

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

May 14, 2024

A moment of silence was held for Beverly Finley, Former Director of the Stanislaus County Health Services Agency.

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

Kevin Panyanouvong, Associate Director of Behavioral Health and Recovery Services, gave a presentation on Behavioral Health Awareness Month.

Chiesa/B. Condit unan. Adopted the consent calendar after removing from consent item **6.B.3** Approval to Amend a Lease Purchase Agreement for the Former Animal Services Facility, Located at 2846 Finch Road in Modesto, With Barks and Wags LLC, Retroactive to 01/01/2024 Through 11/23/2025 – GSA

6.A.1 Approved the minutes of 04/30/2024

6.A.2 Appointed Joseph Jackson to the Stanislaus County Parks and Recreation Commission

2024-0209

6.A.3 Accepted the resignation of Ardria Weston from the Workforce Development Board

2024-0210

6.A.4 Accepted the resignation of Don Moyer from the Stanislaus County Parks and Recreation Commission

2024-0211

6.A.5 Approved the request to consolidate the Newman-Crows Landing Unified School District's two bond measures with the Presidential General Election to be held on 11/05/2024

2024-0212

6.A.6 Approved the request to consolidate the Stanislaus Union School District's bond measure with the Presidential General Election to be held on 11/05/2024

2024-0213

6.A.7 Approved the request to consolidate the Salida Union School District's bond measure with the Presidential General Election to be held on 11/05/2024

2024-0214

6.B.1 Retroactively approved Change Order Nos. 2, 3 and 4 to the Construction Contract with ABC Liovin, Inc., in the amount of \$61,246, for the Geer Road Landfill Piezometer Installation and Well Abandonment Project; authorized the Director of DER to execute Change Order Nos. 2, 3, and 4 with ABC Liovin, Inc., in the amount of \$61,246, resulting in a new not-to-exceed amount of \$253,368, 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

2024-0215

6.B.2 Approved the award of a construction contract to ABC Liovin Drilling, Inc., of Signal Hill, CA, for the Fink Road Landfill's Monitoring Well Abandonment and New Monitoring Well Installation Project, in the amount of \$298,632; authorized the Director of DER to execute the construction contract with ABC Liovin Drilling, Inc., of Signal Hill, CA, for the Fink Road Landfill's Monitoring Well Abandonment and New Monitoring Well Installation Project, and to sign any necessary documents; authorized the Director of DER to execute change orders up to \$39,932, representing \$25,000 plus 5% of the original

