

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

Regular Session
Grewal Absent
Pledge of Allegiance to the Flag

Tuesday

July 26, 2022

Invocation was given by Pastor Dallas Jackson, with Renew Church.

Baljit Atwal, Director of Child Support Services, and Lisa Clifton, Assistant Director, gave a presentation regarding August 2022 as Child Support Awareness Month in Stanislaus County.

Joseph Monterosso provided the Board members a handout and shared a newspaper article regarding an ATV rider's death in a west Stanislaus County canal last week and shared that it is identical to the road he has asked to be closed on Horseshoe Road. He expressed he is doing all he can to get this road closed and eliminate the risk.

Sebastian Jones, IHSS worker, spoke in support of a cost-of-living wage increase being placed on the agenda. He shared concerns regarding IHSS workers' wages compared to other local businesses.

Gwen Byrd, IHSS worker who cares for her brother in Patterson, shared concerns regarding the lack of IHSS providers and wages in Stanislaus County. She spoke about the importance of IHSS workers and asked the Board to take it to heart and approve a cost-of-living increase.

Larry Moss voiced concerns regarding legal and illegal fireworks and their effect on air quality. He shared that Tuolumne County has banned fireworks and expressed there must be a better way to entertain people in this County.

Angela Mineni voiced concerns regarding children returning to school in masks. She shared people are leaving the state and asked the Board to vote responsibly.

Pastor Tim Benefield of Patterson, voiced concerns about the harm masks can cause. He shared the lack of risk COVID has in children and the developmental risk masks have on them. He also expressed concerns about schools requiring vaccinations and requested a resolution making masks optional.

Christy Pinoy, IHSS worker, shared she works part-time as an IHSS worker and supplements her income with picking up hazardous materials from state prisons. She supports a living wage increase. She shared she doesn't stop the IHSS work because she touches people's lives.

Debra Harper shared concerns regarding her false arrests on 05/19/2022 and 07/07/2022. She noted her car was towed and she had to borrow money to get it out of impound. She asked that people focus on the function not on the people.

Della Perales, IHSS worker, supports a living wage increase. She expressed that the IHSS community is invisible. She hopes the Board hears them and they don't have to come back.

Emerson Drake thanked the Clerk-Recorder and County Counsel’s office for answering his question regarding the legal publication for Modesto’s ballot measure. He expressed concerns regarding a Modesto area landowner that has wells around the river and selling the water to the Del Puerto Water District and pocketing the money. He shared concerns regarding the lack of water and asked the Board to stand up for farmers and for the citizens and to stop pumping water to the state.

Keryn Whitlow spoke regarding the increase in COVID-19 cases and noted that these cases have milder symptoms than before. She does not think a public health response is warranted. She shared children are not at risk for severe disease from COVID. She asked the Board to help protect our children.

Courtney Peters, who lives in District 2, thanked Supervisors Grewal and B. Condit for answering her emails last week and voiced concerns that had not heard back from Supervisor Chiesa. She also spoke in support of a mask choice resolution.

Kandace Weyhrauch asked the Board to take a strong stance and set the bar high and let the State know our children come first. She shared that it should not be a mandate that children wear a mask or get vaccinated and to let the parents make the choice.

Christina Calderon asked the Board to adopt a mask resolution for the County. She thanked the Board members for responding to her email. She shared that a mask resolution would send a message to the school districts, and hopes we can lead by example of mask choice.

Joni Griep shared that two years ago this month she saw the Board members faces for the first time. She expressed then that she was concerned about our kids having to wear masks, and it is the same reason why she is here today. She shared she gave a draft mask resolution to the Board.

Arlene Smith, IHSS worker, cares for her sister and asked the Board for a wage increase.

Katrina Bucol, Merced County IHSS provider, shared she is here to support caregivers in Stanislaus County and spoke in support of a wage increase.

