

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

August 20, 2024

Convened at 5:31 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.

1.1 Conference with Labor Negotiator: Pursuant to Government Code Section 54957.6. Agency Negotiators: Jody Hayes, Ryan Leupp, and Joanna Navarro. Labor Organizations: California Nurses Association. No reportable action was taken.

1.2 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[1]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 was taken.

Reconvened at 6:34 p.m. for Regular Session

Invocation was given by Pastor Timothy Benefield with West Gate Baptist Church.

Kevin Panyanouvong, Associate Director, and Jennifer Marsh, Staff Services Coordinator, of Behavioral Health and Recovery Services, gave a presentation on Overdose Awareness Day in Stanislaus County.

Miguel Donoso shared concerns regarding the CEO and County Counsel's influence in regard to the Language Access agenda item on tonight's agenda.

John X. Mataka, Grayson Neighborhood Council, voiced concerns regarding a public records request he submitted to the Office of County Counsel and Department of Environmental Resources regarding Reworld (formerly Covanta).

Doug Highiet shared concerns regarding the recent pallet fire close to his business on South 7th Street, Modesto, CA. He asked the Board to examine the policies to make sure the public is safe.

Kent Higgins shared that he and a group of individuals in the audience tonight represent the State of New California, and that they will read three ordinances into the record. He began the reading of the ordinances.

Jan Higgins, Arne Conrad, and Alice Garcia continued the reading of the three ordinances into the record.

Martin Louro voiced concerns regarding our State. He shared the State of New California will be holding a Business Opportunity Event on 09/24/2024. He continued the reading of the three ordinances into the record.

Seth Trout continued the reading of the three ordinances into the record.

Ray Starkey, with the New State of California, shared he participated in a demo election and supports one day, paper ballot, in person voting. He shared concerns regarding machine voting systems.

Gloria O’Roark thanked the Board for what they are doing. She spoke regarding the State of New California and voiced concerns regarding California.

Mylanda Mason shared that the State of New California will be accepted into the Union of States soon. She shared there will be a meeting on 09/21/2024 from 9:00 a.m.-4:00 p.m. at The Secret Garden, 2401 E. Orangeburg Ave, Modesto regarding the organization of the State of New California. She spoke in support of one-day, paper ballot, in-person voting. She shared concerns regarding the current balloting process.

Bryan Evitt shared concerns regarding the effects of drugs on children and their families. He voiced concerns regarding the claims against the County process.

Debbie Martinez, “We "R" La Raza” representative, voiced concerns regarding fentanyl on the education system.

Karlha Arias, President of Latino Roundtable, shared concerns regarding Spanish speakers, immigrants and limited English proficient community members not understanding the language of the land. She voiced concerns regarding Google Translate and requested that the Board implement a policy that requires all critical documents be translated into Spanish and other significant languages of this County.

Jose Moreno asked the Board to support the implementation of the language access plan.

Withdraw/C. Condit unan. Adopted the consent calendar after removing from consent item **6.B.2** Approval of Appointment of Erik Klevmyr as the Stanislaus County Fire Warden, Director of the Office of Emergency Services Effective 08/22/2024; and, Related Actions – CEO

6.A.1 Approved the minutes of 08/13/2024

6.A.2 Appointed Curtis King to the Tuolumne River Regional Park Citizens Advisory Committee
2024-0444

6.A.3 Appointed Candace Fleming to the East Stanislaus Resource Conservation District Board of Directors
2024-0445

6.B.1 Authorized the Sheriff to accept Cannabis Tax Fund Grant Program funding in the amount of \$167,740 from the California Highway Patrol retroactively for the grant period of 07/01/2024, through 06/30/2025; authorized the Sheriff to sign the grant agreement, amendments, reimbursement claims, and other required documents for the Cannabis Tax Fund Grant Program; adopted a formal resolution as required by the State to receive the Cannabis Tax Fund Grant Program funding; and, directed the Auditor-Controller to increase estimated revenue and appropriations by \$167,740 in the Sheriff’s Operations budget, as detailed in the budget journal, attached to the agenda item – Sheriff
2024-0446

6.B.3 Approved the provisions contained within the Tentative Agreement reached between the County and the Stanislaus County Deputy Probation Officers Association representing the

Probation Officers Bargaining Unit for the Term of 07/01/2024 through 06/30/2028; amended the Salary and Position Allocation Resolution to reflect the changes included in the Tentative Agreement; authorized the CEO to execute a Letter of Agreement between the County, Stanislaus County Deputy Probation Officers Association and Stanislaus County Probation Corrections Officers Association regarding Probation Officers working limited overtime hours in Juvenile Hall and the Juvenile Commitment Facility; and, authorized the Chairman and all parties to sign the Final Agreement – CEO

