

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

November 28, 2023

Invocation was given by Reverend Scott Elliott with Big Valley Grace.

Theresa T. Estrada from CSA received her 25-year Employee Service Award. Elizabeth Uribe Green from CSA and Jeffrey Csolak from General Services Agency received their 30-year Employee Service Award.

A presentation was given by Jean Foletta, Director of Mobility Programs with StanCOG, regarding the Unmet Transit Needs Process.

Removed from the Agenda, Item **6.1** Public Hearing to Consider the Adoption and Waiving of the Second Reading of Ordinance C.S. 1351 Establishing a Tax on Cannabis Business Activities Within the Unincorporated Area of the County and Adopt a Resolution Calling for an Election on the Ordinance – CEO
ORD-58-F-2 2023-0630

Grewal/B. Condit unan. Adopted the consent calendar after removing from consent Items **5.B.4** Acceptance of a Quarterly Report on Stanislaus County's Investment of American Rescue Plan Act Funding for the Provision of Navigation and Case Management Services and in Support for Farmworker Resource Centers – CSA; **5.C.3** Approval to Adopt a Supplemental Initial Study and Mitigated Negative Declaration for the Aemetis Biogas, LLC Dairy Biogas Cluster Project – PW ;and, **5.D.2** Approval to Set a Public Hearing on December 19, 2023, at the 6:30 P.M. Meeting, to Consider the Planning Commission's Recommendation of Approval of the Cancellation of the Development Agreement for Natural Remedies Consulting, Inc., a Commercial Cannabis Retail, Distribution, Manufacturing, and Indoor Cultivation Operation, Located at 5272 Jerusalem Court, North of Kiernan Avenue, in the Modesto Area, APN: 004-065-019 – Planning

5.A.1 Approved the minutes of 11/07/2023

5.A.2 Adopted and waived the second reading of Ordinance C.S. 1350 to establish new fees and amend or eliminate existing fees for the Department of Parks and Recreation

ORD-58-F-1 2023-0600

5.A.3 Appointed Gary D. Page to the Knights Ferry Cemetery District 2023-0601

5.A.4 Appointed Keri Magee to the First 5 Stanislaus Commission 2023-0602

5.A.5 Declared a vacancy on the Commission on Aging 2023-0603

5.B.1 Approved Amendment No. 1 to the agreement for Independent Contractor Services with Carbon Activated Corporation for change-outs of the filter system of the Groundwater Extraction Treatment system located at the Geer Road Landfill, Amendment No. 1 extends the term of the agreement for three additional years, and increases the contract by \$300,000, for a not to exceed amount of \$499,000; authorized the Director DER to execute Amendment No. 1 with Carbon Activated Corporation; and, authorized the Director of DER to sign amendments to the Agreement within the specified contract amount – DER
2023-0604

