

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

Regular Session

Tuesday

August 31, 2021

All Supervisors Present

Pledge of Allegiance to the Flag

Invocation was given by Kristine Kauffman, Rescue Director with CrossPoint Community Church.

Carlos Rodriguez from BHRS, Mary Sherwood and Maria Nakahara from HSA received their 25-year Employee Service Award. David Sandoval from HSA received his 35-year Employee Service Award.

Michael Cook from TID presented an update regarding the State Water Board actions.

Public Health Officer Dr. Vaishampayan provided an update related to the 2019 Novel Coronavirus (COVID-19) emergency and essential services in Stanislaus County.

Miguel Donoso reminded the Board that September is Hispanic Heritage Month. He voiced concerns that there are two Discussion items on today's agenda regarding COVID-19 funding which do not mention Mexican American and Latinos. He shared that the Mexican American and Latino community has been hit the hardest by COVID-19, and that not including this information in the reports is discriminatory.

Steven Morrow thanked Stanislaus Regional Transit for waiving bus fare this quarter. He shared concerns regarding home affordability crisis in Stanislaus County.

Michael Leonard voiced concerns regarding code enforcement and permitting issues.

Lisa Troedson expressed concerns regarding the State's vaccine mandate.

Dawn Reece shared concerns regarding vaccinations for children, the vaccine mandate, and AB455.

Wanda O'Mara shared concerns regarding the COVID-19 vaccine and stated that healthcare should always be a choice.

Keryn Whitlow expressed concerns regarding protecting civil rights and the State's back-up plan for nurses once the healthcare vaccine mandate takes effect.

Rebecca voiced concerns regarding the healthcare vaccine mandate.

Jessica Climer shared concerns about the State's vaccine mandate for healthcare workers. She also voiced concerns regarding the school's quarantine protocols.

Grewal/B. Condit unan. Adopted the consent calendar after removing from consent item **6.B.7** Approval of the Agreement for the Sheriff to Retire One Canine from the Sheriff's Canine Unit – Sheriff

6.A.1 Approved the minutes of 08/17/2021

6.A.2 Appointed Megan Belair to the Stanislaus County Behavioral Health Board 2021-0397

- 6.A.3** Appointed Jessica Garcia and Karina Jimenez to the Stanislaus County Child Development Local Planning Council 2021-0398
- 6.B.1** Introduced, waived the first reading, and placed on the 09/21/2021 agenda for adoption, Ordinance C.S. 1310 amending Chapter 10.13 of the Stanislaus County Code to increase the number of gaming tables in the County – Sheriff ORD-27-K-1 2021-0399
- 6.B.2** Set a public hearing on 12/07/2021, at the 9:00 a.m. meeting to consider the adoption of the Modesto Groundwater Subbasin Groundwater Sustainability Plan – DER GSA-1-3 2021-0400
- 6.B.3** Approved the award of a construction contract in the amount of \$215,478 to TCB Industrial, Inc. for the 801 11th Street Cooling Tower Replacement Project; approved the final project budget totaling \$350,703 and directed the Auditor-Controller to increase appropriations by \$70,585 in the Capital Project Fund for the 801 11th Street Cooling Tower Replacement Project, as detailed in the budget journal, attached to the agenda item; authorized the Project Manager to execute the contract and issue a Notice to Proceed upon the receipt of required project bonds and insurance; authorized the Project Manager to accept the project as complete and execute a Notice of Completion in order to initiate the final payment and retention to the contractor; and, authorized the Project Manager to execute Change Orders for the project, so long as they do not exceed \$25,000, consistent with the County’s Change Order Policy – GSA 2021-0401
- 6.B.4** 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 chases at the Public Safety Center West facility; and, approved a transfer of \$200,000 in appropriations from fixed assets to services and supplies to fund associated project legal costs within the approved project budget, per the budget journal – GSA 2021-0402
- 6.B.5** Approved to award Job Order Contracts JOC-001, JOC-002 and JOC-003 for program year 1 to Ardent General Inc., Marvulli Inc. (dba DMC Construction), and Mark Scott Construction Inc.; authorized the GSA Director/Purchasing Agent to finalize and execute the agreements; and, authorized the GSA Director to process and approve Job Orders under these Job Order Contractors – GSA 2021-0403
- 6.B.6** Approved a standard agreement with the CA Department of Highway Patrol to provide investigative personnel to the Stanislaus County Auto Theft Task Force, for the period of 08/01/2021 through 07/31/2024; and, authorized the Sheriff to sign the standard agreement, along with any extensions or amendments – Sheriff 2021-0404
- 6.B.8** Authorized the Auditor-Controller to temporarily double-fill the Payroll Manager position for up to six months – A/C 2021-0406
- 6.B.9** Approved a resolution proclaiming September 2021 National Preparedness Month in Stanislaus County – Sheriff/OES/Fire Warden 2021-0407
- 6.B.10** Approved the provisions contained within the Tentative Agreement reached between the County and the Stanislaus County District Attorney Investigators Association representing the Criminal Investigators’ 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 2021-0408
- 6.C.1** Finds that all subdivision improvements for Vesting Tentative Subdivision Map PLN2014-0074 Fairway 7 Estates have been installed to the satisfaction of Stanislaus County; accepted all streets, avenues, roads, and the open space drainage system within Fairway 7 Estates for maintenance by Stanislaus County; authorized the Chairman to sign the final map; and, directed Public Works to record the final map for Vesting Tentative Subdivision Map PLN2014-0074 Fairway 7 Estates – PW 2021-0409