2024-0448

6.C.1 Adopted a resolution declaring intention to form a Benefit Assessment District, levy and collect annual assessments for the maintenance of improvements, call an assessment ballot proceeding and approve the 2025/2026 Levy of Assessments within the Stanislaus County Benefit Assessment District No. 2024-5 (Urban Pocket Area 31: Kenwood/Starr); and, set a public hearing date of 10/15/2024, where all interested parties may be heard regarding these matters and ballots may be submitted – PW BAD-05-1 2024-0449

6.C.2 Adopted a resolution declaring the intention to form a Benefit Assessment District, levy and collect annual assessments for the maintenance of improvements, call an assessment ballot proceeding and approve the 2025/2026 Levy of Assessments within the Stanislaus County Benefit Assessment District No. 2024-1 (Urban Pocket Area 41: Topeka/Santa Fe); and, set a public hearing date of 10/15/2024, where all interested parties may be heard regarding these matters and ballots may be submitted – PW BAD-01-1 2024-0450

The CEO announced in accordance with Government Code Section 54953(c)(3), that agenda item **6.B.2** would approve the appointment of Erik Klevmyr to serve as the Stanislaus County Fire Warden, Director of the Office of Emergency Services at a starting salary of \$81.54 per hour, plus Department Head benefits as set forth in the agenda item.

Chiesa/B. Condit unan. **6.B.2** Reclassified the Fire Warden, Assistant Director of the Office of Emergency Services to Fire Warden, Director of the Office of Emergency Services; and, appointed Erik Klevmyr as the Stanislaus County Fire Warden, Director of the Office of Emergency Services effective 08/22/2024 – CEO 2024-0447

Withrow/B. Condit unan. **7.1** Conducted a public hearing to consider the Planning Commission's recommendation of approval for General Plan Amendment and Rezone Application No. PLN2020-0123 – 132 Investments, LLC, a request to amend the General Plan designation of a 15.66± acre parcel from Agriculture to Planned Development (P-D) and zoning designation from P-D (23) to a new P-D, to allow for the development of a fueling station, convenience market, and two shell suites for future retail uses, located at 15101 Maze Boulevard (State Route 132), between McCracken Road and the County border, in the Vernalis 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 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; 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; (d) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; finds that the proposed Planned Development zoning is consistent with the proposed

Planned Development General Plan designation; approved General Plan Amendment and Rezone Application No. PLN2020-0123 – 132 Investments, LLC, subject to the development standards and mitigation measures included in Exhibit C of the 06/20/2024 Planning Commission Staff Report; and, introduced, waived the reading, and adopted Ordinance C.S. 1387 for the approved Rezone Application No. PLN2020-0123 – 132 Investments, LLC – Planning
ORD-58-S-2 2024-0451

Chiesa/C. Condit unan. **7.2** Approved Staff Recommendation Nos. 1-5, Alternate No. 6, and No. 7 as follows: (1) conducted a public hearing to consider the Planning Commission’s recommendation of approval for General Plan Amendment and Rezone Application No. PLN2023-0124 - Aspiranet, a request to amend the General Plan and zoning designation of a 10.56± acre parcel from Agriculture and Planned Development (P-D) (305) to a new P-D, to allow for the reorganization and expansion of a residential care facility for boys ages 12-18, located at 2513 Youngstown Road, between South Golden State Boulevard and State Route 99, in the Turlock Area; (2) adopted the 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, that 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; (3) 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; (4) 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; (d) the alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards; (e) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; (5) finds that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation; (Alternate 6) approved General Plan Amendment and Rezone Application No. PLN2023-0124 – Aspiranet, subject to the Development Standards as amended by the Planning Commission; included as Exhibit C of the 07/18/2024 Planning Commission Staff Report; and, (7) introduced, waived the reading, and adopted Ordinance C.S. 1385 for the approved Rezone Application No. PLN2023-0124 – Aspiranet – Planning
ORD-58-R-2 2024-0453

Chiesa/Withrow unan. **7.3** Conducted a public hearing to consider the Planning Commission’s recommendation of approval for General Plan Amendment and Rezone Application No. PLN2023-0166 - Gallo Glass Company, a request to amend the General Plan designation of 24 parcels from Industrial Transition to Industrial and the zoning designation from Single-Family Residential (R-1) to Planned Development (P-D) to allow for the expansion of storage associated with the Gallo Glass facility, and future construction of a 150,000 square-foot warehouse, located north of Tenaya Drive, between Santa Rita and South Santa Cruz Avenues, in the Modesto Area; adopted the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Amended Initial Study and any comments received, that 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; 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; (d) the project will

increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; finds that the proposed Planned Development zoning is consistent with the Industrial General Plan designation; approved General Plan Amendment and Rezone Application No. PLN2023-0166 – Gallo Glass Company, subject to the development standards included in Exhibit C of the 08/01/2024 Planning Commission Staff Report; and, introduced, waived the reading, and adopted Ordinance C.S. 1384 for the approved Rezone Application No. PLN2023-0166 – Gallo Glass Company – Planning

