

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

August 13, 2024

Invocation was given by Pastor Joe Duran with City Ministry Network.

Supervisor C. Condit recognized Juan Diego Gonzalez as the Recipient of the League of United Latin American Citizens Internship.

Sheriff Dirkse and Lieutenant Dimberg gave an update on the Stanislaus County Sheriff's Office Threat Assessment Center.

Steven Morrow spoke regarding an item on last week's agenda concerning Google Translation. He shared he tried out this interpretation system and it worked well; however, he noted it cannot download documents larger than 10 MB.

Carl Wood, CEO of Vocational Coaching and Development Institute, which is a day program for people with developmental and intellectual disabilities, spoke about the services they provide. He thanked the Board Members who toured the facility located at 1125 I Street, Modesto.

Miguel Donoso voiced concerns regarding the recommendation made last week regarding bilingual services. He shared concerns regarding a conflict of interest for CEO Hayes and County Counsel Boze.

Bryan Evitt shared concerns regarding the health and safety at the County jail. He also voiced concerns regarding claims submitted to the County.

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

C. Condit/B. Condit unan. Adopted the consent calendar after removing from consent item **5.B.2** Approval of an Agreement with Stanislaus Business Alliance, Doing Business as Opportunity Stanislaus, Regarding Countywide Economic and Business Development Strategies for FY 2025, Retroactive to 07/01/2024 – CEO

5.A.1 Approved the minutes of 07/30/2024

5.B.1 Approved a Change Order to an agreement with J H Ledbetter Construction Inc. for renovations to a restroom at the Stanislaus Recovery Center campus in the amount of \$8,300 for additional identified needs; and, authorized the BHRS Director to sign and execute the recommended Change Order – BHRS 2024-0424

5.B.3 Adopted a resolution authorizing the Director of Parks and Recreation, or designee, to apply for and, if awarded, accept and execute the agreement related to grant funds from the State of California, Department of Parks and Recreation Division of Boating and Waterways Quagga and Zebra Mussel Infestation Prevention Grant Program for Modesto and Woodward Reservoirs for the grant period from September 2024 to September 2026, in an amount not to exceed \$65,000 – Parks 2024-0426

- 5.B.4** Approved transferring County-owned property at 3300 Woodland Avenue in Modesto to the Woodland Avenue Fire Protection District; finds that the property, currently owned by the County, is required for the Fire District because the fire station is located on the property; finds that the recommended actions are exempt from the CEQA provisions according to Section 15312 and Class 12 of the applicable guidelines (sales of government property) and authorized the GSA/Director to file the Notice of Determination; approved a resolution declaring the property surplus and exempt from the State of California Surplus Land Act; and, authorized the execution of a Quitclaim Deed by the CEO and authorized the GSA Director/Purchasing Agent to take necessary actions to complete the transfer process and execute any other documents needed to complete the transfer of the property located at 3300 Woodland Avenue, Modesto, California (APN 081-031-021-000) – GSA
DF-14-A-30 2024-0427
- 5.B.5** Approved a resolution declaring 0.84 acres of County-owned property at 625 I Street in Modesto as Surplus Land according to the California Surplus Land Act, APN 104-016-003; finds that the adoption of the resolution declaring the property at 625 I Street as Surplus Land will not have a significant environmental impact and is exempt from the CEQA under Section 15061(b)(3) of Title 14 of the California Code of Regulations; 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 2024-0428
- 5.B.6** Approved Amendment No. 3 to the Master Agreement for Professional Design Services with Stearns, Conrad, and Schmidt Consulting Engineers dba SCS Engineers, Inc. in the amount of \$2,000,000 for Environmental Oversight Services at the Fink Road Landfill with a new total not-to-exceed amount of \$6,323,396; authorized the Director of DER to execute Amendment No. 3 to the Master Agreement with Stearns, Conrad, and Schmidt Consulting Engineers dba SCS Engineers, Inc. for Professional Design Services in the amount of \$2,000,000 and sign the necessary documents; authorized the Director of DER to sign amendments to the Master Agreement with Stearns, Conrad, and Schmidt Consulting Engineers dba SCS Engineers, Inc. for an overall not-to-exceed amount of \$6,423,396, which includes a contingency of \$100,000; and, authorized the Director of DER to sign individual Project Authorizations under the Master Agreement, providing that the cumulative total does not exceed an overall contracted amount of \$6,423,396, which includes a contingency of \$100,000 – DER 2024-0429
- 5.B.7** Proclaimed 08/31/2024, as Overdose Awareness Day in Stanislaus County – BHRs 2024-0430
- 5.C.1** Approved the Plans and Specifications for the Kiernan Court Pavement Rehabilitation Project; awarded a construction agreement to Dirt Dynasty, Inc., for the Kiernan Court Pavement Rehabilitation Project; authorized the Director of Public Works to execute a construction agreement with Dirt Dynasty, Inc., in the amount of \$558,864, and to sign necessary 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, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2024-0431
- 5.C.2** Adopted a Mitigated Negative Declaration, 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, 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; and, directed the Department of Public Works to file a Notice of Determination with the Stanislaus County Clerk-Recorder's