- contract price, in accordance with Public Contract Code Section 20142; and, upon project completion, authorized the Director of DER to accept the completed improvements and perform all necessary closeout activities for the project – DER 2024-0216
- 6.B.4** Approved the 2023-2028 Comprehensive Economic Development Strategy as submitted by the Stanislaus County Economic Development Action Committee as part of the U.S. Economic Development Administration requirement for application for Federal EDA grant funding – CEO 2024-0218
- 6.B.5** Approved a resolution declaring 0.92 acres of County-owned property at 18 South Abbie Street in Empire as Surplus Land pursuant to the California Surplus Lands Act, APN: 133-017-006; and, directed the CEO, or designee, to issue the Notice of Availability for the surplus property that is compliant with the Surplus Land Act, proceed with the Surplus Land Act process, and return to the Board for further direction – GSA 2024-0219
- 6.B.6** Approved the professional services agreement with Leaders in Community Alternatives, LLC., to support a less restrictive program for Secure Youth Treatment Facility youth being released from the Probation Department’s Juvenile Institutions in the amount of \$859,890 for the term of 07/01/2024, through 06/30/2026; authorized the Purchasing Agent, or designee, to sign and execute the agreement with Leaders in Community Alternatives, LLC., in the amount of \$859,890 for the term of 07/01/2024, through 06/30/2026, to support a less restrictive program for Secure Youth Treatment Facility youth being released from the Probation Department’s Juvenile Institutions; and, authorized the Purchasing Agent, or designee, to sign amendments for additional services and payments, budget permitting, throughout the term of the agreement – Probation 2024-0220
- 6.B.7** Adopted the Property Tax Administration Cost Recovery Plan for use in FY 2023-2024; approved the calculation of the Property Tax Administration Fee from FY 2022-2023 and the proportion of recoverable costs attributable to incorporated cities and other jurisdictions; and, authorized the collection of said costs pursuant to the provisions of the Revenue and Taxation Code Sections 95.3 and 97.75, and Stanislaus County Ordinance Code Section 4.44.010 – Auditor-Controller 2024-0221
- 6.B.8** Set a Public Hearing on 08/13/2024, at the 9:00 a.m. meeting to consider adoption of the Revised Single Delta-Mendota Groundwater Sustainability Plan – DER GSA-3-10 2024-0222
- 6.B.9** Accepted an update on the investment of American Rescue Plan Act Funds into Stanislaus 2030 Investment Blueprint Strategies – CEO 2024-0223
- 6.B.10** Approved the commendations for Stanislaus County Outstanding Senior Citizens of the Year – Aging and Veterans 2024-0224
- 6.B.11** Approved the Community Services Agency California Work Opportunity and Responsibility to Kids California Outcomes and Accountability Review (Cal-OAR) System Improvement Plan; and, authorized the Chairman to sign the Cal-OAR Report signature page – CSA 2024-0225
- 6.B.12** Approved the Megabyte Property Tax System Maintenance Agreement (MPTS) with Megabyte Systems, Inc. for \$369,172; authorized the GSA Director/Purchasing Agent or designee, upon the recommendation of the Assessor, Auditor-Controller, and Treasurer-Tax Collector to execute the agreement with Megabyte Property Tax System, Inc. for the MPTS; and, authorized the GSA Director/Purchasing Agent or designee, to sign amendments for additional services and payments, consistent with the Stanislaus County Purchasing and Salvage Policy, up to \$200,000, budget permitting throughout the term of the agreement – Assessor 2024-0226
- 6.B.13** Accepted the March 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 2024-0227

- 6.B.14** Accepted the CEO's Third Quarter Financial Report for FY 2024; authorized the CEO and the Auditor-Controller to make the necessary adjustments as recommended in the 2024 Third Quarter Financial Report; authorized the use of \$7,854,807 in appropriations for contingencies as recommended in the 2024 Third Quarter Financial Report; authorized the Auditor-Controller to make necessary fiscal year-end accounting entries to accurately report expenses and revenue in the appropriate FY and adjust appropriations as necessary as approved by the CEO; amended the Salary and Position Allocation Resolution to reflect the recommendations included as part of the 2024 Third Quarter Financial Report, as outlined in the Staffing Impacts section of the agenda item, and detailed in Attachment 2, to be effective the first full pay period on or after 05/18/2024, unless otherwise noted; set a public hearing for the consideration and adoption of the 2025 Proposed Budget for the 9:00 a.m. meeting on 06/04/2024; directed the Clerk to advertise the public hearing; and authorize the Clerk to make appropriate changes to the public notice if fee increases are proposed as part of the budget process – CEO 2024-0228
- 6.C.1** Approved Amendment No. 1 to the Professional Design Services Master Agreement with Interwest Consulting Group for On-Call Project Management, increasing the amount by \$2,970,000, for a new not-to-exceed total of \$5,970,000; authorized the Director of Public Works to execute Amendment No. 1 with Interwest Consulting Group, in the amount of \$2,970,000, and 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 2024-0229
- 6.C.2** Approved a Professional Construction Management Services Agreement with NV5, Inc., for Constructability Review Services for the North County Corridor Project; authorized the Director of Public Works to execute a Professional Construction Management Services Agreement with NV5, Inc., for Constructability Review Services for the North County Corridor Project with a not-to-exceed amount of \$437,381; approved the use of Public Facility Fee (PFF) Program - Regional Transportation Impact Fees for the North County Corridor Phase 1 Project in the amount of \$500,000 to cover a consultant fee of \$437,381 and \$62,619 for County construction management staff time; directed the Auditor-Controller to increase estimated revenue and appropriations by \$500,000 in the Public Works North County Corridor Phase 1 Project budget unit; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2024-0230
- 6.C.3** Approved the Agreement for Acquisition of Property located at the Former Riverbank Army Ammunition Plant, Riverbank, CA, for the North County Corridor Project, Grantor: United States of America, APN: 062-031-005; 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 2024-0231
- 6.C.4** Adopted a resolution certifying the mileage in Stanislaus County's maintained mileage road system to be 1,509.35 miles as of 12/31/2023 – PW 2024-0232
- 6.C.5** Proclaimed 05/19/2024 through 05/25/2024, as Stanislaus County Public Works Week, in conjunction with National Public Works Week – PW 2024-0233
- 6.C.6** Approved Amendment No. 2 to the Professional Design Services Agreement with Wood Rodgers, Inc., in the amount of \$1,351,284 for additional design support services for the Crows Landing Industrial Business Park Phase 1A Infrastructure Project, bringing the new not-to-exceed total to \$5,405,948; authorized the Director of Public Works to execute Amendment No. 2 to the Professional Design Services Agreement with Wood Rodgers, Inc., in the amount of \$1,351,284, for additional design support services for the Crows Landing Industrial Business Park Phase 1A Infrastructure Project, bringing the new not-to-

