

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

Regular Session

Tuesday

March 12, 2024

All Supervisors Present

Pledge of Allegiance to the Flag

A moment of silence was held for former Stanislaus County Supervisor Dick Monteith.

Invocation was given by Jeff Pishney with Love Stanislaus County.

Kathimichelle Calzada from CSA received her 25-year Employee Service Award. Dwight Bristow from CSA received his 30-year Employee Service Award. Patricia De Boer from CSA received her 35-year Employee Service Award.

Tera Chumley, Director of Parks and Recreation, announced the 8th Annual Egg Hunt will be Saturday, 03/23/2024 from 10:30 a.m. – 1:00 p.m. at the Modesto Reservoir. She also shared there will be a Spartan Race on 03/30/2024-3/31/2024 at the Woodward Reservoir.

Vaughn Maurice, Director of Stanislaus Animal Services Agency, shared there have been a couple hoarding situations recently which caused the shelter to be at overcapacity. He reported the shelter will limit intake for the next week with the exception of bite dogs or dogs with medical needs. The shelter is offering a St. Patrick's Day promotion of \$7.77 for dog and cat adoptions through Sunday, 03/17/2024. He also announced the shelter is now open on Sundays from noon-4:00 p.m.

Frank Mireles, Sr. shared he was glad to see that the accessible door entering the building was fixed. He thanked Supervisor B. Condit for helping him resolve an issue he had with a neighbor. He voiced concerns regarding an advertisement he saw regarding almond orchards and suggested there be information regarding pesticides. He also shared concerns regarding how farmers store chemicals and shared they should have Material Safety Data (MSD) sheets on their property for inspection. He asked the Board who is in charge of the chemicals and testing groundwater.

Miguel Donoso spoke about the Economic Development Action Committee (EDAC) and asked for an update on a request Supervisor C. Condit made at the 12/19/2023 Board Meeting regarding a linguistic report. He also requested a status update regarding a request that C. Condit made regarding the Central Valley Opportunity Center (CVOC) and Workforce Development making a presentation at a future Board Meeting.

Bianca Lopez shared she is here today to advocate for a Zero Waste Plan. She voiced concerns regarding the Covanta Waste-to-Energy Plant and a letter they sent to the County in December.

John X. Mataka, President of the Grayson Neighborhood Council and Community Advocate for the Valley Improvement Project (VIP), requested that the Board vote to immediately close the Covanta Waste-to-Energy Plant in Crows Landing. He voiced concerns regarding the negative impacts of nearby residents and air quality. He asked the Board to adopt a resolution for an aggressive waste diversion plan. He also asked the Board to support the Valley Improvement Project (VIP) in their zero waste plan and their request to make a working group.

Norma Hernandez shared she spoke before the Board last week and was provided a contact person at the DA's Office and has been unable to reach him. She voiced concerns regarding claims she submitted to the County. She shared concerns regarding the Palladium Nightclub and Stanislaus Animal Services Agency.

Tom Helme, Valley Improvement Project (VIP) Co-Founder spoke regarding Zero Waste Plan. He spoke in support of the Covanta Waste-to-Energy Plant in Stanislaus County closing.

Laura Plascencia, Valley Improvement Project (VIP) Community Organizer shared she is here today to continue the advocacy to say no to the incinerator and advocate to adopt a Zero Waste Plan. She shared what a zero waste plan is.

Emerson Drake shared concerns regarding the DA's Office. He voiced concerns regarding the recent appointment to the Stanislaus County Economic Development Action Committee. He shared concerns regarding a warehouse project in Salida. He asked if Workforce Development bills departments for services. He also voiced concerns regarding the invocation and advertisement for a non-profit.

