

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

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

Tuesday

April 16, 2024

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. Conference with Legal Counsel – Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). Three cases: Estate of Alejandro Sanchez, et al., v. County of Stanislaus, et al. US District Court Eastern District, 1:18-cv-00977-DAD-BAM, Louise Galvan v. County of Stanislaus et al. US District Court Eastern District, Case No. 1:21-CV-01641-DAD-BAM, and Tiffany Macias, et al. v. Stanislaus County, et al., Stanislaus County Superior Court Case No. CV-23-000626. No reportable action was taken.

Reconvened at 6:33 p.m. for Regular Session

Invocation was given by Steven Morrow.

Chairman Grewal acknowledged receipt of written public comments. He noted that all public comments submitted via email were distributed to the members of the Board of Supervisors.

Nancy Robinson, President of the Modesto Garden Club, announced the Spring Garden Club Tour will be held on 04/20/2024 from 10:00 a.m. – 4:00 p.m., and it is the centennial year for the Modesto Garden Club. She shared that the Modesto Garden Club will be replanting and repairing the Aileen Gallo Memorial Flower Clock adjacent to the Modesto Centre Plaza. She also invited everyone to the new Centennial Garden Dedication on Thursday, 05/16/2024 at 10:00 a.m. located on Orangeburg Ave., next to Roosevelt Neighborhood Park.

Demecio and Maria Moreno requested items 5.B.1 and 5.B.2 be translated to Spanish so that they can be shared with the community of Crows Landing.

Susan Mendieta-Beasley, Executive Director of the Parent Resource Center, shared upcoming activities at the Parent Resource Center on 5th Street and the Airport Neighborhood locations. She shared the center will hold a Building Resiliency Workshop for Parents on Wednesday, 04/17/2024 at 6 p.m. and a Child Remembrance Day on Friday, 04/26/2024 at 10 a.m. She also invited everyone to join the Spring Into Wellness 2024 event on Saturday, 05/11/2024 from 9:00 a.m. – noon.

Withdraw/B. Condit unan. Adopted the consent calendar after removing from consent items **5.A.1** Approval of the Minutes for 03/26/2024; **5.A.2** Acceptance of the Resignation of Ignacio Chavez from the Stanislaus County Local Task Force on Solid Waste Management; **5.A.3** Approval to Reappoint Wayne Zipser and David L. White to the Crows Landing Industrial Business Park Enhanced Infrastructure Financing District Public Financing Authority; **5.B.1** Approval of the First Amendment to the Agreement for American

Rescue Plan Act Services with Stanislaus Business Alliance, Doing Business As Opportunity Stanislaus, for the Bioindustrial Manufacturing Strategy and Related Actions – CEO; **5.B.2** Approval of the Eighth Amendment to the Professional Services Agreement with Mead and Hunt, Inc., for Aviation Consulting Services for the Crows Landing Industrial Business Park Project – CEO; **5.B.7** Acceptance of an Update on the County's Obligation to Provide Translation and Bilingual Services – CEO; and, **5.D.2** Approval to Set a Public Hearing 04/30/2024, at the 9:00 A.M. Meeting, to Consider Approval of the Fiscal Year 2024-2025 Annual Action Plan for the U.S. Department of Housing and Urban Development Entitlement Programs – Planning

