

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

Special and Regular Sessions
All Supervisors Present*
Pledge of Allegiance to the Flag

Tuesday

April 21, 2020

*Supervisor Berryhill attended via teleconference pursuant to Governor Newsom's Executive Order N-25-20.

Convened at 5:30 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 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 in closed session.

1.2 Conference with Legal Counsel - Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). Three cases: California Sportfishing Protection Alliance v. All Persons Interested in the Matter of the Validity of the Eastern San Joaquin Groundwater Sub-Basin Groundwater Sustainability Plan, et al., County Superior Court Case No. CV-20-001720; California Sportfishing Protection Alliance v. all Persons Interested in The Matter of the Validity of the Northern and Central Delta-Mendota Regions Groundwater Sustainability Plan, et al., Stanislaus Superior Court Case No. CV-20-001748; and BNSF Railway Company v. Alameda County, et al., United States District Court, Northern District of California, Case No. 4:19-CV-07230-HSG. No reportable action was taken in closed session.

Reconvened at 6:03 p.m. for Regular Session

Chairwoman Olsen announced that this meeting will be held in accordance with the Governor's Stay at Home Executive Order N-33-20 and will not include in person public attendance. She reviewed the options for the members of the public to observe the meeting and provide comments to the Board via email or telephone as listed on the first page of the agenda.

Invocation was given by Rabbi Shalom Bochner with Congregation Beth Shalom.

CEO Hayes provided an update on the 2019 Novel Coronavirus (COVID-19) Emergency and noted the updated numbers: 236 positive cases, about 3,400 negative tests, 133 recovered, and sadly 4 deaths. He thanked Public Health Officer Dr. Vaishampayan for her vision and guidance on how to manage this crisis. The CEO reviewed the different social distancing models and the Coronavirus Aid, Relief, and Economic Security (CARES) Act. He also acknowledged the impacts the Judicial Council's emergency order setting bail at zero for lower-level offenses is having on the community.

Wayne Warren asked the Board to consider opening reservoirs for fishing as an allowable activity.

Miguel Donoso inquired how the County is getting the COVID-19 message to the Community System of Care.

Rebecca Harrington expressed concerns regarding the community not taking the COVID-19 crisis seriously and the need for more public service announcements in Spanish.

Natalie McDonald Ledoux spoke regarding the need for County services.

Danny Betyo spoke in support of essential businesses being open and concerns regarding Paycheck Protection Program small business loans.

Withdraw/Chiesa unan. Adopted the consent calendar after removing from consent items: **6.B.2** Approval to Accept Annual Audited Financial Reports for Fiscal Year Ended June 30, 2019 – Auditor-Controller; and, **6.D.4** Approval to Set a Public Hearing for the May 12, 2020, 9:00 A.M. Meeting to Consider Approval of the Fiscal Year 2020-2025 Stanislaus Urban County Consolidated Plan (Con Plan); the Fiscal Year 2020-2021 Annual Action Plan (AAP); and the Fiscal Year 2020-2025 Regional Analysis of Impediments to Fair Housing Choice (AI) – Planning

- 6.A.1** Approved the minutes for 04/07/2020
- 6.A.2** Appointed Amy Bublak to the Stanislaus County Economic Development Action Committee
2020-0158
- 6.A.3** Appointed Jesse Marchant to the Stanislaus County Local Task Force on Solid Waste
Management
2020-0159
- 6.A.4** Appointed Linda Susan Lagace to the Stanislaus County Child Abuse Prevention Council
2020-0160
- 6.B.1** 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
2020-0161
- 6.B.3** Accepted the County Clerk-Recorder & Registrar of Voters' Certified Statement of the Vote
of the 2020 Presidential Primary Election held on 03/03/2020; and, declared the results of
the election pursuant to the County Clerk-Recorder & Registrar of Voters' Statement of
Vote – Elections
2020-0163
- 6.B.4** Approved an update on the Homeless Facility Plan and partnership between the County, the
City of Modesto and the Salvation Army in accordance with the provisions of the Public
Contract Code – CEO
C-6-O-6
2020-0164
- 6.B.5** Approved an update on emergency repairs to the Public Safety Center West, Minimum
Housing Unit One, 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
2020-0165
- 6.B.6** Approved a three-year lease extension between Stanislaus County and Aspiranet Inc., a
California non-profit corporation for private retail/commercial space on the first floor of
10th Street Place, with a three-year option to renew; and, authorized the CEO, or his
designee, to execute the amendment – CEO
2020-0166
- 6.C.1** Approved a resolution to adopt a list of projects funded by Senate Bill 1 and the Road Repair
and Accountability Act – PW
2020-0167
- 6.C.2** Approved Amendment No. 4 to the Professional Design Services Agreement for construction
support services to Dewberry Drake Haglan, in the amount of \$201,937 for the Hickman
Road over Tuolumne River Bridge Replacement project, with a new not to exceed amount
of \$1,694,822; authorized the Director of Public Works to execute the amendment with
Dewberry Drake Haglan in the amount of \$201,937 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 2020-0168