- 6.C.2** Approved the Plans and Specifications for the McHenry Avenue Widening from Ladd Road/Patterson Road (SR 108) to the South end of the McHenry Bridge Federal Aid Project No. STPLR-5938 (233); awarded the construction contract to George Reed, Inc. of Modesto, CA for the construction of McHenry Avenue Widening from Ladd Road/Patterson Road (SR108) to the South end of the McHenry Bridge Federal Aid Project No. STPLR-5938 (233); authorized the Director of Public Works to execute a contract with George Reed, Inc. in the amount of \$9,364,806.05 and to sign necessary documents; authorized the Director of Public Works to execute change orders, not to exceed 10%, in accordance with the Public Contract Code, Sections 20137 and 20142; authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities upon project completion; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2021-0410
- 6.C.3** Approved the plans and specifications for the Intersection Improvements at Paradise Road and Vernon Avenue and 9th Street and Stella Avenue HSIPL-5938(250); awarded a construction contract to Dirt Dynasty, Inc. for the Intersection Improvements at Paradise Road and Vernon Avenue and 9th Street and Stella Avenue HSIPL-5938(250); authorized the Director of Public Works to execute a contract with Dirt Dynasty, Inc. in the amount of \$441,067.95 and to sign necessary documents, including any amendments to the agreement not to exceed 10%, in accordance with the Public Contract Code, Sections 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 2021-0411
- 6.C.4** Awarded a contract for legal services to Nossaman, LLP for legal support services associated with the North County Corridor Project Phase 1; authorized the CEO to execute a contract with Nossaman, LLP in the amount of \$871,250; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations and to sign necessary documents, including any amendments to the agreement not to exceed 10% for a total of \$958,500 – PW 2021-0412
- 6.C.5** Approved Amendment No. 4 to the Agreement for Professional Design Services with David Evans and Associates Inc. in the amount of \$136,198 for the Kilburn Road Bridge over Orestimba Creek project, with a new not to exceed amount of \$1,309,524; authorized the Director of Public Works to execute the amendment with David Evans and Associates Inc. in the amount of \$136,198 and sign the necessary documents; authorized the Director of Public Works to execute change orders in accordance with the Public Contract Code, Section 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 2021-0413
- 6.D.1** Set a public hearing on 09/21/2021 at the 6:30 p.m. meeting, to consider the adoption of FY 2020-2021 Consolidated Annual Performance and Evaluation Report (CAPER) – Planning 2021-0414

Grewal/B. Condit unan. **6.B.7** 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 2021-0405

Withrow/B. Condit unan. **7.1** Conducted a public hearing to consider the Planning Commission’s recommendation of approval of Rezone application number PLN2019-0108 - Price Honda, a request to rezone a 5.14 acre parcel from expired Planned Development (P-D) (209), to a new P-D to allow for development of an auto dealership in two phases, located at on North Golden State Boulevard, between