- 5.B.2** Approved an amendment to an agreement with Champion Industrial Contractors Inc., to increase the not-to-exceed amount for heating, ventilation, and air conditioning repair services from \$200,000 to \$500,000; approved an amendment to an agreement with RFI Enterprises, Inc., to increase the not-to-exceed amount for Lenel Card Reader services from \$200,000 to \$585,000; and, authorized the GSA Director/Purchasing Agent to execute the amendments above and any subsequent amendments to the Master Agreements on behalf of the County – GSA 2023-0605
- 5.B.3** Approved the Certification Statements for the California Children’s Services, Child Health and Disability Prevention Programs, and Health Care Program for Children in Foster Care for FY 2023-2024; and, authorized the Chairman to sign the Certification Statements for the California Children’s Services, the Child Health and Disability Prevention Programs, and the Health Care Program for Children in Foster Care for FY 2023-2024 – HSA 2023-0606
- 5.B.5** Approved an agreement with Health Management Associates, Inc., to support compliance with the Justice Involved Pre-Release Medi-Cal Application Mandate in the amount of \$236,190, retroactively for the term of 07/01/2023, through 09/30/2024; and, authorized the CSA Director, or designee, to sign the Agreement and any amendments related to the agreement, within budget authority and consistent with County Purchasing Policy for the term of the agreement – CSA 2023-0608
- 5.B.6** Approved a resolution authorizing the HSA to apply for and accept if awarded the Regional Climate Collaborative Program grant from the California Strategic Growth Council in the amount of \$1,750,000 for a 36-month term with a targeted start date in Spring of 2024; and, authorized the HSA Managing Director, or designee, to sign a Grant Agreement and any subsequent amendments upon award consistent with the County Purchasing Policy and within the budget authority – HSA 2023-0609
- 5.B.7** Approved Amendment No. 1 to the Software License Agreement with Accela, Inc., for renewal of the Health Civic Application Software used by the Department of Environmental Resources’ Hazardous Materials Division for tracking inspections and compliance; authorized the Director of DER to execute Amendment No. 1 with Accela, Inc., which increases the contract by \$154,607.15, for a not-to-exceed amount of \$243,797.26; and, authorized the Director of DER to sign amendments to the agreement within the specified contract amount – DER 2023-0610
- 5.B.8** Authorized the DA to retroactively accept a grant award from the California Department of Insurance Fraud Division in the amount of \$195,897 for the Automobile Insurance Fraud Program; adopted a formal resolution, as required by the California Department of Insurance, to authorize the DA to execute the Grant Award Agreement; authorized the DA, or designee, to retroactively sign any documents related to the grant, including agreement amendments and extensions; and, directed the Auditor-Controller to decrease appropriations and estimated revenue in the District Attorney Special Operations budget by \$19,371, as detailed in the budget journal attached to the agenda item – DA 2023-0611
- 5.B.9** Accepted the Report of Donations Received by the County of Stanislaus for the first quarter of FY 2024 – Auditor-Controller 2023-0612
- 5.B.10** Approved Contract Change Order No. 2 to the Construction Contract with Ford Construction Company, Inc., in the amount of \$16,810, for increased vegetative cover for the Geer Road Landfill Drainage Repair Project; authorized the Director of DER to execute Change Order No. 2 with Ford Construction Company, Inc. in the amount of \$16,810, for a not-to-exceed total contract amount of \$377,500, and to sign necessary documents; and, authorized the Director of DER to take any appropriate action necessary to carry out the purpose and intent of these recommendations – DER 2023-0613