- 5.B.3** Accepted the February 2024 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 2024-0151
- 5.B.4** Set a public hearing on 06/25/2024, at the 9:00 a.m. meeting, to consider the adoption of the Revised 2022 Modesto Subbasin Groundwater Sustainability Plan – DER GSA-I-5 2024-0152
- 5.B.5** Set a public hearing on 04/30/2024, at the 9:00 a.m. meeting, to introduce and waive the first reading of an Ordinance C.S. 1375 to amend existing fees collected by the Treasurer-Tax Collector Department; and, authorized the Clerk to publish notice as required by law – T/TC ORD-58-M-2 2024-0153
- 5.B.6** Accepted an update on Building Community Services Investment (BCSI) projects; approved an increase of \$821,000 to the GSA’s Sheriff’s Ray Simon Regional Criminal Justice Training Center (Ray Simon Training Center) Heating, Ventilation, and Air Conditioning Capital Project allocation, funded by existing BCSI appropriations; approved an increase of \$420,800 to the GSA’s Sheriff’s Support Services Boiler Replacement Capital Project allocation funded by existing BCSI appropriations; approved an increase to the not-to-exceed amount with Champion Industrial Contractors’ Job Order Contract from \$4 million to \$4.5 million for year three of the GSA’s Job Order Contracting Program; and, authorized the GSA Director/Purchasing Agent, or designee, to execute an amendment to the contract with Champion Industrial Contractors, Inc. – GSA 2024-0154
- 5.B.8** Appointed Erik Klevmyr as the Interim Stanislaus County Fire Warden, Assistant Director of the Office of Emergency Services – CEO 2024-0156
- 5.C.1** Approved the Agreement for Acquisition of property located at 3800 Claribel Road, Modesto, California, for the North County Corridor (NCC) Project, Grantor: BMT Enterprises, LLC, APN: 084-001-013; 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 2024-0157
- 5.C.2** Approved an agreement with RES-RLH West Coast, LLC in the amount of \$1,569,750, for environmental mitigation on the North County Corridor Phase 1 Project; authorized the Chairman to sign the agreement with RES-RLH West Coast, LLC for environmental mitigation on the North County Corridor Phase 1 Project; and, authorized payment of \$1,569,750 to RES-RLH West Coast LLC for environmental mitigation measures for the North County Corridor Phase 1 Project – PW 2024-0158
- 5.C.3** Approved the amended and restated Memorandum of Agreement (MOA) for the Preliminary Engineering including Final Design Phase of the 7th Street Bridge Project with the City of Modesto; authorized the CEO to execute the amended and restated MOA with the City of Modesto; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2024-0159

5.D.1 Rescinded a Portion of Williamson Act Contract No. 1976-2136, located at 6939 Shoemake Avenue, between Fisher and North Hart Roads, in the Modesto Area, APN: 012-028-060; 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 No. PLN2021-0038, covering APN’s: 012-028-059 and -060; and, authorized the Director of Planning to execute a new contract, pursuant to Lot Line Adjustment Application No. PLN2021-0038 - Fultz - Shoemake Ave., covering APNs 012-028-059 and -060 – Planning 2024-0160

Withdraw/Chiesa unan. **5.A.1** Approved the minutes of 03/26/2024

Withdraw/Chiesa unan. **5.A.2** Accepted the resignation of Ignacio Chavez from the Stanislaus County Local Task Force on Solid Waste Management 2024-0147

Withdraw/Chiesa unan. **5.A.3** Reappointed Wayne Zipser and David L. White to the Crows Landing Industrial Business Park Enhanced Infrastructure Financing District Public Financing Authority 2024-0148

Withdraw/Chiesa unan. **5.B.1** Approved Amendment No. 1 to the agreement with Stanislaus Business Alliance, dba Opportunity Stanislaus, to support the formation and operations of BioEconomy, Agriculture, & Manufacturing (BEAM) Circular, extending the term of the original agreement to 06/30/2024 and increasing the budget by \$110,000, with a new not-to-exceed amount of \$760,000; authorized the CEO to execute Amendment No. 1 to the Agreement with Stanislaus Business Alliance, dba Opportunity Stanislaus, to support the formation and operations of BioEconomy, Agriculture, & Manufacturing (BEAM) Circular; and, directed the Auditor-Controller to increase appropriations and estimated revenue by \$110,000 in County Operations – ARPA State and Local Fiscal Recovery Fund, as detailed in the budget journal, attached to the agenda item – CEO 2024-0149

Withdraw/Chiesa unan. **5.B.2** Approved Amendment No. 8 to the Professional Services Agreement with Mead and Hunt Inc., in the amount of \$60,000, with a new not-to-exceed amount of \$320,000, for the Crows Landing Industrial Business Park project; and, authorized the Purchasing Agent to sign the amendment – CEO 2024-0150

Chiesa/Withdraw (4-1)(C. Condit opposed) **5.B.7** Accepted an update on the County’s Obligation to Provide Translation and Bilingual Services – CEO 2024-0155

Withdraw/Chiesa unan. **5.D.2** Set a public hearing on 04/30/2024, at the 9:00 a.m. meeting, to consider the approval of the FY 2024-2025 Annual Action Plan for the Stanislaus Urban County and the Stanislaus HOME Consortium for submittal to the U.S. Department of Housing and Urban Development – Planning 2024-0161