- 6.D.1** Accepted the Annual Progress Report for the Stanislaus County Housing Element for the calendar year 2019 – Planning 2020-0169
- 6.D.2** Rescinded Williamson Act Contract No. 78-3085, located at 13018 Bradbury Road, between Crows Landing Road and S Morgan Road, in the Turlock area, APN: 057-002-004; finds pursuant to Government Code Section 51257, determined that the following seven findings can be made based on the written evidence submitted by the applicant: (a) the new contract, or contracts, would enforceably restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the rescinded contract, or contracts, but for not less than ten years, except as authorized under the County’s implementation of AB 1265; (b) there is no net decrease in the amount of the acreage restricted in cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts; (c) at least 90 percent of the land under the former contract, or contracts, remains under the new contract, or contracts; (d) after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Government Code Section 51222; (e) the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract, or contracts; (f) the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; (g) the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan; approved a new contract, pursuant to Lot Line Adjustment Application No. PLN2019-0076, Bylsma Family Trust; and, authorized the Director of Planning and Community Development to execute a new contract – Planning 2020-0170
- 6.D.3** Set a public hearing for 04/28/2020, at the 9:00 a.m. meeting, to consider the Planning Commission’s recommendation of General Plan Amendment and Rezone Application No. PLN2019-0045, Beeler Development, a request to amend the General Plan, Community Plan, and zoning designations of a 1.08± acre parcel from Low Density Residential and A-2-10 (General Agriculture) to Planned Development to allow for construction of a 19,652 square-foot warehouse building to allow for low-people intensive light industrial, office, and commercial uses, located at 4731 Kiernan Court, north of the Highway 99 and Kiernan Avenue Interchange, in the Community of Salida; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-56-U-2 2020-0171
- 6.D.5** Set a public hearing for 05/12/2020, at the 9:00 a.m. meeting, to consider the Planning Commission’s recommendation of Rezone Application No. PLN2019-0093, Tenaya Banquet Hall, a request to amend the zoning designation of a 2.91-acre parcel from Industrial (M) to Planned Development (P-D) to establish a catering and event venue, with two separate event spaces, in an existing 34,720 square-foot commercial building, located at 2206 Tenaya Drive, on the southeast corner of Mitchell Road and Tenaya Drive, in the Modesto area; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-56-V-1 2020-0173

Chiesa/Withrow unan. **6.B.2** Accepted the audited Comprehensive Annual Financial Report and Single Audit Report and for FY Ended 06/30/2019, prepared by Clifton Larson Allen LLP – Auditor/Controller 2020-0162

Chiesa/Withrow unan. **6.D.4** Set a public hearing for the 05/12/2020, at the 9:00 a.m. meeting to consider approval of the FY 2020-2025 Stanislaus Urban County Consolidated Plan (Con Plan); the FY 2020-2021

Annual Action Plan (AAP); and the FY 2020-2025 Regional Analysis of Impediments to Fair Housing Choice (AI) – Planning 2020-0172

