

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

Regular Session

Tuesday

October 31, 2023

All Supervisors Present

Pledge of Allegiance to the Flag

Invocation was given by Sr. Pastor Jon Apodaca with Good Life Church.

David White, CEO Opportunity Stanislaus, provided an update regarding Opportunity Stanislaus.

Jagjeet shared concerns regarding conflict in the middle east. He asked the Board to engage and advocate to our federal legislators.

B. Condit/Grewal unan. Adopted the consent calendar

5.A.1 Approved the minutes of 10/17/2023

5.A.2 Appointed Supervisor Vito Chiesa as the Primary Member and Supervisor Mani Grewal as the Alternate Member to the 2023-2024 California State Association of Counties Board of Directors 2023-0538

5.A.3 Appointed Amanda Beltrami to the Valley Home Municipal Advisory Council 2023-0539

5.A.4 Appointed Randy Crooker to the Stanislaus County Economic Development Action Committee 2023-0540

5.A.5 Accepted the resignation of Pedro Mendez and Tamra Spade from the Workforce Development Board 2023-0541

5.A.6 Accepted the resignation of Linda Legace from the Stanislaus County Child Abuse Prevention Council 2023-0542

5.A.7 Approved declaring a vacancy on the Stanislaus Child Development Local Planning Council 2023-0543

5.A.8 Approved a request to consolidate the Riverbank Unified School District's Bond Measure with the Presidential Primary Election to be held on 03/05/2024 2023-0544

5.A.9 Approved the commendations for Stanislaus County Veteran's in celebration of Veterans Day 2023-0545

5.B.1 Approved the agreement with Stanislaus Business Alliance doing business as Opportunity Stanislaus regarding Countywide Economic Development and Marketing Strategies for FY 2024; and, authorized the CEO to sign the agreement with Opportunity Stanislaus in the amount of \$150,000 – CEO 2023-0546

5.B.2 Authorized the Sheriff to accept a grant of \$116,462 from the California State Parks and Recreation Off-Highway Motor Vehicle Recreation Division (OHV) Grant program for increased Law Enforcement services at Frank Raines Regional Park and La Grange Park in Stanislaus County; adopted the resolution to accept funding from the California State Parks OHV Grant program; authorized the Sheriff to sign any documents related to the grant and administer the grant provided by the California State Parks Off-Highway Motor Vehicle Recreation Division Grants and Cooperative Agreements Program for the project performance period; and, directed the Auditor-Controller to increase appropriations by \$1,981 and decrease estimated revenue by \$20,969 in the Sheriff's Operations legal budget unit – Sheriff 2023-0547

5.B.3 Accepted the August 2023 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 2023-0548