Chiesa/B. Condit unan. Adopted the consent calendar after removing from consent items **6.A.4** Approval to Proclaim the Week of 03/17/2024 through 03/23/2024 as Stanislaus County Agriculture Appreciation Week, in Conjunction with National Agriculture Week – Ag Commissioner; and, **6.B.4** Approval to Set a Public Hearing on 03/26/2024, at the 9:00 a.m. Meeting, to Consider the Adoption of the Capital Improvement Plan for Fiscal Years 2024-2028 – GSA

6.A.1 Approved the minutes of 02/27/2024

6.A.2 Accepted the resignation of Dorothy Roberts from the Empire Municipal Advisory Council
2024-0093

6.A.3 Proclaimed 03/13/2024 as Procurement Professionals' Day in Stanislaus County
2024-0094

6.A.5 Proclaimed April 2024 as Assyrian Heritage Month in Stanislaus County 2024-0096

6.B.1 Authorized the Auditor-Controller, on behalf of the HSA, to pay invoices totaling \$9,117.50 for services provided by TeamLingo LLC in FY 2022 and 2023 – HSA 2024-0097

6.B.2 Approved proceeding with the Modesto Library Tenant Improvement Capital Project; approved the Modesto Library Tenant Improvement Capital Project budget of \$15 million; authorized the Auditor-Controller to establish the GSA Modesto Library Tenant Improvement Capital Project budget in the amount of \$15 million, as detailed in the budget journal, attached to the agenda item; authorized the GSA Director/Purchasing Agent, or designee, to act as Project Manager; authorized the Project Manager to procure professional services, issue work authorizations, and execute contracts, as needed, for this project phase so long as they are within the approved project budget; and, authorized the Project Manager to negotiate Amendments and Change Orders consistent with the State of California Public Contract Code so long as they are within the approved project budget – GSA 2024-0098

6.B.3 Adopted the resolution approving the Health Insurance Counseling and Advocacy Program for the term of 04/01/2024 through 03/31/2025; approved the Health Insurance Counseling and Advocacy Program agreement, HI 2425-30, in the amount of \$337,649 for the term of 04/01/2024, through 03/31/2025; and, authorized the Director of the Department of Aging and Veterans Services, Area Agency on Aging, to sign agreement HI-2425-30 and subsequent amendments budget permitting and consistent with County Purchasing Policy – Aging and Veteran Services 2024-0099

6.C.1 Approved a Cost Sharing Agreement for the San Joaquin Valley Stormwater Quality Partnership; and, authorized the Chairman to execute and sign the Cost Sharing Agreement for the San Joaquin Valley Stormwater Quality Partnership – PW 2024-0101

6.C.2 Approved the MOU between the City of Modesto (City) and Stanislaus County (County) for the reimbursement of costs related to South Modesto Area Water Strengthen and Replace Water Mains Project (Project); authorized the CEO to execute the MOU between the City and County for the Project; approved a \$1,140,414 increase of Michael Baker International’s maximum allocation amount for engineering and design services for water main related work as part of the Stanislaus County Urban Pockets and County Communities Infrastructure Improvement Projects bringing the total maximum allocation to \$4,581,529; directed the Auditor-Controller to increase estimated revenue and appropriations by \$1,140,414 in the Public Works Urban Pockets Infrastructure Projects budget unit; and, authorized the Director of Public Works to take any appropriated action necessary to carry out the purpose and intent of these recommendations – PW C-6-R-8 2024-0102

B. Condit/Withdraw unan. **6.A.4** Proclaimed the week of 03/17/2024 through 03/23/2024 as Stanislaus County Agriculture Appreciation Week, in conjunction with National Agriculture Week – Ag Commissioner 2024-0095

B. Condit/Withdraw unan. **6.B.4** Set a public hearing on 03/26/2024, at the 9:00 a.m. meeting, to consider the adoption of the Capital Improvement Plan for FY 2024-2028; and, authorized the Clerk to publish the notice, as required by law – GSA 2024-0100

Withdraw/C. Condit unan. **7.1** Approved the independent contractor services agreement with Legacy Alliance Outreach in the amount of \$1,613,871 for the term of 03/12/2024, through 06/30/2025; authorized the Purchasing Agent, or designee, to sign and execute the agreement with Legacy Alliance Outreach in the amount of \$1,613,871 for the term of 03/12/2024, through 06/30/2025, for the provision of reentry and rehabilitation services for formerly incarcerated individuals; and, authorized the Purchasing Agent, or designee, to sign amendments for additional services and payments, budget permitting, throughout the term of the agreement – PW 2024-0103

Recessed at 11:18 a.m.