5.C.3 Approved the Plans and Specifications for the Urban Pavement Preservation - Phase G Project; awarded a construction agreement to VSS International, Inc., for the Urban Pavement Preservation – Phase G Project; authorized the Director of Public Works to execute a construction agreement with VSS International, Inc., in the amount of \$2,982,000, and to sign necessary 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, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW

2024-0433

5.C.4 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 2024-0434

5.D.1 Set a public hearing on 09/17/2024 at the 6:30 p.m. meeting, to consider the Planning Commission’s recommendation of denial for Rezone Application No. PLN2023-0065 - Caloy Company, LP, a request to rezone 14.64± acres from Planned Development (P-D) (312) and General Agriculture (A-2-40) to a new P-D to allow for the expansion of an existing nut oil and cattle feed processing facility, located at 5425 Montpelier Road, between E Keyes Road and E Monte Vista Avenue, in the Denair area, and adoption of a Negative Declaration; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning

ORD-58-Q-2 2024-0435

B. Condit/Chiesa unan. **5.B.2** Approved the agreement with Stanislaus Business Alliance, doing business as Opportunity Stanislaus, regarding Countywide Economic and Business Development Strategies for FY 2025, retroactive to 07/01/2024; and, authorized the CEO to sign the agreement with Opportunity Stanislaus in the amount of \$125,000 – CEO

2024-0425

Withrow/B. Condit (4-1)(C. Condit opposed) **6.1** Conducted a public hearing to consider approval and adoption of the revised Delta-Mendota Subbasin Groundwater Sustainability Plan; approved and adopted, via resolution, the revised Delta-Mendota Groundwater Sustainability Plan; and, authorized the San Luis and Delta-Mendota Water Authority, its consultants and the Plan Manager to take such other actions as may be reasonably necessary to submit the revised Delta-Mendota Groundwater Sustainability Plan to the California Department of Water Resources and the California Regional Water Quality Control Board and implement the purpose of this Resolution – DER

GSA-3-11 2024-0436

Chiesa/B. Condit (4-1)(Withrow opposed) **6.2** Conducted a public hearing to consider the Planning Commission’s recommendation of approval for Development Agreement Application Number PLN2024-0053, All Season Organics, LLC, a request to adopt a new Development Agreement for Use Permit No. PLN2018-0121, a permitted commercial cannabis operation located at 1054 Merriam Road, between Riverview and Blue Gum Roads, in the Hickman area, Assessor Parcel Number (APN) 019-008-030; 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 PLN2024-0053 – All Season Organics, LLC; authorized the Chair to execute the attached Development Agreement; authorized the Clerk to record the executed Development Agreement with the County's Clerk-Recorder's Office within 30 days of approval; introduced, waived the reading, and adopted a new ordinance C.S. 1386 rescinding Ordinance C.S. 1253; and, ordered the filing of a Notice of Termination for the adopted Development Agreement for UP No. PLN2018-0121 – All Season Organics, LLC with the Stanislaus County Clerk-Recorder's Office – Planning

ORD-58-S-1 4024-0437

Chiesa/C. Condit (4-1)(Withrow opposed) **6.3** Conducted a public hearing to consider the Planning Commission's recommendation of approval for Development Agreement Application No. PLN2024-0061, Golden Purpose Inc., a request to adopt a new Development Agreement for Use Permit (UP) No. PLN2018-0099 – Golden Purpose, Inc., a permitted commercial cannabis operation located at 4218 Jessup Road, between East Keyes Road and California Highway 99, in the Community of Keyes, Assessor Parcel Number (APN) 045-045-014; 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 a 14-day extension of the adopted Development Agreement for Use Permit No. PLN2018-0099 – Golden Purpose, Inc.; authorized the Chair to execute the extension agreement and to record the executed agreement; approved Development Agreement Application No. PLN2024-0061 – Golden Purpose, Inc.; authorized the Chair to execute the attached Development Agreement; authorized the Clerk to record the executed Development Agreement with the County's Clerk-Recorder's Office within 30 days of approval; introduced, waived the reading, and adopted a new ordinance C.S. 1381 rescinding Ordinance C.S. 1247; and, ordered the filing of a Notice of Termination for the adopted Development Agreement for UP No. PLN2018-0099 – Golden Purpose, Inc., with the Stanislaus County Clerk-Recorder's Office on or after 09/13/2024 – Planning

ORD-58-P-2 2024-0439

6.4 The Board opened the continued public hearing of 07/30/2024 to consider the Planning Commission's recommendation to adopt new terms and conditions to remedy noncompliance of the DA for UP and DA No. PLN2020-0036, The Peoples Remedy, a commercial cannabis retail business located at 1119 Lone Palm Avenue, between Woodland and Kansas Avenues, west of State Route 99, in the Modesto area – Planning

Recessed at 11:27 a.m.

Reconvened at 11:37 a.m.