- 5.B.4** Authorized the District Attorney to implement Community Corrections Partnership funded services in the Victim Services Unit; amended the Salary and Position Allocation Resolution to reflect the recommended changes outlined in the Staffing Impacts section of this report, effective the first full pay period after the Boards' approval; and, directed the Auditor-Controller to increase appropriations and estimated revenue by \$173,094 in the District Attorney Criminal budget, as detailed in the budget journal, attached to the agenda item – DA 2023-0549
- 5.B.5** Approved amendments retroactively for the terms of 10/01/2023, through 06/30/2024, with the Senior Advocacy Network for the Senior Law Project Program in the amount of \$55,586 and for the Housing Program in the amount of \$150,000; approved amendments retroactively for the terms of 10/01/2023, through 06/30/2024, with the Healthy Aging Association for the Fall Prevention Program in the amount of \$32,116 and for the Health Promotion Program in the amount of \$40,543; approved amendments retroactively for the terms of 10/01/2023, through 06/30/2024, with Catholic Charities Diocese of Stockton for the Ombudsman Program in the amount of \$12,448 and for the Homemaker Program in the amount of \$29,856; and, authorized the County Purchasing Agent, or their designee, to sign the amendments and any subsequent amendments for FY 2024, budget permitting – Aging and Veteran Services 2023-0550
- 5.B.6** Accepted the Auditor-Controller's Report on Stanislaus County's Revolving Funds as of 06/30/2023 – Auditor-Controller 2023-0551
- 5.B.7** Approved a one-year option to renew for an existing lease agreement for office space located at 500 N. 9th Street Buildings A and B, Modesto between Stanislaus County and Scenic Properties, LLC, for use by BHRS; and, authorized the GSA Director/Purchasing Agent, or designee, to execute an Amendment to the existing lease under the one-year tenant option allowable under the lease terms – GSA 2023-0552
- 5.B.8** Approved the use of up to \$8,000 of Community Development Funds for an electronic sign to be purchased and installed by the Veterans of Foreign Wars Post 3199 – CEO 2023-0553
- 5.C.1** Approved Contract Change Order Nos. 6.1, 13.1-13.3, 18, 18.1, 19.2, 20, 21, 35, 39, 43, 45, 46, 47, 48, 49, 50, & 51 to the Construction Agreement with Security Paving Company, Inc. for debris removal, emergency operations, and permanent restoration due to storm damage and other related unforeseen project overruns in the amount of \$1,329,923 for the Crows Landing Road over San Joaquin River Bridge Replacement Project; authorized the Director of Public Works to execute change orders with Security Paving Company, Inc. in the amount of \$1,329,923 and to sign necessary documents; approved an increase to the construction budget for the Crows Landing Road over San Joaquin River Bridge Replacement Project by \$1,329,923 from \$24,381,780 to \$25,711,703; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2023-0554
- 5.C.2** Adopted the Negative Declaration for the Montpelier Road over Turlock Irrigation District (TID) Main Canal Bridge Replacement Project, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15074(B), by finding based on 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 Negative Declaration reflects Stanislaus County's independent judgment and analysis; directed the Department of Public Works to file a Notice of Determination for the Montpelier Road over TID Main Canal Bridge Replacement Project with the Stanislaus County Clerk Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2023-0555

- 5.C.3** Adopted the Negative Declaration for the Oakdale-Waterford Highway over Claribel Lateral Bridge Replacement Project, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15074(B), by finding based on 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 Negative Declaration reflects Stanislaus County's independent judgment and analysis; directed the Department of Public Works to file a Notice of Determination for the Oakdale-Waterford Highway over Claribel Lateral Bridge Replacement Project with the Stanislaus County Clerk Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2023-0556
- 5.C.4** Approved the final emergency update in accordance with Public Contract Code Section 22050 for emergency temporary repairs to Del Puerto Canyon Road 13 Miles west of Interstate 5; and, authorized the Director of Public Works to issue any amendments necessary with ENGeo, within current FY 2024 budget authority, to complete and close out the emergency temporary repairs to Del Puerto Canyon Road 13 Miles west of Interstate 5 in accordance with the California Public Contract Code and consistent with the County Purchasing Policy – PW 2023-0557
- 5.C.5** Approved the Agreement for Acquisition of Property located generally south of Claribel Road and north of Plainview Road, east of Oakdale Road, Modesto, California, for the North County Corridor (NCC) Project, Grantor: Tivoli Farms LLC., Assessor's Parcel Numbers (APN) 083-002-009 and 083-003-009; authorized the Chairman to execute the Agreement for Acquisition of 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 2023-0558
- 5.C.6** Approved the Plans and Specifications for the Keyes and Morgan Road Intersection Improvement Project; awarded a Construction Contract to Consolidated Engineering, Inc. for the Keyes and Morgan Road Intersection Improvement Project; authorized the Director of Public Works to execute a Construction Agreement with Consolidated Engineering, Inc. in the amount of \$455,113.15 and related documents; authorized the Director of Public Works to execute change orders, not to exceed 10%, in accordance with Public Contract Code Section 20137 and 20142 and consistent with the County Purchasing Policy; authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations; authorized the use of \$190,000 of Community Development Funds to partially fund the construction of the Keyes and Morgan Road Intersection Improvement Project – PW 2023-0559
- 5.C.7** Approved Contract Change Order Nos. 9 through 19 to the Construction Agreement with Sinclair General Engineering Construction, Inc. in the amount of \$300,000 for the Saint Francis Avenue Bridge Replacement Project with a new not-to-exceed amount of \$2,030,127; approved a \$300,000 increase to the construction budget for the Saint Francis Avenue Bridge Replacement Project from \$1,730,127 to \$2,030,127; authorized the Director of Public Works to execute Contract Change Order Nos. 9 through 19 with Sinclair General Engineering Construction, Inc in the amount of \$300,000 and to sign the 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 2023-0560