Chiesa/C. Condit (4-0)(Grewal absent) Adopted the consent calendar after removing from consent items **5.A.6** Approval to Adopt and Waive the Second Reading of Ordinance C.S. 1327 Establishing a Tax on Cannabis Business Activities Within the Unincorporated Area of the County – BOS; and, **5.B.1** Approval to Introduce and Waive the First Reading of an Ordinance Amending Title 3 of the Stanislaus County Code Relating to Personnel Policies for the Appointment of New Employees at the Fifth Step of the Salary Range – CEO

5.A.1 Approved the minutes of 07/12/2022

5.A.2 Appointed John Ismail to the Stanislaus County Economic Development Action Committee
2022-0395

5.A.3 Appointed January Patel to the Salida Municipal Advisory Council
2022-0396

5.A.4 Appointed Joseph Bilger to the Modesto City-County Airport Advisory Committee
2022-0397

5.A.5 Accepted the resignation of Jim Melo from the Patterson Cemetery Board of Trustees
2022-0398

5.B.2 Approved the extension of the New Hire Incentive Program for the Deputy Sheriff I/II classification from 07/01/2022 – 06/30/2024; and, approved the creation of the New Hire Incentive Program for the Deputy Sheriff-Custodial classification from 07/01/2022 – 06/30/2024 – Sheriff
2022-0401

- 5.B.3** Approved a technical adjustment to the Clerk-Recorder Lobby and Counter Remodel Project Budget to use project savings in the amount of \$50,000 to offset costs associated with the temporary lease of office space for the Clerk-Recorder’s Office during construction; and, directed the Auditor-Controller to reclass appropriations from Contingency Structures and Improvements Fixed Asset to Services and Supplies within the Clerk-Recorder Lobby and Counter Remodel Project Capital Budget, as detailed in the budget journal attached to the agenda item – GSA 2022-0402
- 5.B.4** Approved the award of an agreement to the Center for the Human Services by the Community Services Agency acting as the administrative entity for the Stanislaus Community System of Care (CSOC) in the amount of \$919,264 for the provision of Homeless Housing, Assistance and Prevention Program (HHAP) delivery of Permanent Housing Solutions for youth; and, authorized the CSA Director, to sign the agreement and any amendments up to \$200,000 with the Center for Human Services to provide the delivery of HHAP permanent housing solutions for youth – CSA 2022-0403
- 5.C.1** Approved the Agreement for Acquisition of Property located at 4543 Roselle Avenue, Modesto, California, for the North County Corridor Project, Grantor: Embree Family 2006 Trust, APN 083-002-029; authorized the Chairman to execute the Purchase and Sale Agreement for Acquisition of Fee Interest in Real Property; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2022-0404
- 5.C.2** Approved the Agreement for Acquisition of Property located at 5437 Claus Road, Modesto, California, for the North County Corridor Project, Grantor: Jorge A. and Maria G. Aguiniga-Arellano, APN 075-022-035; authorized the Chairman to execute the Purchase and Sale Agreement for Acquisition of Fee Interest in Real Property; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2022-0405
- 5.C.3** Approved a resolution establishing Stop Sign Traffic Controls on Central Avenue at Monte Vista Avenue in Ceres and Herndon Road at Nadine Avenue in Ceres; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2022-0406
- 5.C.4** Approved a resolution to levy FY 2022-2023 benefit assessment rates for the following Lighting Districts: Airport Neighborhood, Almond Wood, Beard Industrial, County Club-Zone A, Country Club-Zone B, Crows Landing, Deo Gloria, Denair, Empire, Fairview, Fruit Yard, Gibbs Ranch, Gilbert Road, Golden State Zone A and Zone B, Hillcrest, Kenwood Park, Mancini Park Homes, Marshall, Monterey, North Oaks, North McHenry, North McHenry No. 2, Olympic, Peach Blossom, Richland, Salida, Schwartz Baize, Sunset Oaks, Sylvan Village, and Tempo Park; and, directed the Auditor-Controller to add the assessments to the 2022-2023 tax roll – PW 2022-0407
- 5.C.5** Approved the Agreement for Acquisition of Property located at 4928 Claus Road, Modesto, California, for the North County Corridor Project, Grantor: Olive Lane Properties, LLC, APN 014-001-002; authorized the Chairman to execute the Purchase and Sale Agreement for Acquisition of Fee Interest in Real Property; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2022-0408
- 5.D.1** Set a public hearing on 08/16/2022, at the 6:30 p.m. meeting, to consider the Planning Commission’s recommendation for General Plan Amendment, Rezone, and Vesting Tentative Map application number PLN2021-0040 – Lazares Companies, a request to amend the Denair Community Plan designation from Estate Residential (ER) to Low-Density Residential (LDR) and the zoning designation from Rural Residential (R-A) to

Planned Development (P-D) on an 18.6± acre parcel, and to subdivide the project site into 72 parcels located at 3531 and 3549 East Monte Vista Avenue, between North Waring and Lester Roads, in the Community of Denair; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-57-U-1 2022-0409