Withdraw/B. Condit unan. **6.1** Conducted a public hearing pursuant to Section 1442.5 of the Health and Safety Code to consider: (a) the elimination of the direct provision of clinical services and operational support of physician residency training by the County Health Services Agency (HSA) at the Paradise Medical Office on, about or before 06/30/2024; (b) the elimination of the direct provision of Obstetrician provided obstetrical and gynecological services by the County HSA at the McHenry Medical Office on, about or before 06/30/2024; and, (c) the elimination of the direct provision of clinical services by the County HSA at the Specialty and Physical Rehabilitation clinics on, about or before 06/30/2024, including Orthopedics, Sports Medicine, Neurosurgery, General Surgery, Diabetic Management, Physical Therapy, Occupational Therapy and Wound Care services; and, authorized the HSA Managing Director or her designee to fulfill the operational activities associated with the implementation of the above recommendations – HSA 2024-0162

Recessed at 9:41 p.m.

Reconvened at 9:53 p.m.

Chiesa/C. Condit unan. **6.2** Conducted a public hearing to consider the Planning Commission’s recommendation of approval of General Plan Amendment and Rezone Application No. PLN2023-0031 - Secured Space Self Storage, a request to amend the Community Plan designation from Medium-Density Residential to Commercial and the Zoning Designation from General Agriculture (A-2-10) to Planned Development (P-D) to allow for the operation of an existing mini-storage facility on a 4.67± acre parcel, located on 5024, 5028, and 5030 Rohde Road, between Esmar and Faith Home Roads, in the Keyes area; adopted the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Amended Initial Study, Amended Mitigation Monitoring and Reporting Program, 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; finds that the Amended Mitigation Monitoring and Reporting Program is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment; 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 General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses; (b) the County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service; (c) the amendment is consistent with the General Plan goals and policies; finds that the proposed Planned Development zoning and Community Plan designation of Commercial is consistent with the Planned Development General Plan designation; approved General Plan Amendment and Rezone Application No. PLN2023-0031 – Secured Space Self Storage, subject to the Development Standards and Development Schedule as attached to the 02/15/2024 Planning Commission Staff Report, the amendment to Development Standard No. 53 as outlined in the Board Report, and as **amended** by the Board of Supervisors to add Development Standard No. 54 to read as follows “Applicant shall pay all applicable property taxes that would have been due since the establishment of the mini-storage facility as required by law”; and, introduced, waived the reading, and adopted Ordinance C.S. 1373 for the approved Rezone Application No. PLN2023-0031 – Secured Space Self Storage – Planning ORD-58-L-2 2024-0163 & 2024-0164

Chiesa/C. Condit (4-1)(Withrow opposed) **6.3** Conducted a public hearing to consider the Planning Commission's recommendation of approval of Development Agreement Application Number PLN2023-0160 – Medallion Wellness, a request to adopt a new Development Agreement for Use Permit PLN2018-0111, a previously permitted commercial cannabis operation, 4213 McHenry Avenue, on the northwest corner of the McHenry and Pelandale Avenue intersection, in the Modesto area, APN: 046-008-013; finds the project is exempt from the 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; ordered the filing of a Notice of Exemption with the Stanislaus County Clerk-Recorder's Office pursuant to CEQA Guidelines Section 15061; finds that the Development Agreement: (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; recommended the Board approve Development Agreement Application No. PLN2023-0160 – Medallion Wellness; authorized the Chair to execute the attached Development Agreement; authorized the Clerk to record the executed Development Agreement with the County's Clerk Recorders Office within 30 days of approval; introduced, waived the reading, and adopted a new Ordinance C.S. 1372 rescinding Ordinance C.S. 1232; and, ordered the filing of a Notice of Termination for the adopted Development Agreement for UP No. PLN2018-0111 – Medallion Wellness, with the Stanislaus County Clerk Recorder's Office – Planning
ORD-58-L-1 2024-0165 & 2024-0166