Chiesa/Withrow unan. **6.1** Conducted a public hearing; and, introduced and waived the first reading of Ordinance C.S. 1350 to establish new fees and amend or eliminate existing fees for the Department of Parks and Recreation – Parks and Recreation ORD-58-F-1 2023-0561

Grewal/B. Condit unan. **6.2** Conducted a public hearing to consider the Planning Commission's recommendation of approval of the cancellation of Development Agreements for seven commercial cannabis operations of various types located throughout the unincorporated area of Stanislaus County; finds that the cancellation of the following adopted Development Agreements are in conformance with California Government Code Section 65868 and Stanislaus County Code Section 22.08.010; cancelled the following adopted Development Agreements; introduced, waived the reading, and adopted ordinances to rescind the adopted Development Agreements as follows: Ordinance C.S. 1352 for GPA, REZ, UP, and DA No. PLN2018-0093 – The Genezen Project (APN: 004-094-017); Ordinance C.S. 1353 for UP and DA No. PLN2018-0129 – Mission Nurseries, LLC (APN: 048-014- 009); Ordinance C.S. 1354 for UP and DA No. PLN2018-0151– Prem Gen Corp – Nathan Avenue (APN: 036-008-052); Ordinance C.S. 1355 for UP and DA No. PLN2018-0159 – Stockton Business Strategies (APN: 016-004-028); Ordinance C.S. 1356 for UP and DA No. PLN2018-0163 – Blue Oak Naturals, LLC (APN: 009-014- 025); Ordinance C.S. 1357 for UP and DA No. PLN2019-0092 – Pacific Botanicals, LLC (APN: 135-043- 031); and Ordinance C.S. 1358 for UP and DA No. PLN2019-0133 – Legacy Nursery, LLC – S. Daubenberger Road (APN: 044-036-006); and, ordered the filing of notices of cancellations for the adopted Development Agreements with the Stanislaus County Clerk Recorder's Office – Planning
ORD-56-X-1 2023-0562A, ORD-56-N-2 2023-0562B, ORD-56-M-1 2023-0562C, ORD-56-G-4 2023-0562D, ORD-56-S-2 2023-0562E, ORD-56-W-1 2023-0562F, ORD-56-Z-1 2023-0562G

Withdraw/B. Condit (4-0)(C. Condit recused) **6.3** Conducted a public hearing to consider the Planning Commission's recommendation of approval of the cancellation of the adopted Development Agreement, for PLN2019-0095 - Central Valley Growers - Howard Road III, which allowed for a mixed-light commercial cannabis cultivation, nursery, and distribution activities, located at 3735 Howard Road, between the California Aqueduct and the Delta Mendota Canal, in the Westley Area; finds that the cancellation of adopted Development Agreement for PLN2019-0095 – Central Valley Growers, LLC – Howard Road III is in conformance with California Government Code Section 65868 and Stanislaus County Code Section 22.08.010; approved the cancellation of the adopted Development Agreement for Use Permit and Development Agreement number (No.) PLN2019-0095 – Central Valley Growers, LLC – Howard Road III; introduced, waived the reading, and adopted an ordinance to rescind the adopted Development Agreement for PLN2019-0095 – Central Valley Growers, LLC – Howard Road III; and, ordered the filing of a notice of cancellation for the adopted Development Agreement for PLN2019-0095 – Central Valley Growers, LLC – Howard Road III with the Stanislaus County Clerk Recorder's Office – Planning
ORD-57-B-1 2023-0563 & 2023-0563A

