Clerk II, shared support for IHSS reclassification of this unit.

Miguel Donoso spoke in support of the letter that John Mataka read regarding race equity and social justice.

Karyn Clark shared concerns regarding the restructuring of BHRS and spoke in support of a wage increases.

Cristhian Duran, Social Worker, shared concerns regarding the IHSS employee retention and the urgency to fill 24 open positions. He spoke in support of higher wages.

Renee Crawford, Social Worker, expressed concerns regarding essential workers.

Christina Curry shared concerns about the mandate for medical staff to be vaccinated.

Grewal/B. Condit unan. Adopted the consent calendar

- 6.A.1** Approved the minutes for 08/10/2021
- 6.A.2** Adopted and waived the second reading of Ordinance C.S. 1308 amending Chapter 11.08 of the Stanislaus County Code, Parking Zones ORD-57-J-2 2021-0378
- 6.A.3** Approved changing the representation of Charmaine Monte from Supervisorial District Four to Supervisorial District Three on the Behavioral Health Board 2021-0379
- 6.A.4** Accepted the resignation of Rebecca Clover from the Stanislaus County Behavioral Health Board 2021-0380
- 6.B.1** Authorized the Sheriff to retire one (1) canine from the Sheriff's Department service and enter into a Canine Retirement Contract with the canine's current handler – Sheriff 2021-0381
- 6.B.2** Approved the Performance Agreement with the CA Department of Health Care Services (DHCS) to receive program funding for FYs 2021-2024 from the Mental Health Services Act (MHSA), Lanterman-Petris-Short (LPS) Act, Projects for Assistance in Transition from Homelessness (PATH), Community Mental Health Services Block Grant (MHBG), Substance Abuse Treatment and Prevention Block Grant (SABG), and Crisis Counseling Assistance and Training Program (CCP) programs that provide community mental health services pursuant to the Bronzan-McCorquodale Act; and, authorized the BHRS Director, or designee, to sign the Performance Agreement for the term of 07/01/2021 through 06/30/2024, and any additional documentation including amendments required for the execution of this agreement – BHRS 2021-0382
- 6.B.3** Approved Amendment No. 3 to the agreement for Professional Design Services at the Fink Road Landfill with Golder Associates, Inc., for Master Planning services related to the Infill Project, which increases the agreement by \$43,236, for a total not-to-exceed amount of \$295,323; authorized the Interim Director of Environmental Resources to sign Amendment No. 3 to the agreement with Golder Associates, Inc.; and, authorized the Director or Interim Director of Environmental Resources to sign amendments to the agreement for an overall not-to-exceed amount of \$324,855, which includes a contingency of \$29,532 – DER 2021-0383

- 6.B.4** Reviewed and accepted the Annual Reports for the County of Stanislaus Tobacco Endowment Funds – Series 2002 and Series 2006 for FYE 06/30/2021; and, authorized the Chairman to sign on behalf of the Board that the reports have been reviewed and accepted – T/TC
2021-0384
- 6.B.5** Accepted the June 2021 Investment Report for the Stanislaus County Treasury Pool; and, authorized the Chairman to sign on behalf of the Board that the report has been reviewed and accepted – T/TC
2021-0385
- 6.B.6** Accepted the Stanislaus Special Investigations Unit Bid Package One, Roof Repairs Project from MCM Construction Inc.; and, approved the final construction contract with MCM Construction Inc. in the amount of \$280,979 – GSA
2021-0386
- 6.B.7** Approved plans and specifications for the Public Safety Center (PSC) Support Services Building Heating, Ventilation and Air Conditioning (HVAC) Replacement Project; authorized the General Services Agency Director to act as Project Manager; authorized the Project Manager to issue a Notice Inviting Bids, set a bid due date, and adjust the date as necessary; authorized the Project Manager to procure professional services and sign work authorizations for the project, as long as funding is available within the approved project budget; and, authorized the Project Manager to execute change orders up to \$25,000, consistent with the County’s Change Order Policy, as long as they are within the previously approved project budget – GSA
2021-0387
- 6.B.8** Approved the provisions contained within the Tentative Agreement reached between the County and the Stanislaus County Probation Corrections Officers Association (SCPCOA) representing the Probation Corrections Officers’ 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
2021-0388
- 6.C.1** Finds that the Environmental Impact Report (EIR) for the Tim Bell Road Over Dry Creek Bridge Replacement Project (the “Project”) has been prepared and circulated for public review and comment in compliance with CEQA, Public Resources Code Section 21000 et seq.; and the CEQA Guidelines, CA Code of Regulations, Title 14, Section 15000 et seq. (“State CEQA Guidelines”); and the County’s CEQA Guidelines and Procedures for the Implementation of CEQA; finds that the County has reviewed and responded to all comments on environmental issues that were submitted and received during the public review period, as required by CEQA, the State CEQA Guidelines, and the County’s CEQA Guidelines and Procedures for the Implementation of CEQA; finds that the EIR adequately identified and addressed all of the significant environmental impacts of the Project and that all feasible mitigation measures to avoid or substantially lessen the Project’s significant environmental impacts were identified in the EIR and included in the Mitigation Monitoring and Reporting Program (MMRP), attached to the agenda item as Appendix A of the EIR; finds that no changes made to the EIR after close of the public review period involved significantly new information requiring recirculation prior to certification pursuant to CEQA Guidelines Section 15088.5; finds that the Board of Supervisors has reviewed and considered the information contained in the EIR for the Project and that the EIR reflects the independent judgement of the County; certified that the EIR for the Project (SCH No. 2021020008), was prepared in compliance with CEQA; adopted the findings and the Statement of Overriding Consideration (SOC) for the Project, attached in the agenda item as Attachment 2 and incorporated by reference, including findings that: (a) some environmental impacts are identified in the EIR as significant and unavoidable even with feasible mitigation measures adopted and incorporated into the Project and even with goals, objectives, policies, design and development plans and standards, and programs that are part of the Project; (b) with respect to the adverse environmental impacts that cannot be

