



BOARD OF SUPERVISORS

William O'Brien, 1st District
Thomas W. Mayfield, 2nd District
Jeff Grover, 3rd District
Ray Simon, 4th District
Jim DeMartini, 5th District

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Phone: 209.525.4494 Fax: 209.525.4420

AGENDA

December 5, 2006

9:00 A.M.

Chambers – Basement Level
1010 10th Street
Modesto, California

The Board of Supervisors welcomes you to its meetings which are regularly held each Tuesday, and your interest is encouraged and appreciated.

The agenda is divided into two sections:

CONSENT CALENDAR: These matters include routine financial and administrative actions and are identified with an asterisk (*). All items on the consent calendar will be voted on at the beginning of the meeting under the section titled "Consent Calendar." If you wish to have an item removed from the Consent Calendar, please make your request at the time the Board Chairperson asks if any member of the public wishes to remove an item from consent.

REGULAR CALENDAR: These items will be individually discussed and include all items not on the consent calendar, all public hearings and correspondence.

ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: Please raise your hand or step to the podium at the time the item is announced by the Board Chairperson. In order that interested parties have an opportunity to speak, any person addressing the Board will be limited to a maximum of 5 minutes unless the Chairperson of the Board grants a longer period of time.

PUBLIC COMMENT PERIODS: Matters under the jurisdiction of the Board, and not on the posted agenda, may be addressed by the general public at the beginning of the regular agenda and any off-agenda matters before the Board for consideration. However, California law prohibits the Board from taking action on any matter which is not on the posted agenda unless it is determined to be an emergency by the Board of Supervisors. Any member of the public wishing to address the Board during the "Public Comment" period will be limited to a maximum of 5 minutes.

BOARD AGENDAS AND MINUTES: Board agendas, Minutes, and copies of items to be considered by the Board of Supervisors are typically posted on the Internet on Friday afternoons preceding a Tuesday meeting at the following website: www.co.stanislaus.ca.us/BOS/AgenMin.htm

AUDIO/VIDEO BROADCAST: All Board meetings are normally broadcast live and replayed on local cable television. A list of cable channels and broadcast times are available at the following website: www.co.stanislaus.ca.us/BOARD/broadcastingsched.htm. In addition, a live audio/video broadcast of this meeting can be heard/seen via the World Wide Web at: www.co.stanislaus.ca.us/referencemov/bosaudio.htm.

NOTICE REGARDING NON-ENGLISH SPEAKERS: Board of Supervisors meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

REASONABLE ACCOMMODATIONS: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board at (209) 525-4494. Notification 72 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting.

- I. Pledge of Allegiance to the Flag
- II. Public Comment Period
- III. Consent Calendar

IV. Agenda Items

A. Miscellaneous

- * 1. Approval of the Minutes for November 21, 2006 ([View Item](#))
- * 2. Approval to Adopt and Waive the Second Reading of Ordinance C.S. 979 to Amend Title 11 of the Stanislaus County Code, Amending Two No Parking Zones on Seventh Street (Modesto Area) and Adding a Handicap Zone on Shirley Court (West Modesto Area) ([View Item](#))
- * 3. Approval of Appointment of Jeffrey Olson to the Stanislaus County Law Library Board of Trustees ([View Item](#))
- * 4. Approval of Commendations for:
 - a. Supervisor Ray Simon upon his Retirement from the Stanislaus County Board of Supervisors ([View Item](#))
 - b. Hutton House for their 30 Years of Community Support ([View Item](#))
- * 5. Approval of Request from the Mid-Valley Water Ski Club for Use of the Main Boat Ramp at the Modesto Reservoir on January 1, 2007 for their 52nd Annual Polar Bear Day Event ([View Item](#))
- * 6. Acceptance of the Clerk-Recorder's Certified Statement of the Results of the Gubernatorial General Election Held Tuesday, November 7, 2006 ([View Item](#))

B. Chief Executive Office

- * 1. Approval of the Public Facilities Fees Annual Financial Report for Fiscal Year Ending June 30, 2006 – Auditor-Controller ([View Item](#))
- * 2. Approval of Total Appropriations/Budgetary Limit for Fiscal Year 2006/2007 – Auditor-Controller ([View Item](#))
- * 3. Approval to Increase the Budget and Increase Staffing for Substance Abuse Offender Treatment Program Services Funded by the State Department of Alcohol and Drug Programs – Behavioral Health and Recovery Services ([View Item](#))
- * 4. Approval of the Fourth Status Report of the Emergency Replacement of the Heating and Air Conditioning Units at the Family Practice Center for Health Services Agency – Chief Executive Office ([View Item](#))
- * 5. Approval for the Health Services Agency to Enter Into a Memorandum of Understanding with San Joaquin County to Provide a Regional Immunization Registry with the Department of Health Services for Fiscal Year 2006-2007 ([View Item](#))
- * 6. Approval of General Rules Regarding the Policy of the Stanislaus County Free Library System ([View Item](#))
- * 7. Approval to Submit an Application to the California Department of Health Services (CDHS) for Funding Allocation of \$1,146,362 for Public Health Threats and Emergency Funding Under the Centers for Disease Control and Prevention (CDC), Health Resources and Services Administration (HRSA), and Approval to Execute the California State Budget Preparedness Comprehensive Agreement for Fiscal Year 2006-2007, and Adjust the Budget – Health Services Agency ([View Item](#))
- * 8. Approval to Enter into a Contract with the State of California - Urban Parks and Healthy Communities 2002 Resources Bond Act for the Empire Community Swimming Pool Project and Approval to Apply for a Grant from the Stanislaus County Children and Families Commission, and Accept if Awarded, for the Recreational Spray Playground – Parks and Recreation ([View Item](#))
- * 9. Approval of Completion and Acceptance of the Replacement of the Boiler System in the Courthouse Located at 1100 "I" Street, Modesto, CA and Related Budget Transfers – Chief Executive Office ([View Item](#))

