

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

Special and Regular Session
Supervisor Withrow Absent
Pledge of Allegiance to the Flag

Tuesday

October 15, 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. Conferenced with Legal Counsel – Existing Litigation – Pursuant to Government Code Section 54956.9 (d)(1). Two Cases: Maria Ruiz Perez, et al., v. Oakdale Irrigation District and County of Stanislaus, et al., Stanislaus County Superior Court Case No. CV-19-004901; and, McKenzie Olivares, et al v. County of Stanislaus, et al., US District Court Eastern District Case No. 2:22-CV-00753-KJM-KJN. No reportable action was taken.

Supervisor Withrow arrived at 5:33 p.m.

Reconvened at 6:32 p.m. for Regular Session

Invocation was given by Sandy Gunnarson with City Ministry Network.

Melanie Parker-Gomez, President of Sons & Daughters of Italy, received a resolution proclaiming October 2024 as Italian American Heritage Month in Stanislaus County.

Supervisor Withrow was recognized by the Board upon receiving the 2023-2024 Leadership Award from the West Modesto Community Collaborative.

Bryan Evitt voiced concerns regarding the condition of County roads. He shared concerns regarding California being a sanctuary state.

Chiesa/Withrow unan. Adopted the consent calendar after removing from consent item **6.A.27** Approval of Appointment of Supervisor Vito Chiesa as the Primary Member and Supervisor Mani Grewal as the Alternate Member to the 2024-2025 California State Association of Counties Board of Directors – BOS; **6.A.32** Approval of Appointment of Shirley M. Rogers to the Commission on Aging – BOS; **6.B.9** Approval to Proclaim the Month of November 2024 as Veterans and Military Families Month in Stanislaus County – Aging and Veteran Services

6.A.1 Approved the minutes of 10/01/2024

6.A.2 Appointed in lieu of election David Scheel to the Crows Landing Community Services District

6.A.3 Appointed in lieu of election Kenneth Edwards, T.J. McDonald, and Nathan Couchman to the Denair Community Services District

6.A.4 Appointed in lieu of election Lulu M. Polk, Maricela Vela, and Lilia Lomeli-Gil to the Grayson Community Services District

- 6.A.5** Appointed in lieu of election Kristina D. Vasquez, Cody Knee, and Frank Chavez to the Keyes Community Services District
- 6.A.6** Appointed in lieu of election Kathleen “Katie” Feichter, Cheryl Ozbirn, and Scott Wucherer to the Knights Ferry Community Services District
- 6.A.7** Approved appointments in lieu of election where no candidates filed to the Monterey Park Tract Community Services District
- 6.A.8** Approved appointments in lieu of election where no candidates filed to the Riverdale Park Tract Community Services District
- 6.A.9** Appointed in lieu of election Don Little to the Westley Community Services District
- 6.A.10** Appointed in lieu of election Curtis D. King and Maximina A. Villano to the Burbank-Paradise Fire Protection District
- 6.A.11** Approved appointments in lieu of election where no candidates filed to the Ceres Fire Protection District
- 6.A.12** Appointed in lieu of election Mark A. Hughes, Dave Absher, and Anthony Douds to the Hughson Fire Protection District
- 6.A.13** Appointed in lieu of election Mark Riggins and Susan Dignan to the Salida Fire Protection District
- 6.A.14** Appointed in lieu of election John A. Varni, Stacy Cardoso, and Joe S. Nunes to the Westport Fire Protection District
- 6.A.15** Appointed in lieu of election Larry Byrd to the Modesto Irrigation District
- 6.A.16** Appointed in lieu of election Ed Tobias to the Oakdale Irrigation District
- 6.A.17** Appointed lieu of election David R. Fantozzi, Alan Scheuber, and Richard Barbaste to the Patterson Irrigation District
- 6.A.18** Appointed in lieu of election Becky Hackler Arellano to the Turlock Irrigation District
- 6.A.19** Appointed in lieu of election Lee Del Don to the West Stanislaus Irrigation District
- 6.A.20** Appointed in lieu of election Mary Davies and Michael Oliver to the Western Hills Water District
- 6.A.21** Appointed in lieu of election Luis Avila and Sylvia Ramirez to the Del Puerto Health Care District
- 6.A.22** Appointed in lieu of election Sandra Walsh-Guajardo, Ken Helms, and David Varnell to the Westside Community Health Care District
- 6.A.23** Appointed in lieu of election Meredith Clark, Ryan Reece, Annalisa Rose, and Nicklaus Stephens to the Hickman Municipal Advisory Council
- 6.A.24** Appointed in lieu of election John Martin to the Salida Municipal Advisory Council
- 6.A.25** Appointed in lieu of election Lina Ruggirello-Danzig to the Wood Colony Municipal Advisory Council
- 6.A.26** Appointed in lieu of election Gary Horton and Brad Johnson to the Salida Sanitary District
- 6.A.28** Appointed Steven Bassett to the West Stanislaus Resource Conservation District Board of Directors
- 6.A.29** Appointed Katelynn Dorsett to the Stanislaus County Water Advisory Committee
- 6.A.30** Appointed John Michael Van Dyke to the Oakdale Rural Fire Protection District Board of Directors
- 6.A.31** Appointed Andrew Huff to the Stanislaus County Planning Commission
- 6.A.33** Accepted the resignation of Steve Guerrero from the Oakdale Rural Fire Protection District Board of Directors
- 6.B.1** Approved a Change Order retroactively in the amount of \$9,000 with Access Electric for installation of data cabling and electrical outlets at a leased BHRS location at 1130 12th St., Modesto, CA; and, authorized the BHRS Director, or designee, to execute the \$9,000 Change Order increasing the total compensation to Access Electric from \$33,575 to \$42,575 for the installation of additional data cabling and electrical outlets – BHRS