mitigated to a less-than-significant level, the benefits of the Project outweigh these unavoidable impacts and are therefore acceptable based upon the overriding considerations set forth in the findings and the SOC for the Project; adopted and incorporated into the Project all of the mitigation measures identified in the EIR; adopted the MMRP attached the agenda item as Appendix A of the EIR and incorporated herein, with which all future development associated with the Project shall comply; and, 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 15094 – PW 2021-0389

Withrow/Grewal unan. **7.1** Conducted a public hearing to consider the Planning Commission's recommendation of approval for General Plan Amendment, Rezone, and Vesting Tentative Parcel Map application number PLN2021-0009 - WPD Homes, Inc., a request to amend the General Plan and Denair Community Plan designations of a 1.32± acre parcel from Low-Density Residential to Medium-Density Residential and zoning designation from R-A (Rural Residential) to Planned Development (P-D), located at 4800 Kersey Road between N. Gratton Road and Story Road, in the community of Denair; 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, 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) finds that the proposed Planned Development zoning is consistent with the Medium-Density Residential General Plan designation; (e) the proposed parcel map is consistent with applicable general and specific plans as specified in Section 65451 of CA Code, Government Code; (f) the design or improvement of the proposed parcel map is consistent with applicable general and specific plans; (g) the site is physically suitable for the type of development; (h) the site is physically suitable for the proposed density of development; (i) the designs of the parcel map or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat; (j) the design of the parcel map or type of improvements is not likely to cause serious public health problems; (k) the design of the parcel map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; in this connection, the Planning Commission may approve a map if it finds that alternate easements, for access or for use, will be provided and that these will be substantially equivalent to ones previously acquired by the public; (l) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring improvements; approved General Plan Amendment, Rezone, and Vesting Tentative Parcel Map application number PLN2021-0009 – WPD Homes, Inc.; and, introduced and waived the reading, and adopted Ordinance C.S. 1303 for the approved Rezone application – Planning

ORD-57-H-1 2021-0390

C. Condit/B. Condit unan. **7.2** Conducted a public hearing to consider the Planning Commission's recommendation of approval for General Plan Amendment and Rezone application number PLN2020-0014 – Gonzales Ready-Mix and Landscaping Supply, a request to amend the Denair Community Plan designation from Estate Residential to Commercial and zoning designation from expired Planned Development (P-D) (256) to a new to P-D, to allow a landscaping and concrete supply and delivery service on two parcels totaling 1.79± acres, located on Monte Vista Avenue, at the southeast corner of E. Monte Vista Avenue and N. Santa Fe Avenue, in the community of Denair; 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, based on the discussion in the agenda item, 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 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 designation of Planned Development; approved General Plan Amendment and Rezone application number PLN2020-0014 – Gonzales Ready-Mix and Landscaping Supply, subject to the Development Standards attached to the agenda item; and, introduced and waived the reading, and adopted Ordinance C.S. 1304 for the approved Rezone application – Planning