Reconvened at 11:27 a.m.

Chiesa/B. Condit unan. **7.2** Accepted the Chief Executive Officer’s 2024 Midyear Financial Report; authorized the CEO and the Auditor-Controller to make the necessary adjustments, as recommended in the Midyear Financial Report; authorized the use of \$4,981,758 in appropriations for contingencies, as recommended in the Midyear Financial Report, by four-fifths vote of the Board; and, amended the Salary and Position Allocation Resolution to reflect the recommendations included in the Midyear Financial Report, as outlined in the Staffing Impacts section and detailed in Attachment 2, to become effective the start of the first full pay period beginning on or after 03/23/2024, unless otherwise noted – CEO 2024-0104

Recessed at 12:20 p.m.

Reconvened at 12:24 p.m.

8.1 The Board conducted a public hearing to consider the three alternative tax rate structures for a proposed tax on cannabis business activities within the unincorporated area of the County.

Recessed at 1:03 p.m.

Reconvened at 1:16 p.m.

C. Condit/Chiesa (4-1)(Withdraw opposed) **8.1** After conducting the public hearing to consider the three alternative tax rate structures for a proposed tax on cannabis business activities within the unincorporated area of the County, the Board **amended** the item to add another alternative tax rate structure titled Option “D”; approved and selected tax rate structure Option “D” for the proposed tax on cannabis business activities within the unincorporated area of the County and the corresponding resolution calling for an election of the voters; adopted and waived the second reading of Ordinance C.S. 1367 establishing a tax on cannabis business activities within the unincorporated area of the county; adopted the selected Option “D” resolution calling for an election for the voters of the County to consider adoption of an ordinance and consolidating that election with the General Election to be held on 11/05/2024; and, directed the Clerk to submit the resolution to the County Registrar of Voters – CEO

ORD-58-I-2 2024-0105 & 2024-0106

Chiesa/B. Condit (4-1)(Withdraw opposed) **8.2** Conducted a public hearing to consider the Planning Commission’s recommendation of approval of Development Agreement Application Number PLN2023-0157 – Lyfted Farms, Inc. – 5266 Jerusalem Court, a request to adopt a new development agreement for Use Permit No. PLN2018-0095, a previously permitted commercial cannabis operation, located at 5266 Jerusalem Court, north of Kiernan Avenue, in the Modesto area, APN: 004-065-018; 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; approved Development Agreement PLN2023-0157 – Lyfted Farms, Inc. – 5266 Jerusalem Court; authorized the Chair to execute the Development Agreement; authorized the Clerk to record the executed Development Agreement with the Stanislaus County Clerk-Recorder’s Office within 30 days of approval; introduced, waived the reading, and adopted a new Ordinance C.S. 1364 for PLN2023-0157- Lyfted Farms, Inc. – 5266 Jerusalem Court and to rescind Ordinance C.S. 1226; and, ordered the filing of a Notice of Termination for the adopted Development Agreement for Use Permit No. PLN2018-0095 – Lyfted Farms, Inc. – 5266 Jerusalem Court, with the Stanislaus County Clerk-Recorder’s Office – CEO