ORD-58-R-1 2024-0455

7.4 The Board opened the continued public hearing of 8/13/2024 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

Supervisor Chiesa withdrew his tabled motion from the 8/13/2024 meeting

Grewal/Chiesa unan. **7.4** The Board approved the following motion: (1) Finds that The Peoples Remedy is in material breach of the terms of the Development Agreement (DA) for Use Permit (UP) No. PLN2020 - 0036, The Peoples Remedy; (2) Finds that the cancellation of the adopted DA for UP No. PLN2020-0036, The Peoples Remedy, is in conformance with Government Code Section 65865.1 and Stanislaus County Code section 22.08.020; (3) Notwithstanding the foregoing, that the Board will hold cancellation of the DA in abeyance if The Peoples Remedy strictly complies with and makes each of the payments set forth below, which if made as set forth will cure the non-compliance. All other terms and conditions, including but not limited to background checks, deadlines, and fees associated with changes in ownership, shall remain in place: (a) \$30,000.00 before 2:00 p.m. on 09/16/2024; (b) \$30,000.00 before 2:00 p.m. on 10/15/2024; and, (c) If by 10/31/2024, The Peoples Remedy otherwise complies with all requirements for a change in ownership, except that the change in ownership has not been approved by the county, in lieu of making a full payment on 10/31/2024 by 2:00 p.m., the applicant is to pay \$30,000 on that date and then every fourteen calendar days thereafter until the change in ownership is approved or denied. Fourteen calendar days following the date of the County’s approval of the requested change in ownership, the new owner shall pay all remaining amounts owed by The Peoples Remedy, which amounts shall include interest as set forth in the DA. The Peoples Remedy shall give the new owner notice of this payment requirement concurrent with the filing of a request for change in ownership; and, (4) If the CEO determines that any of the foregoing payments are not made in strict conformance with the payment terms set forth above, staff is directed to proceed with the cancellation of the DA for UP No. PLN2020-0036 – The Peoples Remedy, and within fourteen days of the CEO’s determination to place an item on the Board of Supervisor’s agenda to introduce, waive the reading, and adopt an ordinance to rescind ordinance No. C.S. 1281 and 1332 and ordering closure of all components of the operation within 30 days of the repeal of ordinance Nos. C.S. 1281 and 1332, subject to inspection by the County and ordering the filing of a notice of DA Cancellation for the adopted DA for UP No. PLN2020-0036 – The Peoples Remedy with the Stanislaus County Clerk-Recorder’s Office – Planning

ORD-58-P-1 2024-0457

Chiesa/Withrow unan. **8.1 Amended** the item to add Staff Recommendation No. 4 to read as follows: “Authorize the Chairman to appoint two members to the Ad Hoc Committee”; approved Staff Recommendations Nos. 1-4 as follows: (1) acknowledged receipt of the Notification of Retirement from County Auditor-Controller Kashmir Gill, notifying the Board of her retirement prior to the end of her term; (2) authorized the CEO to conduct a recruitment to fill the soon-to-be vacant Auditor-Controller position; (3) appointed an ad hoc committee of the Board of Supervisors to oversee and participate in the recruitment; and, (4) authorized the Chairman to appoint two members to the Ad Hoc Committee – CEO

2024-0458

C. Condit/B. Condit unan. **8.2** Accepted an Update on Implementation of Language Access Services
Using Technology Solutions – CEO 2024-0459

Corr 1 Acknowledged receipt of claims and referred to the Office of County Counsel the following claims: Leonardo Lopez Hernandez; Jose Gallegos; Sandra Elaine Mason; Auto Zone/Gabriela Gamboa; Ronald Schmidt; Lloyd MacKinnon; Marcos Buenrostro; Gabriel Murillo III; and, Jeffrey M. Grubbs.

Supervisor C. Condit requested an update regarding the formation of a District 5 Ad Hoc Infrastructure Update Committee.

Supervisor Chiesa thanked John Mason, Technology Specialist III, for his assistance at Board meetings. He requested that illegal truck parking be sent back to the General Plan Update Committee.

Supervisor Withrow noted that he, along with Supervisor B. Condit, attended a Hughson Historical Society event on 8/17/2024 where the Chiesa and Cunningham families were honored.

CEO Hayes noted that last week was the cutoff for bills received and put on hold at the State Legislature. Staff continues to monitor the status of bills at the State level. He recognized Carissa Lucas, Stanislaus County Public Relations, and Communications Director, for her efforts on tracking legislation.

Adjourned at 10:11 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.)