5.D.2 Set a public hearing on 08/16/2022, at the 6:30 p.m. meeting, to consider the Planning Commission’s recommendation for General Plan Amendment and Rezone application No. PLN2021-0108 – James Bates RV and Boat Storage, a request to amend the General Plan and Zoning Designations of 18.5 acres, from Urban Transition (UT) and General Agriculture (A-2-10) to Planned Development (P-D), to allow for development consistent with permitted uses in the Planned Industrial (P-I) Zoning District, located on Litt Road, on the southeast corner of Plainview and Litt Roads, west of Terminal Avenue and the Burlington Northern Santa Fe (BNSF) Railroad, in the Modesto Area; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-57-U-2 2022-0410

Chiesa/B. Condit (2-2-0)(C. Condit and Chairman Withrow opposed)(Grewal absent) **5.A.6** The **motion failed** to adopt and waive the second reading of Ordinance C.S. 1327 establishing a tax on cannabis business activities within the unincorporated area of the County – BOS ORD-57-T-1 2022-0399

Removed from the Agenda, no action taken, for item 5.B.1 Approval to Introduce and Waive the First Reading of an Ordinance Amending Title 3 of the Stanislaus County Code Relating to Personnel Policies for the Appointment of New Employees at the Fifth Step of the Salary Range – CEO ORD-57-T-2 2022-0400

B. Condit/C. Condit (4-0)(Grewal absent) **6.1** Finds that the notice of public hearing was published in compliance with Section 6066 of the Government Code; conducted a public hearing to receive comments regarding the FY 2022-2023 Annual Assessments; set the FY 2022-2023 Annual Assessments for the Various CSA’s, Landscape Assessment District, and Landscape and Lighting Districts shown in Attachment 1, of the agenda item; made the Engineer’s Reports a part of the record of this proceeding; and, authorized the Auditor-Controller to add the Annual Assessments to the 2022-2023 Tax Roll – PW 2022-0411

B. Condit/Chiesa (4-0)(Grewal absent) **6.2** Conducted a public hearing to consider approval and adoption of the Amended Eastern San Joaquin Groundwater Subbasin Groundwater Sustainability Plan; approved and adopted the resolution regarding the Amended Eastern San Joaquin Groundwater subbasin Groundwater Sustainability Plan; and, authorized the Eastern San Joaquin Groundwater Authority, its consultants, and the Plan Manager to take such other actions as may be reasonably necessary to submit the Amended Eastern San Joaquin Groundwater Subbasin Groundwater Sustainability Plan to the California Department of Water Resources by no later than 07/27/2022, and implement the purpose of this resolution – DER GSA-6-3 2022-0412

C. Condit/Chiesa (4-0)(Grewal absent) **6.3** Conducted a public hearing to consider the Planning Commission’s recommendation of approval of Rezone application No. PLN2021-0112 – Top Shelf Mega Storage, a request to rezone a 10-acre parcel from Planned Development (P-D) (261) to a new P-D to allow for development of a Recreational Vehicle (RV) storage facility in two phases, located at 4401 West Barnhart Road, on the northeast corner of West Barnhart Road and North Golden State Boulevard, in the Keyes area, and adoption of a Mitigated Negative Declaration; adopted the Mitigated Negative Declaration and Mitigation Monitoring Plan 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 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 Section 21152 and CEQA Guidelines Section 15075; 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 Planned Development General Plan designation, (c) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; approved Rezone Application No. 2021-0112 – Top Shelf Mega Storage, subject to the attached Development Standards/Mitigation Measures and Development Schedule; and, introduced, waived the reading, and adopted an Ordinance C.S. 1326 – Planning

ORD-57-S-2 2022-0413 & 2022-0414

Chiesa/B. Condit (4-0)(Grewal absent) **6.4** Conducted a public hearing to consider the Planning Commission's recommendation of approval for the request to mutually amend Development Agreement No. PLN2018-0112 – Jayden's Journey to modify the Community Benefit Contribution and the payment rates for the Community Benefit Rate for a commercial cannabis retail business, located at 5054 Pentecost Drive, southeast corner of Bitritto Court and Pentecost Drive, in the Modesto area; finds the project is exempt from CEQA, pursuant to CEQA Guidelines Section 15061, Common Sense Exemption, by finding that on the basis of the whole record, including any comments received, 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 judgment and analysis; finds that the Development Agreement amendment: (a) is consistent with the General Plan and any applicable specific plan, (b) is compatible with the uses authorized in, and the regulation 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; **amended** 2.2 of the First Amendment of the Development Agreement to read as follows: "Revision of Section A, Attachment E. Permittee will participate in the amended Community Benefit Contribution Program as authorized by the Chief Executive Officer. Compliance will be verified during the annual inspection process."; approved as **amended** the First Amendment of the Development Agreement of Use Permit and Development Agreement PLN2018-0112 – Jayden's Journey; authorized the Chairman to execute the attached amendment to the Development Agreement; and, introduced, waived the reading, and adopted Ordinance C.S. 1331 – Planning