Chiesa/DeMartini unan. **8.1** Authorized the CEO and Auditor-Controller to increase revenue and appropriations by \$294,120 for the Area Agency on Aging related to an allocation received through the Families First Coronavirus Response Act for the provision of congregate and home-delivered meals to seniors; authorized the Director of the Area Agency on Aging, or her designee, to negotiate and execute agreements and/or amendments to existing agreements to provide additional congregate and home-delivered meals as afforded through the additional allocation of funds; authorized the CEO and Auditor-Controller to increase revenue and appropriations by \$759,871 for the HSA's Public Health Division related to an allocation received by the California Department of Public Health to support the County's immediate response to COVID-19; and, authorized the CEO and Auditor-Controller to increase appropriations by \$958,274 for the Sheriff and \$677,611 for the CEO-OES to support purchases of critical supplies, including personal protective equipment (PPE), needed locally to respond to the COVID-19 Pandemic – CEO 2020-0174

Withrow/Berryhill unan. **8.2** Accepted a report and ratified actions by the CEO related to the Novel Coronavirus Local Emergency Declaration and confirmed the delegated authority to the CEO to ensure essential County operations; ratified the CEO's actions and directions for general administration and human relations support of County operations, as detailed in the agenda item; and, ratified the Order of the Director of the OES to expedite employee temperature screening pursuant to Stanislaus County Code 3.08.050(C) effective 03/17/2020 through 12/31/2020, unless otherwise terminated or extended – CEO 2020-0175

Berryhill/Withrow unan. **8.3** Accepted an update on the Small Business Relief Program – CEO 2020-0176

Withrow/Chiesa unan. **8.4** Ratified the Emergency Occupancy Agreement with Dalijeet Singh Mann, Harinder Singh, DJ Management LLC, and American Traders, Inc., for emergency non-congregate sheltering at the Modesto Hotel, 1720 Sisk Road, Modesto, in support of the State of California's Project Roomkey Safe Isolation Projects for homeless individuals; authorized the Director of CSA or her designee, to negotiate and enter into any agreements, in an amount up to \$2.7 million, to secure sites and services in support of emergency non-congregate shelter options in support of the Stanislaus County Public Health Officer's letter, dated 04/02/2020, urging emergency non-congregate shelter be identified to reduce the transmission of COVID-19; and, authorized the Auditor-Controller to make the necessary budget adjustments, increasing appropriations in the CSA's Housing and Homeless Services budget by \$2.7 million, as detailed in the budget journal attached to the agenda item – CSA 2020-0177

Corr 1 Designated Supervisor DeMartini to be a participant on the Election Observer Panel for the Oakdale Fire Protection District Special Election on Tuesday, 05/05/2020.

Corr 2 Acknowledged receipt of letter from Reclamation District 2092 regarding the appointment of Lee Scully to their Board of Trustees.

Corr 3 Acknowledged receipt of notice from El Solyo Water District regarding a vacancy on their Board of Directors due to the passing of Joan Lopes.

Corr 4 Referred to the Department of Workforce Development, Worker Adjustment and Retraining Notification letters regarding the furlough or temporary layoff of employees from the following businesses: Lbrands, Inc.; Burlington Coat Factory; Club Demonstration Services; Howard Prep; Carmax Modesto; Guitar Center, Inc.; John's Incredible Pizza Company; Ross Stores, Inc.; H&M LP; Kohl's Department Stores, Inc.; Sleep Number; and, Western Dental Services, Inc.

Corr 5 Acknowledged receipt of claims and referred to the Chief Executive Office – Risk Management Division for the following claims: Parmpal Singh Johal; Alpine Law Group on behalf of Deborah, April, Karrie and Misty Powell; Alondra Jimenez; Richard Nesslage; Sodhi Law Group on behalf of Amber Nicole Johnsen; Sodhi Law Group on behalf of Dana Alday; Sodhi Law Group on behalf of Aaliyah Johnsen; Sodhi Law Group on behalf of Niyah Johnsen; and, Jessica L. Grant on behalf of Walter W. Wells.

Supervisor Withrow expressed his appreciation for the Board and County staff.

Supervisor Chiesa suggested placing the names of the community members online who donated funds to the Small Business Relief Program.

Supervisor DeMartini noted the Patterson Apricot Festival and Ceres Street Fair were canceled due to the COVID-19 crisis.

Adjourned at 9:26 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.)