C. Condit/B. Condit unan. **7.1** Approved an MOU with Stanislaus County Workforce Development for Entrepreneurship and Small Business Dynamism in the amount of \$2 million and for Talent Development in the amount of \$1.5 million, for the term of 08/13/2024, through 12/31/2026; approved an MOU with the Stanislaus County Children and Families Commission, also known as First 5 Stanislaus, for the Childcare Entrepreneurship Program addressing non-skill barriers to jobs and trainings, in the amount of \$1 million for the term of 08/13/2024, through 12/31/2026; approved an Agreement with Stanislaus Community Foundation to include project consultation and evaluation in the amount of \$565,500 for the term of 08/13/2024, through 12/31/2026; authorized the CEO, or designee, to sign and execute the referenced MOUs and amendment, including any amendments, in the corresponding amounts; and, directed the Auditor-Controller to increase estimated revenue and appropriations by \$5,065,500 in the County Operations – American Rescue Plan Act (ARPA) budget and by \$3.5 million in the Workforce Development Program Services budget, pursuant to the attached budget journal, after the approval of the FY 2025 Adopted Budget – CEO 2024-0442

Recessed at 3:28 p.m.

Reconvened at 3:37 p.m.

Withrow/B. Condit (4-1)(C. Condit opposed) **7.2** Obligated an additional \$8,740,000 of American Rescue Plan Act (ARPA), State and Local Fiscal Recovery Fund (SLRFR) program funds for BEAM Circular to implement projects and programs for advancement of the Stanislaus 2030 Investment Blueprint Bioindustrial Manufacturing Sector Development Strategy; approved Amendment No. 1 to the American Rescue Plan Act Services Agreement between County of Stanislaus and BEAM Circular and authorized the CEO or designee to sign the agreement, in a total not-to-exceed amount of \$9,240,000 for the period of 07/01/2024 through 12/31/2026; and, directed the Auditor-Controller to increase estimated revenue and appropriations by \$5 million in the County Operations - American Rescue Plan Act (ARPA) budget, pursuant to the attached budget journal, after the approval of the FY 2025 Adopted Budget – CEO 2024-0443

6.4 The Board proceeded with the continued public hearing to consider the Planning Commission's recommendation to adopt new terms and conditions to remedy noncompliance of the DA for UP and DA No. PLN2020-0036, The Peoples Remedy, a commercial cannabis retail business located at 1119 Lone Palm Avenue, between Woodland and Kansas Avenues, west of State Route 99, in the Modesto area

Supervisor Chiesa made a **motion** as follows: Adopt staff recommendations to cancel the DA immediately, however, the DA Cancellation will be held in abeyance if the following terms are performed: (1) the applicant pays the amount of \$20,000 to Stanislaus County by Friday, 08/16/2024 by 4:30 p.m. and if not performed as stated, the DA is immediately cancelled; (2) the applicant makes payments in the amount of \$30,000 on 09/16/2024 by 4:30 p.m. and 10/15/2024 by 4:30 p.m., and if not performed as stated, the DA is immediately cancelled; (3) the applicant pays the entire remaining amount accrued as of 10/31/2024 by 4:30 p.m., to be paid in full, and if not performed as stated, the DA is immediately cancelled;

Chairman Grewal amended Supervisor Chiesa's motion to add: and, (4) if the background check on the proposed new owner is not complete by 10/31/2024, in lieu of making a full payment on 10/31/2024 by 4:30 p.m., the applicant is to pay \$30,000 on that date and then every two weeks thereafter until the background check of the new owner is cleared and approval of the transfer of ownership is complete.

Following Chairman Grewal's amendment of Supervisor Chiesa's motion, the above motion was tabled.

Chiesa/Withrow unan. **Continued Public Hearing 6.4** to the 08/20/2024 Board meeting to consider the Planning Commission's recommendation to adopt new terms and conditions to remedy noncompliance of the DA for UP and DA No. PLN2020-0036, The Peoples Remedy, a commercial cannabis retail business located at 1119 Lone Palm Avenue, between Woodland and Kansas Avenues, west of State Route 99, in the Modesto area – Planning ORD-58-P-1 2024-0441

Corr 1 Referred to the Auditor-Controller's Office, a copy of the Turlock Mosquito Abatement District's Fiscal Year 2024-2025 Budget.

Corr 2 Referred to the Fish and Wildlife Committee, a letter from the California Fish and Game Commission regarding proposed regulations relating to the possession of wildlife and wildlife rehabilitation.

Corr 3 Acknowledged receipt of claims and referred to the Office of County Counsel the following claims: Christian Andrew Casucci; Saul Vazquez; Francisco Javier Duran Gutierrez; Nancy Gallegos Chavez; Claudia Reyes; Stephany Paula Gines Conrad; and, Javier Diaz Tejada.

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 4:03 p.m.

12.1 Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). Three cases: Robert Trey Cheyenne Fletcher, et al. v. County of Stanislaus, et al., Stanislaus County Superior Court Case No. CV-20-000418, Ryan Lima, Jr. et al. v. County of Stanislaus, et al., Stanislaus County Superior Court Case No. CV-20-00378; and, Beard, et al. v. County of Stanislaus, et al. U.S. District Court Eastern District, Case No. 1:21-cv-00841-JAM-CSK. No reportable action taken.

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

Adjourned at 5:27 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.)