West Barnhart and West Taylor Roads, in the Keyes/Turlock 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 this report, and the whole of the record that: (a) the project is consistent with the overall goals and policies of the County General Plan; (b) the proposed Planned Development zoning is consistent with the Planned Development General Plan designation; (c) the 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 improvements; approved Rezone application number PLN2019 – 0108 - Price Honda of Turlock, subject to the Development Standards, attached to the agenda item and with approval of the revised site plan and building elevations provided in Attachment 5 of the report; and, introduced, waived the reading, and adopted Ordinance C.S. 1309 for the approved Rezone – Planning ORD-57-K-1 2021-0415

Withdraw/Grewal unan. **8.1** Proclaimed 08/31/2021 as Overdose Awareness Day in Stanislaus County – BHRS 2021-0416

B. Condit/Grewal unan. **8.2** Accepted the progress report on the financial forecast and staffing plan for the internal capability within OES in the Sheriff's Department to administer emergency medical services functions effective 07/01/2022; authorized staff to develop a provision of emergency medical services administration to Alpine, Amador, Calaveras, and Mariposa counties under a cost-based contract should this be a desired option by these counties to be effective 07/01/2022; and, directed staff to complete the analysis of emergency medical services job classifications and compensation, and to prepare the budget and staff recommendations for Board of Supervisors' consideration by 01/25/2022 – HSA 2021-0417

Withdraw/C. Condit unan. **8.3 Amended** the Staff Recommendation to read as follows: "Approval to recommend to Caltrans the Locally Preferred Alignment Alternative 2 for the State Route 132 Dakota Avenue to Gates Road Project"; and, approved the Staff Recommendation as amended – PW 2021-0418

Withdraw/Grewal unan. **8.4** Accepted the Report on Progress and Accounting for the Use of Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Fund (CRF) allocations for the period ended 06/04/2021; and, approved an additional \$1 million funding cycle for the Non-Profit Support Grant Program, as part of the Business Revitalization and Economic Development strategy detailed and recommended in the staff report – CEO 2021-0419

C. Condit/Grewal unan. **8.5** Accepted an update on the Stanislaus Emergency Rental Assistance Program; and, authorized the CEO, or his designee, to negotiate and execute agreements with CA Department of Housing and Community Development Department related to administering State of CA's Rental Assistance Program -1 Reservation for Stanislaus County in the approximate amount of \$10.7 million – CEO 2021-0420

Corr 1 Designated Supervisor C. Condit to participate on the Election Observer Panel for the California Gubernatorial Recall Election on Tuesday, 09/14/2021.

Corr 2 Referred to the CEO, a copy of the 4th Quarter Financial Reports for the Gallo Center for the Arts for the Period of 04/01/2021 through 06/30/2021.

Corr 3 Referred to the OES, the Department of Planning and Community Development, and the Department of Public Works a letter from the Federal Emergency Management Agency regarding the new Flood Insurance Rate Map and Letter of Map Change actions for properties and/or structures located in Stanislaus County.

Corr 4 Referred to the CEO and the Stanislaus Local Agency Formation Commission, a letter of support from the Modesto City Schools regarding the City of Modesto annexing the Tuolumne area located southwest of the Modesto City - County Airport.

Corr 5 Referred to the Auditor- Controller's Office, a copy of the East Side Mosquito Abatement District's FY 2021-2022 Budget.

Corr 6 Acknowledged receipt of claims and referred to the CEO's Office the following claims: Jeff Lima; John Dean; Thomas Crum; and, H.A., a minor.

Supervisor B. Condit reported that he is serving as the Board's representative on the Election Observer Panel for the City of Ceres Special Election this evening.

Assistant Executive Officer Dietrich shared that next week the County will begin to host the Redistricting meetings. The first meeting will be held at the Oakdale Public Library, 151 S. First Avenue. For more information visit www.stancounty.com, where there is a link to the Redistricting website.

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 1:27 p.m.

13.1 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; and, Stanislaus County Sheriff's Management Association. No reportable action taken.

Continued to the 09/10/2021 Special Meeting the Closed Session Matter **13.2** Conference with Legal Counsel – Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). Three Cases: Protecting Our Water and Environmental Resources, et al., v. County of Stanislaus, et al., Stanislaus Superior Court Case No. 20-06153; Jamie Coston, et al. v. County of Stanislaus, et al., Stanislaus Superior Court Case No. 20-16561; Renee Frazier v. County of Stanislaus et al., Stanislaus Superior Court Case No. CV-20-002318.

Adjourned at 2:50 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.)