- * 10. Approval of Changes to the Stanislaus County Employees' Retirement Association (StanCERA) Bylaws ([View Item](#))
- * 11. Acceptance of the Stanislaus County Treasury Pool's October 2006 Monthly Investment Report – Treasurer-Tax Collector ([View Item](#))
- 12. Acceptance of the Update Regarding the Breeding, Transferring, Licensing and Spaying and Neutering of Dogs and Cats (Chapter 7.54) Ordinance – Animal Services ([View Item](#))

C. Department of Public Works

- * 1. Approval of the New General Lease with the California State Lands Commission for the Existing McHenry Avenue Bridge Across the Stanislaus River ([View Item](#))
- * 2. Approval to Introduce and Waive the First Reading of an Ordinance to Amend Section 11.16.090 of the Stanislaus County Code, Prohibiting Vehicles Exceeding Fourteen Thousand Pounds on Beard Road and Lone Oak Road in the Waterford Area ([View Item](#))
- * 3. Approval of Installation of Stop Signs at Laurie Lane at Growdon Street, Saint Francis Avenue at Hulen Street and Saint Francis Avenue at Meyer Drive (North Modesto Area) ([View Item](#))
- * 4. Approval to Set a Public Hearing and Conduct a Ballot Procedure in Compliance with Proposition 218 on January 23, 2007, at 9:20 a.m., Regarding Annexation of Territory to the Bystrum Landscape and Lighting District and the Levy of an Annual Assessment (North Ceres Annexation) ([View Item](#))
- * 5. Approval of the Subdivision Improvement Agreement and the Filing and Recording of the Final Map for Vesting Tentative Map No. 2005-03 – Suncrest II (in Denair) ([View Item](#))

D. Department of Planning and Community Development

- * 1. Approval to Set a Public Hearing on December 19, 2006, at 6:50 p.m. to Consider General Plan Amendment Application No. 2006-03 and Rezone Application No. 2006-08, Flory Industries ([View Item](#))
- * 2. Approval to Rescind All or a Portion of Williamson Act Contract No. 1972-609 (Swanson Road, West of Hickman) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2006-35 (Alberto and Short) and Authorize the Planning Director to Execute a New Contract ([View Item](#))

E. County Counsel

V. Scheduled Matters

9:20 a.m. Public Hearing to Consider Rezone Application No. 2006-01 - Amirkhas Vehicle Storage, a Request to Rezone a .79 Acre Portion of Expired Planned Development (No. 115) to a New Planned Development to Allow a Vehicle Storage Yard for Impounded Vehicles on Property Located on the Northeast Side of Taylor Court, Between Keyes Road and Taylor Road, in the Keyes/Turlock Area. A Negative Declaration Will Be Considered ([View Item](#))

VI. Correspondence

1. This Board has received a letter from Modesto City Schools regarding a public hearing to consider the approval of a resolution to rescind the agreement with the California Department of Education for Burbank, El Vista, Fairview, Franklin, Hanshaw, Kirschen and Tuolumne Schools to participate in the High Priority Schools Program. ([View Item](#))
(Recommendation: Refer to the Stanislaus County Office of Education.)

2. This Board has received letters from the Governor's Office of Emergency Services regarding the U.S. Department of Agriculture and the U.S. Small Business Administration granting disaster designations for Stanislaus County and other Counties due to agriculture losses caused by a record-setting heat wave that occurred from July 1-31, 2006. ([View Item](#))
(Recommendation: Refer to the Agricultural Commissioner and Sealer of Weights and Measures and to the Office of Emergency Services.)
3. This Board has received a Notice from the California Department of Corrections and Rehabilitation regarding a proposed change in the California Code of Regulations pertaining to force used by Correctional Peace Officers. ([View Item](#))
(Recommendation: Refer to the Sheriff and the Chief Probation Officer.)
4. This Board has received the following claims: Miguel Angel Fuentes Huerta; Merry C. Loudon; Donna M. Pierce; Robert L. Butler, Sr.; California State Automobile Association for their insured Noelia/Felix Soto Mendoza; State Farm Insurance Co. for their insured Savoeun Tep; James Hogan; Tamara Smith, Wayne Smith, and George Denton; Phil Franco – DBA Concept Development General Contracting; and, Sherri Forrester.
(Recommendation: Acknowledge receipt of claims and refer to the Chief Executive Office - Risk Management Division.)

VII. Board of Supervisors' Reports

VIII. Legislative, Fiscal and Management Report – Chief Executive Officer

IX. Adjournment

- X. Closed Session: Public Employee Performance Evaluation – Stanislaus County Agricultural Commissioner and Sealer of Weights and Measures. Government Code Section 54957(b)(1). Conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organizations: SEIU and AFSCME. Government Code Section 54957.6