- 6.B.2** Authorized the Chairman to sign agreements and any necessary amendments with the Cities of Riverbank, Waterford, and Hughson to continue providing general law enforcement services in each respective city for the retroactive term of 07/01/2024, through 06/30/2029 – Sheriff
- 6.B.3** Approved a technical adjustment to Probation’s Juvenile Commitment Facility Parking Lot Project and directed the Auditor-Controller to transfer appropriations totaling \$22,094 in the Juvenile Commitment Facility Parking Lot Project budget from Fixed Assets to Services and Supplies and Intercounty Expenditures, as detailed in the budget journal, attached to the agenda item; approved a technical adjustment to Probation’s Juvenile Facility Generator and HVAC Replacement Project and directed the Auditor-Controller to transfer appropriations in the Juvenile Facility Generator and HVAC Replacement Project budget totaling \$31,000 from Fixed Assets to Services and Supplies and Intercounty Expenditures, as detailed in the budget journal, attached to the agenda item; approved a technical adjustment to the Sheriff’s Operation Center (SOC) HVAC Replacement Project and directed the Auditor-Controller to transfer appropriations in the Sheriff’s SOC HVAC Replacement Project budget totaling \$39,167 from Fixed Assets to Intercounty Expenditures, as detailed in the budget journal, attached to the agenda item; approved a technical adjustment to the Gallo Center for the Arts Repairs and Restoration Project and directed the Auditor-Controller to transfer appropriations in the Restore County Properties Project budget totaling \$97,290 from Fixed Assets to Services and Supplies and Intercounty Expenditures, as detailed in the budget journal, attached to the agenda item; approved a technical adjustment to the 801 11th Street Major Mechanical and Building Repairs Project and directed the Auditor-Controller to transfer appropriations in the Restore County Properties Project budget totaling \$50,000 from Fixed Assets to Services and Supplies and Intercounty Expenditures, as detailed in the budget journal, attached to the agenda item; and, approved a technical adjustment to the Sheriff’s Public Safety Center (PSC) Minimum Housing Unit Program Space Project and directed the Auditor-Controller to transfer appropriations in the Sheriff’s PSC Minimum Housing Unit Program Space Project budget totaling \$60,000 from Fixed Assets to Services and Supplies and Intercounty Expenditures, as detailed in the budget journal, attached to the agenda item – GSA
- 6.B.4** Approved an amendment to the agreement with the California Mental Health Services Authority (CalMHSA) for the Psychiatric Inpatient Concurrent Review Program in the amount of \$343,409 for a total contract amount of \$771,124 for the existing term of 11/01/2022, through 06/30/2025; authorized the BHRS Director, or designee, to sign and execute the amendment with the CalMHSA for the Psychiatric Inpatient Concurrent Review Project in the amount of \$343,409 for a total contract amount of \$771,124 for the existing term of 11/01/2022, through 06/30/2025; and, authorized the BHRS Director, or designee, to sign and execute amendments for additional services and payments for services up to \$200,000, budget permitting, for each fiscal year of the agreement – BHRS
- 6.B.5** Approved the resolution proclaiming the intent to participate in the Great California ShakeOut Earthquake Drill and work toward creating a strong and safe community – OES/Fire Warden
- 6.B.6** Authorized the GSA Director/Purchasing Agent to execute a contract with Access to Power, Inc. dba Access Electric in the amount of \$402,282 for electrical for welding project; authorized the GSA Director/Purchasing Agent to execute a contract with CLS/Cervantes Landscape Services in the amount of \$162,563 for concrete for welding project; authorized the Sheriff to negotiate and execute adjustments or change orders to the agreements as long as they are within the approved project budget and consistent with limits set forth in the California Public Contract Code; and, authorized the Auditor-Controller to increase