ORD-57-V-1 2022-0415 & 2022-0416

C. Condit/B. Condit (4-0)(Grewal absent) **6.5** Conducted a public hearing to consider the Planning Commission's recommendation to mutually amend the Development Agreement No. PLN2020-0036 – The People's Remedy to modify the Community Benefit Contribution and the payment rates for the Community Benefit Rate for a commercial cannabis retail business, located at 1119 Lone Palm Avenue, between Woodland and Kansas Avenues, west of SR 99, in the Modesto area; finds the project is exempt from CEQA, pursuant to CEQA Guidelines Section 15061, Common Sense Exemption, by finding that on the basis of the whole record, including any comments received, 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 judgment and analysis; finds that the Development Agreement amendment: (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; **amended** 2.2 of the First Amendment of the Development Agreement to read as follows: "Revision of Section A, Attachment E. Permittee will participate in the amended Community Benefit Contribution Program as authorized by the Chief Executive Officer. Compliance will be verified during

the annual inspection process.”; approved as **amended** the First Amendment of the Development Agreement of Use Permit and Development Agreement PLN2020-0036 – The People’s Remedy; authorized the Chairman to execute the attached amendment to the Development Agreement; and, introduced, waived the reading, and adopted Ordinance C.S. 1332 – Planning

ORD-27-V-2 2022-0417 & 2022-0418

Corr 1 Referred to County Counsel and the Auditor-Controller, a Claim for Refund of Property Taxes filed on behalf of Foster Dairy Farms, regarding assessments for tax years 2019-20 through 2021-22.

Corr 2 Referred to County Counsel and the Auditor-Controller, a Claim for Refund of Property Taxes filed on behalf of Foster Dairy Number Two, LP. regarding assessments for tax years 2019-20 through 2021-22.

Corr 3 Acknowledged receipt of letter from the Newman Drainage District regarding the resignation of Michael Borba from their Board of Directors.

Corr 4 Acknowledged receipt of claims and referred to the CEO’s Office the following claims: State Farm Mutual Automobile Insurance Company a/s/o Frank Arriaza (amended); Gallagher Bassett a/s/o Bertolotti Disposal Inc.; Antonio Villanueva; Debra L. Harper; and, Manpreet Atwal.

Supervisor C. Condit thanked Jose Michel and the entire CSA staff for their work in helping place three homeless individuals into temporary housing.

Supervisor B. Condit shared he attended the Oakdale FES 75th anniversary last Sunday.

CEO Hayes reported that the State Legislature remains in recess. CEO Hayes shared that our region submitted the Northern San Joaquin Community Economic Fund (CERF) Planning Grant. He noted the State of California set aside \$600 million for economic development on a regional basis and each receiving region will receive \$5 million. CEO Hayes recognized Yolanda Meraz with the STEP Program and Karen Warner with Stanislaus 2030, along with other initiatives, for coming forward and bringing this to the finish line as a model to how other regions can follow.

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 12:20 p.m.

12.1 Conferenced with Legal Counsel – Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). One case: Jesus Vargas v. County of Stanislaus, et al., Stanislaus County Superior Court Case No. CV-19-004613. No reportable action taken.

12.2 Conferenced with Labor Negotiators: Pursuant to Government Code Section 54957.6. Agency Negotiators: Jody Hayes, Tamara Thomas, and Keira Vink. Labor Organizations: Stanislaus County Employees Association, American Federation of State, County & Municipal Employees Local 10; Service Employees International Union, Local 521; California Nurses Association; County Attorney’s Association; Deputy Sheriff’s Association; Stanislaus County Sheriff’s Supervisor Association; Stanislaus County Deputy Probation Officers’ Association; Stanislaus Regional Emergency Dispatchers’ Association; Stanislaus County Probation Corrections Officers’ Association; Stanislaus County Sheriff’s Management Association; Stanislaus County District Attorney Investigators’ Association; and Stanislaus Sworn Deputies Association. No reportable action taken.

Adjourned at 1:29 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.)