- 5.B.11** Accepted an update from Stanislaus Equity Partners, Inc. on services provided to disproportionately impacted communities in Stanislaus County – CEO 2023-0614
- 5.B.12** Approved the Fourth Amendment to the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services, the Fourth Amendment will change the term of the agreement; and, authorized the CEO to execute the Fourth Amendment to the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services and sign on behalf of the County – CEO J-2-6, C-6-R-5 2023-0615
- 5.B.13** Accepted the Stanislaus County Public Facilities Fees Annual Financial Report for FY ended 06/30/2023 – Auditor-Controller M-64-N-7 2023-0616
- 5.B.14** Accepted the CEO's 2024 First Quarter Financial Report; authorized the CEO and Auditor-Controller to make the necessary adjustments as recommended in the 2024 First Quarter Financial Report; amended the Salary and Position Allocation Resolution to reflect the recommendations included as part of the 2024 First Quarter Financial Report, as outlined in the Staffing Impacts section and detailed in Attachment 2 of the agenda item, to be effective the start of the first full pay period beginning on or after 12/02/2023, unless otherwise noted; and, approved contracts and/or agreements listed on Attachment 3, of the agenda item, in cumulative amounts of \$200,000 or greater since 07/01/2021, and authorized the GSA Director/Purchasing Agent or previously authorized Department Head to sign – CEO 2023-0617
- 5.B.15** Authorized the use of \$6,680 in Appropriations for Contingencies; and, directed the Auditor-Controller to increase appropriations by \$6,680 in the County Operations – Airport legal budget unit, funded by Appropriations for Contingencies, as detailed in the budget journal, attached to the agenda item – CEO C-6-R-6 2023-0618
- 5.B.16** Approved the use of up to \$17,500 of Community Development Funds to assist the Oakdale Rural Fire Protection District with election-related expenses – CEO DF-8-C-15 2023-0619
- 5.B.17** Approved proceeding with the replacement of the Heating Ventilation and Air Conditioning (HVAC) Unit No. 6 at the Gallo Center for the Arts utilizing the County's Job Order Contract with Champion Industrial Contractors, Inc.; authorized the GSA Director/Purchasing Agent, to issue a Job Order Contract in the amount of \$711,823 to Champion Industrial Contractors, Inc. to complete the needed in-kind replacement; and, authorized the GSA Director/Purchasing Agent, or designee, to negotiate and execute change orders for the replacement, so long as funds are available within the budget, and are consistent with Public Contract Code Section 21152 – GSA 2023-0620
- 5.C.1** Authorized the Road Commissioner to utilize a sole source exemption for the purchase of road construction materials where there is no competitive advantage to bidding out such materials; approved the purchase of road construction materials from the ten quarries/plants closest to the jobsite location where construction is occurring; and, authorized the Purchasing Agent to approve any Purchase Order for road construction materials, including aggregates, both hot and cold mix asphalt concrete, tack oil, and both structural and low-strength concrete, cumulative expenditure from any given quarry/plant and all quarries/plants combined not to exceed the approved budgetary expenditures of \$1,800,000 in Roads and Bridges Legal Budget Unit, Maintenance Cost Center for materials and \$5,500,000 in Roads and Bridges Project Cost Center for projects during FY 2024 – PW 2023-0621
- 5.C.2** Approved the Cost Sharing Agreement between the City of Riverbank and County of Stanislaus for the Claribel Road Overlay Project; and, authorized the CEO to execute and sign the Cost Sharing Agreement between the City of Riverbank and the County of Stanislaus for the Claribel Road Overlay Project – PW C-1-C-8 2023-0622

- 5.C.4** Approved the agreement for acquisition of property located at 4825 – 4832 Roselle Avenue, Modesto, CA, for the North County Corridor (NCC) Project, Grantor: Covenant Grove Church, APN: 083-002-025; 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 2023-0624
- 5.C.5** Accepted an update on Stanislaus County's \$55.8 million investment of American Rescue Plan Act funding to community infrastructure in county island communities – PW 2023-0625
- 5.C.6** Approved the acceptance of road reservation for public right-of-way of vacant property located along Plainview Road, Modesto, CA, for the North County Corridor (NCC) Project, Owner: Efram and Monet Florendo, APN: 083-002-030; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of this recommendation – PW 2023-0626
- 5.C.7** Approved an emergency update in accordance with Public Contract Code Section 22050 for emergency temporary repairs to Crabtree Road Bridge over Dry Creek; and, affirmed the emergency declaration remains necessary and authorized staff to proceed with needed repairs to the Crabtree Road Bridge over Dry Creek – PW 2023-0627
- 5.D.1** Set a public hearing on 12/12/2023 at the 9:00 a.m. meeting, to consider the approval of the Planning Commission's recommendation of Stanislaus County Williamson Act Uniform Rules Update and Ordinance Amendment Application Number PLN2023-0121 - Lot Line Adjustment and Agricultural Preserve Update (County Initiated); and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-58-G-1 2023-0628

Recessed at 9:42 a.m.

Reconvened at 9:52 a.m.

Withrow/B. Condit unan. **5.B.4** Accepted a Quarterly Update on Stanislaus County's \$5,208,250 investment in American Rescue Plan Act (ARPA) funding for the Provision of Navigation and Case Management Services in the amount of \$5 million and the support for Farmworker Resource Centers in the amount of \$208,250 for the period of 07/01/2023, through 09/30/2023 – CSA 2023-0607

B. Condit/Chiesa (4-0)(C. Condit recused) **5.C.3** Adopted the Supplemental Initial Study and Mitigated Negative Declaration, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15074(B), by finding that on the basis of 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 Mitigated Negative Declaration reflects Stanislaus County's independent judgement and analysis; and, directed the Department of Public Works to file a Notice of Determination with the Stanislaus County Clerk Recorder's office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075 – PW 2023-0623