ORD-57-H-2 2021-0391

Withdraw/Grewal unan. **7.3** Conducted a public hearing to consider the Planning Commission's recommendation of approval for General Plan Amendment and Rezone application number PLN2018-0081 – Libitzky Management Corporation, a request to amend the General Plan and zoning designation of a 17.16 acre site, from Urban Transition (UT) and General Agriculture (A-2-10) to Planned Development (P-D), to allow the construction of a 300,000 square-foot building for various light industrial uses, located at 1224 Kiernan Avenue (SR 219), at the southeast corner of Tully Road 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, based on the discussion in the agenda item, 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 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 designation of Planned Development; approved General Plan Amendment and Rezone application number PLN2018-0081 – Libitzky Management Corporation, subject to the Development Standards attached to the agenda item; and, introduced, waived the reading, and adopted Ordinance C.S. 1305 for the approved Rezone application – Planning

ORD-57-I-1 2021-0392

B. Condit/Grewal unan. **7.4** Conducted a public hearing to consider the Planning Commission's recommendation of approval for General Plan Amendment and Rezone application number PLN2021-0001 - Park Place RV Storage, a request to amend the General Plan and zoning designation of two parcels, totaling 19.2 acres in size, from Agriculture (AG) and General Agriculture (A-2-40) to Planned Development (P-D) to allow for the development of a recreational vehicle (RV) parking facility, located at 5150 McHenry Avenue (SR 108), between Kiernan Avenue and Charity Way, 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, based on the discussion in the agenda item, 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 project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; finds that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation; approved General Plan Amendment and Rezone application number PLN2021-0001 – Park Place RV Storage, subject to the Development Standards attached to the agenda item; and, introduced, waived the reading, and adopted Ordinance C.S. 1306 for the approved Rezone application – Planning

ORD-57-I-2 2021-0393

Withdraw/B. Condit unan. **7.5** Cancelled the public hearing set on 07/27/2021, for the 08/17/2021, 6:30 p.m. meeting, to consider the Planning Commission's recommendation of approval for General Plan Amendment and Rezone application number PLN2019-0079 – Cal Sierra Financial, Inc. – Planning

ORD-57-J-1 2021-0394

Recessed at 9:10 p.m.

Reconvened at 9:12 p.m.

B. Condit/Grewal unan. **8.1** Instituted a two-cart residential refuse collection system in Service Area 2 for the implementation of an organics recycling program that complies with SB 1383 and its associated regulations for the unincorporated area census tracts that are impacted by these new requirements – DER

2021-0395

Grewal/C. Condit unan. **8.2** Accepted the FY 2020-2021 annual report from the District Attorney's Office regarding the Real Estate Fraud Prosecution Trust Fund pursuant to CA Government Code §27388 – DA

2021-0396

Corr 1 Referred to the Fish and Wildlife Committee, a Notice of Receipt of Petition from the CA Fish and Game Commission to list Lime Ridge eriastrum as endangered under the CA Endangered Species Act.

Corr 2 Referred to the Department Health Services Agency and the Department of Workforce Development, a notice from Hope Medivan of the discontinuation of free mobile medical and dental services as of 09/01/2021.

Corr 3 Acknowledged receipt of claim and referred to the CEO's Office the following claim: Miguel A. Vasquez Zapien.

Supervisor C. Condit shared that his office was contacted by two disabled seniors who were living on the streets. He reported a positive outcome in finding the couple a shelter and thanked CSA for their help in this coordinated effort.

Supervisor Grewal shared that a couple of weeks ago the Sheriff wrote an Op-ed about alarming numbers of rearrests for people who are released before serving their full term in State prison. He asked the Sheriff to give a presentation to the Board in the future on this topic and on zero bail.

Supervisor B. Condit shared he participated in the Oakdale Chamber of Commerce Fundraiser “Arrest Round-Up!” last week and thanked his colleagues for bailing him out, proceeds of the fundraiser benefit the Oakdale Scholarship Fund. He announced that he is taking the month off for holding his mobile office hours, during this delta variant increase; however, he looks forward to being in Waterford next month.

Chairman Chiesa updated Supervisor C. Condit on his request for a presentation on water regarding the State Water Board’s letter of curtailments. He noted that he spoke with TID and is working to get the presentation arranged.

CEO Hayes reported that last week Senator Eggman visited the BHRS Recovery Center and Supervisors Withrow and Chiesa were able to join. He thanked Senator Eggman and BHRS staff for coordinating this meeting. He also acknowledged that on Tuesday, 08/10/2021, the Senate passed the Bipartisan Infrastructure Package. He mentioned that next week he has meetings with Supervisor Withrow and Supervisor B. Condit to further discuss the vaccine mandate for health care workers with our State Legislature. CEO Hayes thanked Senator Padilla for the letter of support regarding the Economic Development Administration Grant. Lastly, he mentioned that last week information was released regarding the Redistricting Workshops and encouraged the public to participate and be part of the process. You can find more information at www.stancounty.com, where there is a link to the Redistricting website.

Chairman Chiesa complimented Senator Eggman on her knowledge and expertise on mental health.

Adjourned at 9:53 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.)