Withrow/C. Condit unan. **6.4** Conducted a public hearing to consider the Planning Commission's recommendation of approval to cancel the adopted Development Agreement for Bynate, a commercial cannabis retail business, located at 21931 State Highway 33, between Fink Road and Ike Crow Road, in the Crows Landing area; finds that Bynate is in material breach of the terms of the Development Agreement (DA) for Use Permit (UP) No. PLN2018 - 0149 – Bynate; finds that the cancellation of the adopted DA for UP No. PLN2018-0149 – Bynate is in conformance with Government Code Section 65865.1 and Stanislaus County Code Section 22.08.020; approved the cancellation of the adopted DA for UP No. PLN2018-0149 – Bynate, ordering closure of all components of the operation within 30 days of the repeal of Ordinance No. C.S. 1250, subject to inspection by the County; introduced, waived the reading, and adopted Ordinance C.S. 1374 to rescind Ordinance No. C.S. 1250; and, ordered the filing of a notice of DA cancellation for the adopted DA for UP No. PLN2018-0149 - Bynate with the Stanislaus County Clerk-Recorder's Office – Planning
ORD-58-M-1 2024-0167 & 2024-0168

C. Condit/B. Condit unan. **7.1** Introduced and waived the first reading of Ordinance C.S. 1376 adding Chapter 9.96 to Title 9 of the Stanislaus County Code that will authorize the County of Stanislaus to join the San Joaquin County Health Commission – CEO
ORD-58-N-1 2024-0169

Withrow/C. Condit unan. **7.2** Declared an emergency in accordance with California Public Contract Code Section 22050 for emergency repairs to the Crows Landing Community Services District Well No. 4; approved staff's recommendation to act in accordance with California Public Contract Code Sections 20134 and 22050 to make the immediate repairs to the Crows Landing Community Services District Well No.4; made the following findings: (a) the repairs are necessary 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 well 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 well, without giving notice for bids, so long as they are within the Department's approved budget; 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); and, directed the Auditor-Controller to increase estimated revenue and appropriations by \$1.3 million in the County Operations – Crows Landing Industrial Business Park Page 2 of 3 Project budget unit and the American Rescue Plan Act of 2021 (ARPA) budget unit, pursuant the budget journal, attached to the agenda item – PW 2024-0170

Corr 1 Referred to the Fish and Wildlife Committee, a letter from the California Fish and Game Commission regarding proposed regulations relating to mammal hunting regulations.

Corr 2 Referred to the Department of Workforce Development, a Worker Adjustment and Retraining Notification (WARN) letter from Volta Charging Industries, LLC, regarding the layoff of employees throughout California.

Corr 3 Referred to the County Counsel and the Auditor-Controller, a Claim for Refund of Property Taxes filed on behalf of Pacific Gas and Electric Company regarding assessments for FY 2019-2020.

Corr 4 Referred to the Department of Environmental Resources and the Fish and Wildlife Committee, a letter from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, requesting that the County develop and implement a discretionary well permitting process that adequately consider and minimizes potential impacts to ESA-listed species and their habitat.

Corr 5 Referred to the Department of Workforce Development, a Worker Adjustment and Retraining Notification letter from Nestle USA, regarding the temporary layoff of employees at their 736 Garner Road, Modesto location starting in July 2024.

Corr 6 Acknowledged receipt of claims and referred to the Office of County Counsel the following claims: Corasia Robinson; Asia R. Robinson; Alejandro Ramirez Hernandez; Mickey Ernest Davis; Jose Espindola; Debra and Timothy Reed; Norma Araceli Soltero Rabago (amended); Lexis N. Barton (duplicate); K.A. c/o Lexis Nicole Barton (duplicate); Zale H. Thomas, heir of Decedent Rosanna Anna Petrushkin (duplicate); Eric David Mills; David J. Vasquez; Cody Brown; G.G., a minor; Ronda Swenson M.A.; Salvador Perez; Marta C. Villafuerte; Nimesh Gandhi; and, Sam Saba.

Supervisor B. Condit thanked Supervisors Chiesa and Grewal for joining him at the Oakdale Rodeo Parade.

CEO Hayes announced in accordance with Government Code Section 54953(c)(3), that agenda item 5.B.8 approved the appointment of Erik Klevmyr to serve as the Interim Stanislaus County Fire Warden, Assistant Director of the Office of Emergency Services at a starting salary of \$145,932 annually, as set forth in the agenda item. He also shared Monica Coryea has been selected to serve as the Human Relations Director, at a starting salary of \$187,720 annually, plus Department head benefits.

Chairman Grewal announced the State of the County Address will be on Thursday, 04/25/2024, at 5:30 p.m., at the Stanislaus County Modesto Library, 1500 I Street, Modesto, CA.

Adjourned at 11:03 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.)