exceed total to \$5,405,948, 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 2024-0234

6.C.7 Approved an emergency update in accordance with California Public Contract Code Section 22050 for emergency repairs to Crows Landing Community Services District's Well No. 4 Replacement Project; and, affirmed the emergency declaration remains necessary and authorized staff to proceed with needed repairs to Crows Landing Community Services District's Well No. 4 Replacement – PW DCS-11-28 2024-0235

6.C.8 Approved the Second Amendment to the Legal Services Agreement with Nossaman, LLP., in the amount of \$950,000, for additional services for the North County Corridor Phase 1 Project and increasing the not-to-exceed amount to \$2,696,250; authorized the Director of Public Works to execute the Second Amendment with Nossaman, LLP, in the amount of \$950,000, 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 2024-0236

6.D.1 Finds that the condition and contingencies of the Tentative Certificate of Cancellation of a 2.47-acre portion of Williamson Act Contract No. 1971-64, located at 6290 and 6230 Stoddard Road and 3780 Ladd Road, between the Modesto Irrigation District Main Canal and the Stanislaus River in the community of Salida, have been satisfied; and, directed the Clerk to execute and record the Certificate of Cancellation within 30 days of passage – Planning 2024-0237

Withrow/C. Condit (4-0)(Chiesa recused) **6.B.3** Approved the Amendment to a Lease Purchase Agreement for the former Animal Services Facility located at 2846 Finch Road in Modesto, with Barks and Wags LLC., retroactively for the term of 01/01/2024 through 11/23/2025; and, authorized the GSA Director/Purchasing Agent, or designee, to execute the amendment retroactively to 01/01/2024 – GSA 2024-0217

Chiesa/C. Condit (4-1)(Withrow opposed) **7.1** Conducted a public hearing to consider the Planning Commission's recommendation of Development Agreement Application Number (No.) PLN2023-0161, Irish City Farms, a request to adopt a new Development Agreement for Use Permit No. PLN2018-0162 – Phenos Cooperative, Inc. (now doing business as Irish City Farms), a previously permitted commercial cannabis operation located at 304 Motor City Court, between Detroit Lane and McHenry Avenue, in the Modesto area, APN: 046-008-018; 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; 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; approved the Development Agreement for PLN2023-0161 – Irish City Farms; 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. 1377 rescinding Ordinance C.S. 1238; and, ordered the filing of a Notice

of Termination for the adopted Development Agreement for UP No. PLN2018-0162 – Phenos Cooperative Inc., with the Stanislaus County Clerk Recorder’s Office