B. Condit/Grewal unan. **6.4** Conducted a public hearing to consider the Planning Commission's recommendation of approval of the cancellation of the adopted Development Agreement, for PLN2018-0108 - MDF Farms, which allowed for a mixed-light commercial cannabis cultivation operation, located at 16218 Sycamore Avenue, between Fig and Orange Avenues, in the Patterson area; finds that the cancellation of the adopted Development Agreement for PLN2018- 0108 – MDF Farms is in conformance with California Government Code, Section 65868 and Stanislaus County Code Section 22.08.010; approved the cancellation of the adopted Development Agreement for Use Permit and Development Agreement number (No.) PLN2018-0108 – MDF Farms; introduced, waived the reading, and adopted an ordinance to rescind the adopted Development Agreement for PLN2018-0108 – MDF Farms; and, ordered the filing of a notice of cancellation for the adopted Development Agreement for PLN2018-0108 – MDF Farms with the Stanislaus County Clerk Recorder's Office – Planning
ORD-56-G-1 2023-0564 & 2023-0564B

Grewal/B. Condit unan. **7.1** Authorized the County Librarian, or designee, to accept Round Two Building Forward Library Facilities Improvement Program funds, in the amount of \$9,970,490, for the Modesto Library Critical Renovations, Hazard Abatement, and Modernization Project; adopted a resolution to authorize the grant application, acceptance, and execution of Building Forward Library Facilities Improvement Program Funds from the State of California; authorized the County Librarian, or designee, to sign and execute all related agreements, contracts, amendments or other documentation required for the Building Forward Library Facilities Improvement Program Funds; and, directed the Auditor-Controller to increase revenue by \$9,970,490 and increase appropriations by \$14,006,348 in the Library Budget, as detailed in the attached budget journal – Library 2023-0565

B. Condit/Chiesa unan. **7.2** Declared an emergency in accordance with California Public Contract Code Section 22050 for emergency temporary repairs to Crabtree Road Bridge over Dry Creek; approved staff's recommendation to act in accordance with California Public Contract Code Sections 20134 and 22050 to make the immediate temporary repairs to Crabtree Road Bridge over Dry Creek; by a 4/5 vote, made the following findings: (a) the repairs are necessary to ensure the safety of the traveling public and to prevent the loss of essential public services; (b) the emergency will not allow for the delay that would result if the project were competitively bid, and the action to immediately repair the impacted road facility on an emergency basis is necessary; (c) based on the substantial evidence to be set forth in the minutes, that due to the nature of the emergency a delay for competitive bidding cannot be permitted; directed the Director of Public Works or designee to serve as the Project Manager for all aspects of the project; authorized the Project Manager to procure equipment and supplies, and to negotiate and execute contracts needed to repair the bridge, without giving notice for bids, so long as they are within the Department's approved budget; and, required the Department of Public Works to report to the Board on the status of the emergency project at its next regularly scheduled meeting and every 14 days thereafter until the repairs are completed, as required by Public Contract Code section 22050(c)(1) – Public Works 2023-0566

Corr 1 Referred to the Department of Workforce Development, a Worker Adjustment and Retraining Notification (WARN) letter from Nestle USA regarding the temporary layoff of employees at its facility located at 736 Garner Road in Modesto, CA.

Corr 2 Acknowledged receipt of claims and referred to the Office of County Counsel the following claims: Yasmine Vasquez; Farmers Insurance Exchange aso Erik Melendrez; Janet La Rosa & Rock La Rosa; Kiranjit Sandhu; Diana Dyer; James Hall Jr.; Willert Roderick Waller Jr.; Jillian Avara; Mercury Insurance aso Aurora Cerna; Daljit Sohal; Travis Hacker; Clarice Amador; Armando Echeverria (2 claims); Juan Carlos Segundo; Fayyaz Qureshi; and, Manuel S. Schweiger.

CEO Hayes announced the Stanislaus County Housing Summit is Saturday, 11/04/2023, from 8:30 a.m. - 12:30 p.m. located at Modesto Junior College, West Campus, Student Learning Center, 2201 Blue Gum Avenue, Modesto. Registration is open through 11/02/2023, at 5:00 p.m. <https://housingstanislaus.org/>

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 10:13 a.m.

13. Conferenced with Legal Counsel - Significant Exposure to Litigation Pursuant to Government Code section 54956.9(d)(2) or (3): One Case. No reportable action taken.

Adjourned at 11:37 a.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.)