ORD-58-H-1 2024-0107 & 2024-0108

B. Condit/C. Condit (4-1)(Withdraw opposed) **8.3** Conducted a public hearing to consider the Planning Commission’s recommendation of approval of Development Agreement Application Number PLN2023-0158 – Lyfted Farms, Inc.-5271 Jerusalem Court, a request to adopt a new Development Agreement for Use Permit PLN2018-0094, a previously permitted commercial cannabis operation, located at 5271 Jerusalem Court, north of Kiernan Avenue, in the Modesto area, APN: 004-065-023; 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; approved Development Agreement PLN2023-0158 – Lyfted Farms, Inc. – 5271 Jerusalem Court; authorized the Chair to execute the Development Agreement; authorized the Clerk to record the executed Development Agreement with the Stanislaus County Clerk-Recorder's Office within 30 days of approval; introduced, waived the reading, and adopted a new Ordinance C.S. 1365 for PLN2023-0157 – Lyfted Farms, Inc. – 5271 Jerusalem Court and rescind Ordinance C.S. 1225; and, ordered the filing of a Notice of Termination for the adopted Development Agreement for Use Permit No. PLN2018-0094 – Lyfted Farms, Inc. – 5271 Jerusalem Court, with the Stanislaus County Clerk-Recorder's Office – CEO

ORD-58-H-2 2024-0109 & 2024-0110

Chiesa/C. Condit (4-1)(Withdraw opposed) **8.4** Conducted a public hearing to consider the Planning Commission's recommendation of approval of Development Agreement Application Number PLN2023-0159 – Prem Gen Corp, a request to adopt a new Development Agreement for Use Permit No. PLN2018-0110, a previously permitted commercial operation, located at 536 El Roya Avenue, south of Yosemite Avenue (Highway 132), in the Modesto area, APN: 036-008-033; 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; approved Development Agreement PLN2023-0159 – Prem Gen Corp; authorized the Chair to execute the Development Agreement; authorized the Clerk to record the executed Development Agreement with the Stanislaus County Clerk Recorder's Office within 30 days of approval; introduced, waived the reading, and adopted a new Ordinance C.S. 1366 for PLN2023-0157- Prem Gen Corp and to rescind Ordinance C.S. 1227; and, ordered the filing of a Notice of Termination for the adopted Development Agreement for Use Permit No. PLN2018-0110 – Prem Gen Corp – El Roya Avenue, with the Stanislaus County Clerk-Recorder's Office – CEO

ORD-58-I-1 2024-0111 & 2024-0112

Corr 1 Referred to Planning and the Sheriff's Office of Emergency Services, a notice from the Oak Valley Hospital District regarding the level of seismic compliance of their campus.

Corr 2 Referred to the Chief Executive Office and Environmental Resources, a copy of the 2023 Crows Landing Naval Base Easement Annual Monitoring Report from the West Stanislaus Resource Conservation District.

Corr 3 Referred to County Counsel and the Auditor-Controller, an Amended Claim for Refund of Property Taxes filed on behalf of California Northern Railroad regarding assessments for FY 2019-2020.

Corr 4 Acknowledged receipt of claims and referred to the Office of County Counsel the following claims: Donald Raven; Cherie Nicanor; Nathan Higgins; William Bell (amended); Tammy Turner; Ryan Brady; Jason George Arambula; Antonio De la Cruz Trujillo; David Ramirez; Gregory Taylor; and, Dee Shaffer.

Supervisor B. Condit reported that he attended a community meeting last night regarding the ARPA Infrastructure Projects Topeka/Santa Fe, and noted that CivicMic and County staff did an outstanding job hosting the meeting. He also shared due to the length of today's meeting he was unable to introduce his new Field Representative for District 1, Jazmine Velazquez.

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

CEO Hayes noted that the Board sent a letter of support for SB1032. This bill will give the California Housing and Community Development Department (HCD) the authority to forgive specific legacy loans, per HCD's discretion which would allow housing providers to preserve current affordable housing units without evicting low-income residents out of their home.

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 2:02 p.m.

13. Public Employee Appointment – Pursuant to Government Code Section 54957 (b)(1) the Board will consider appointment of the Fire Warden as provided for in Government Code §24008. No reportable action taken.

Adjourned at 2:44 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.)