Chiesa/B. Condit (4-0)(C. Condit recused) **5.D.2** Set a public hearing on 12/19/2023 at the 6:30 p.m. meeting, to consider the approval of the Planning Commission's recommendation of approval of the cancellation of the Development Agreement for Natural Remedies Consulting Inc, a commercial cannabis retail, distribution, manufacturing, and indoor cultivation operation, located at 5272 Jerusalem Court, north of Kiernan Avenue, in the Modesto Area, APN: 004-065-019; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-56-R-2 2023-0629

Grewal/Withrow unan. **7.1** Approved an agreement with Telecare Corporation for the provision of 24/7 Mobile Crisis Services in the amount of \$4,459,278 for the term of 11/29/2023 through 12/31/2024; authorized the BHRS Director, or designee, to sign and execute the agreement for the provision of 24/7 Mobile Crisis Services for the term of 11/29/2023 through 12/31/2024; and, authorized the BHRS Director, or designee, to sign amendments for additional services and payments for services, consistent with County Purchasing Policy, up to \$200,000, per fiscal year, budget permitting, throughout the term of the agreement – BHRS 2023-0631

Corr 1 Referred to the Department of Workforce Development, a Worker Adjustment and Retraining Notification (WARN) letter from Ruan Transport Corporation regarding the layoff of employees at its facility located at 830 W. Glenwood St. in Turlock, CA.

Corr 2 Referred to County Counsel and the Auditor-Controller, Claims for Refund of Property Taxes filed on behalf of Zayo Group LLC, regarding assessments for fiscal year 2019-2020.

Corr 3 Referred to the Fish and Wildlife Committee, a notice from the California Fish and Game Commission regarding proposed changes in regulations related to Exotic Game Mammals and Wild Pig Validations.

Corr 4 Acknowledge receipt of letter from the Knights Ferry Community Services District regarding the resignation of Gary Briery from their Board of Directors.

Corr 5 Referred to the CEO, Department of Planning and Community Development, and the Department of Parks and Recreation, a notice from the California Natural Resources Agency regarding the timelines and requirements for the replacement of all geographic features and place names containing the word “squaw”.

Corr 6 Acknowledged receipt of claims and referred to the Office of County Counsel the following claims: Stacy McGuire; Salvin Singh; Jamil Stubbs; Sheila Allen; Steven Burch; Diana Dyer (amended); James Hall, Jr. (amended); Willert Roderick Waller, Jr. (amended); J.T., a minor; Alicia Bravoperez; Deborah L. Middleton; and, Justin Ramsdell (amended).

Supervisor Chiesa reported tonight is the Care Court Town Hall Meeting from 5:30 p.m. - 6:30 p.m. at the Turlock Unified School District Family Resource Center, 1574 E. Canal Dr. Turlock, CA. He also announced the Turlock Town Hall and Truth Act Forum is scheduled for, Friday, 12/08/2023, from 5:30 p.m. - 6:30 p.m. at Calvary Chapel Turlock, 147 S. Broadway, Turlock, CA.

Supervisor Grewal reported that he, along with Supervisor B. Condit, Supervisor Chiesa, Chairman C. Condit, CEO Hayes, CEO staff, and Dave Leamon, Director of Public Works, attended the California State Association of Counties (CSAC) annual conference in Oakland, CA last week.

CEO Hayes reported that a joint letter was sent last week to the Governor on behalf of the City of Modesto and Stanislaus County to request the State of California expedite the release of the guidance on accessing the second disbursement of the Housing and Homeless Assistance Program (HHAP) Round 4 funding. He also acknowledged the tax filing deadline has passed with no additional extensions for filing.

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 11:03 a.m.

12. Conferenced with Legal Counsel – Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). One case: Emmanuel Wyatt, et al v. County of Stanislaus, et al., US District Court Eastern District Case No. 1:21-cv-00455-NONE-SAB. No reportable action taken.

Supervisor Grewal left at 11:31 a.m.

Adjourned at 12:19 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.)