– Planning

ORD-58-N-2 2024-0238 & 2024-0239

B. Condit/Withrow unan. **8.1** Pursuant to California Government Code Section 8630, ratified the proclamation of a local emergency in Stanislaus County due to the migration of the beet leafhopper in Stanislaus County; and, authorized the Sheriff-Coroner/Director of Emergency Services to take the necessary actions in accordance with Stanislaus County Code Section 2.52.110 to respond to the emergency – Sheriff - OES/Fire Warden 2024-0240

Corr 1 Referred to the Clerk-Recorder and Registrar of Voters, a letter from the Monterey Park Tract Community Services District regarding the resignation of Shirley Martinez from their Board of Directors.

Corr 2 Acknowledged receipt of a copy of the Crows Landing Industrial Business Park Enhanced Infrastructure Financing District Annual Report which will be considered at their 06/04/2024 meeting.

Corr 3 Referred to the Fish and Wildlife Committee, a letter from the California Fish and Game Commission regarding proposed regulations relating to mitigating risks for cervid importation and movement.

Corr 4 Referred to the Department of Planning and Community Development, a letter from the Hart-Ransom Union School District regarding the increase of their school facilities fees for residential and commercial/industrial development.

Corr 5 Referred to the Fish and Wildlife Committee, a letter from the U.S. Department of the Interior regarding their preparation of a Draft Environmental Assessment to evaluate the potential physical, environmental, cultural, and socioeconomic effects associated with the management of aquatic invasive plants in various wildlife management areas.

Corr 6 Acknowledged receipt of claims and referred to the Office of County Counsel the following claims: Ruben S. Juarez; Marta C. Villafuerte (amended); Hailey Funk, individually and on behalf of the estate of Craig Funk (2 claims); Bobbie Bowling; Daisy Bowling; K.B., a minor; M.M.R, M.C.H.P., K.M.H., M.M.H., and A.O.M.H., minors and through their GAL, Marissa Claribel Hernandez Perez; Brittany Cruse; Luis Chavolla; Oakdale Irrigation District; and, Tammy Burton.

Supervisor Chiesa reported that he will participate remotely at next week’s Board meeting since he will be in Washington D.C. for a StanCOG meeting.

Supervisor B. Condit reminded everyone to wear a life jacket on the waterways. He shared that most fire departments have a life jacket loaner program.

Supervisor Chiesa also shared that Modesto and Woodward Reservoirs have a life jacket loaner program.

Representative Gavin Cline from Congressman Duarte’s Office provided an update on the activities happening in the 13th Congressional District.

CEO Hayes provided an update regarding the Governor’s May Revised Budget that was released last week. County Departments will monitor the release of additional information and report back next week. The CEO noted that the State Budget shortfall estimates have grown and the Governor is proposing the elimination of 10,000 State Government positions. The County anticipates impacts to several County

departments including the Health Services Agency, Community Services Agency, Probation, Behavioral Health and Recovery Services Agency, Homeless Programming, Workforce Development, Transportation and Economic Development. The Governor did specifically share there will be a special announcement regarding the State's homelessness and mental health reforms. In addition, the Board sent a letter of support for infrastructure in our underserved communities to supplement the \$55.8 million this Board has allocated for infrastructure improvements for our American Rescue Plan Act (ARPA) funds, and a letter of support for the City of Patterson's Del Puerto Creek Recharge and Recovery Project Grant Proposal.

Representative Jacob Faulder, from Senator Marie Alvarado-Gil's office, provided an update on the activities happening in the 4th Senate District.

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 10:02 a.m.

13. Conferenced with Legal Counsel – Existing litigation: Pursuant to Government Code Section 54956.9 (d)(1). Two cases: Thomas Adams Jr., v. County of Stanislaus, et al. U.S. District Court Eastern District, Case No. 1:23-cv-00045- ADA-BAM; and County of Stanislaus v. Yehia Ahmed Qassem Shaibi as Trustee, et al., Stanislaus County Superior Court, Case No. CV-22-005039. No reportable action taken.

Adjourned at 11:54 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.)