appropriations in the amount of \$2,532,080 in the Sheriff's Detention budget and estimated revenue in the amount of \$232,080 in the Probation Local Community Corrections budget, pursuant to the budget journal, attached to the agenda item – Sheriff

- 6.B.7** Authorized the Treasurer-Tax Collector to charge a 2.25% convenience fee, with a minimum \$2.00 charge, of the transaction amount for payments made by credit or debit card, or \$0.15 per e-check, payable to Point & Pay Solutions for payment of collection debt held by Revenue Recovery on behalf of Clients – T/TC
- 6.B.8** Approved the closure of the Modesto Library for a period of 20 months for renovation beginning on 11/30/2024, and reopening Summer 2026; and, approved the Library's express location hours at 1002 10th Street, Modesto, effective 11/01/2024: Monday through Wednesday from 10:00 a.m. to 6:00 p.m., Thursday from 10:00 am to 7:00 p.m., and Friday and Saturday from 10:00 a.m. to 5:00 p.m. – Library
- 6.B.10** Authorized the County Librarian, or designee, to accept a Modesto Forward Grant, in the amount of \$500,000 to enhance the Modesto Library Critical Renovations, Hazard Abatement, and Modernization Project; and, authorized the County Librarian, or designee, to sign and execute all related agreements, contracts, amendments, and other documentation required for the Modesto Forward Grant – Library
- 6.B.11** Authorized the Sheriff to retire one (1) canine from the Sheriff's Office service and enter into a Canine Retirement Contract with Tiffany Hart – Sheriff
- 6.C.1** Approved Amendment No. 1 to the MOA between Merced County and Stanislaus County for the construction phase of the Hills Ferry Road (aka River Road) Bridge over the San Joaquin River Project; authorized the Chairman to execute Amendment No. 1 to the MOA between Merced County and Stanislaus County; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW
- 6.C.2** Adopted a Mitigated Negative Declaration for the Stanislaus County Urban Pocket Project Area 40 Herndon, 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 office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075 – PW
- 6.C.3** Adopted a Mitigated Negative Declaration for the Stanislaus County Urban Pocket Project Area 44 Riverdale Park Tract, 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 office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075 – PW
- 6.C.4** Approved Amendment No. 4 to the HDR Engineering, Inc., Professional Design Services Agreement for the Tim Bell Road over Dry Creek Bridge Replacement Project, in the amount of \$905,866, resulting in a new, not-to-exceed, total contract amount of \$3,189,036; authorized the Director of Public Works to execute Amendment No. 4 with HDR Engineering, Inc., in the amount of \$905,866 and to sign necessary documents; directed the Auditor-Controller to increase appropriations and estimated revenue by \$779,875 in the Public Works Road and Bridge budget unit as detailed in the attached Budget Adjustment Template, attached to the agenda item; and, authorized the Director of

Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW

6.C.5 Adopted a resolution authorizing the Public Works Director to act as the certifying representative, accept grant funding, and sign and certify all documents and agreements for the FY 2024-2025 Climate Adaptation Planning Grant for a Tri-County Transportation Resiliency Plan – PW

6.C.6 Approved the Cooperative Agreement between the StanCOG and Stanislaus County for the Measure L construction funding associated with the North County Corridor Phase 1 Project; authorized the Chairman to execute and sign the Cooperative Agreement between the StanCOG and Stanislaus County; directed the Auditor-Controller to increase estimated revenue and appropriations by \$65,283,000 in the Public Works North County Corridor budget unit for construction expenses; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW

6.C.7 Authorized the Director of Public Works, or his designee, to apply for and accept, if awarded, the California Department of Resources Recycling and Recovery (CalRecycle) Rubberized Pavement Grant for FYs 2025 through 2029; and, adopted a resolution authorizing the Director of Public Works, or his designee, to execute all required documents and any amendments of the CalRecycle Rubberized Pavement Grant – PW

Chiesa/B. Condit unan. **6.A.27 Amended** the Staff Recommendation to appoint Supervisor Mani Grewal as the Primary Representative and Supervisor Vito Chiesa as the Alternate Representative to the 2024-2025 California State Association of Counties Board of Directors; and, approved the Staff Recommendation as amended – BOS

C. Condit/B. Condit unan. **6.A.32** Appointed Shirley M. Rogers to the Commission on Aging – BOS

Withrow/Chiesa unan. **6.B.9** Proclaimed November 2024 as Veterans and Military Families Month in Stanislaus County – Aging and Veteran Services

Chiesa/Withrow unan. **7.1** Rescheduled the public hearing from the 10/15/2024, 6:30 p.m. meeting to the 11/05/2024, 9:00 a.m. meeting, to consider the Planning Commission's recommendation of denial for Rezone Application No. PLN2023- 0065 - Caloy Company, LP, requested 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

B. Condit/Withrow unan. **7.2** Finds that the Notice of Public Hearing was published in compliance with Section 6066 of the Government Code; conducted a Public Hearing to receive comments regarding the formation of the Benefit Assessment District No. 2024-1 (Urban Pocket Area 41: Topeka/Santa Fe) and the levy of the annual assessments for the maintenance of improvements; and, authorized the Clerk to oversee the tabulation of the sealed ballots and determine whether a majority protest exists and submit the results to the Board of Supervisors at the 10/29/2024, Board meeting – PW

Chiesa/Withrow unan. **7.3** Finds that the Notice of Public Hearing was published in compliance with Section 6066 of the Government Code; conducted a Public Hearing to receive comments regarding the formation of the Benefit Assessment District No. 2024-5 (Urban Pocket Area 31: Kenwood/Starr) and the levy of the annual assessments for the maintenance of improvements; and, authorized the Clerk to oversee

the tabulation of the sealed ballots and determine whether a majority protest exists and submit the results to the Board of Supervisors at the 10/29/2024, Board Meeting – PW

Corr 1 Referred to the Clerk-Recorder and Registrar of Voters, a letter from the Salida Sanitary District regarding a vacancy on their Board of Directors due to the passing of Donna Murphy.

Corr 2 Acknowledged receipt of claims and referred to the Office of County Counsel the following claims: Allstate Insurance Co./Tania Moreno Garcia; Tyler Huggins Jr.; Judy Frey, individually and on behalf of the estate of Kevin Frey; Melissa Stewart; Maria Avila; Berenice De La Torre; Allstate a/s/o Roberto Ceballos Polina; Michael Lella; Z.P., a minor (duplicate); Parsa Omeed Javan; Brandon Pettit; Victoria Fitzgerald; Ford Construction Company, Inc.; and, Geico General ASO Julio Cesar Acosta.

Adjourned at 7:16 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.)