



**BOARD OF SUPERVISORS**

**Pat Paul, 1<sup>st</sup> District**  
**Thomas W. Mayfield, 2<sup>nd</sup> District**  
**Jeff Grover, 3<sup>rd</sup> District**  
**Raymond Clark Simon, 4<sup>th</sup> District**  
**Paul W. Caruso, 5<sup>th</sup> District**

1010 Tenth Street, Suite 6500, Modesto, CA 95354  
Phone: 209.525.4494 Fax: 209.525.4420

**AGENDA**

November 30, 2004

9:00 A.M.

Chambers – Basement Level  
1010 10<sup>th</sup> Street  
Modesto, California  
[www.co.stanislaus.ca.us/BOS/AgenMin.htm](http://www.co.stanislaus.ca.us/BOS/AgenMin.htm)

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.

**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 9, 2004 ([View Item](#))
- \* 2. Approval to Adopt and Waive the Second Reading of Ordinance C.S. 904 Amending Existing Fees for the County Law Library ([View Item](#))

- \* 3. Acceptance of the Resignations of:
  - a. James Cartia from the Stanislaus Consolidated Fire Protection District Board of Directors ([View Item](#))
  - b. Gail Clark from the Stanislaus County Children’s Council ([View Item](#))
- \* 4. Approval of Appointments of:
  - a. Tim Johnson to the Eastside Water District Board of Directors ([View Item](#))
  - b. Margaret Szczepaniak to the Emergency Medical Services Committee ([View Item](#))
- \* 5. Approval to Amend the Conflict of Interest Code for:
  - a. Empire Sanitary District ([View Item](#))
  - b. Empire Union School District ([View Item](#))
- \* 6. Acceptance of the Resignation of Phil Silva and Approval of the Appointment of Kevin Voss to the Hughson Fire District Board of Directors ([View Item](#))
- \* 7. Approval to Authorize the Chairman to Vote in Support of Increased Assessments on the Proposition 218 Ballots for the County Owned Parcels in the Stanislaus Consolidated Fire Protection District ([View Item](#))
- \* 8. Approval of Commendations for Ernie Gemperle and Floyd Zaiger as the 2004 Inductees to the Stanislaus County Agricultural Hall of Fame ([View Item](#))
- \* 9. Approval of Commendations for Supervisor Paul Caruso and Supervisor Pat Paul for their Years of Dedicated Service to the Citizens of Stanislaus County ([View Item](#))
- \* 10. Approval to Accept the Clerk-Recorder’s Declaration of the Results of the Presidential General Election Held on November 2, 2004 ([View Item](#))

**B. Chief Executive Office**

- \* 1. Approval to Allocate Highway Property Rental Revenue to the Stanislaus County Road Fund and to the City of Modesto – Auditor-Controller ([View Item](#))
- \* 2. Approval to Set a Public Hearing on December 14, 2004 at 9:20 a.m. to Consider the Adoption of Updated Public Facility Fees for Stanislaus County Pursuant to Title 24 of the Stanislaus County Code ([View Item](#))
- \* 3. Approval to Accept the Update on the Status of Groundwater Conditions, Management and Protection in Stanislaus County – Environmental Resources ([View Item](#))
- \* 4. Approval to Accept Additional Funding from the California Family Health Council’s 2004 Title X Basic Contraceptive Services Contract for Technology Upgrades – Health Services Agency ([View Item](#))
- \* 5. Approval of Contract with the State Department of Health Services for the Children’s Dental Disease Prevention Program – Health Services Agency ([View Item](#))
- \* 6. Approval to Apply for Funding from the California Department of Health Services, Office of Family Planning, Community Challenge Grant Program (CSG) for Pregnancy Prevention Educational Services – Health Services Agency ([View Item](#))
- \* 7. Approval to Enter into a Licensing Agreement with Mid-Valley Water Ski Club for Use of Modesto Reservoir on January 1-2, 2005, for Annual Polar Bear Days, Boat Swap Meet and Pancake Breakfast – Parks and Recreation ([View Item](#))
- \* 8. Approval to Enter into an Agreement with Mutant Motorsports Promotions L.L.C. for Use of La Grange Off-Highway Vehicle Park Motorcycle Track on December 11-12, 2004, January 22-23, 2005 and March 5-6, 2005 – Parks and Recreation ([View Item](#))
- \* 9. Approval of an Amendment to the Agreement between the Sheriff and the Superior Court for Enhanced Court Security and Approval to Add Staff and Adjust the Budget – Sheriff ([View Item](#))
- \* 10. Approval to Authorize the Treasurer-Tax Collector to Sell Tax-Defaulted Property ([View Item](#))

- \* 11. Approval to Accept the Stanislaus County Treasury Pool's September 2004 Monthly Investment Report – Treasurer-Tax Collector ([View Item](#))
- \* 12. Approval of the County of Stanislaus Endowment (Tobacco Settlement Revenues) Investment Fund Compliance Audit for Fiscal Year Ending June 30, 2004 – Treasurer-Tax Collector ([View Item](#))
- \* 13. Approval to Adopt the Recommendations of the Nuisance Abatement Hearing Board (Environmental Resources) Regarding the Following Properties:
  - a. 401 Imperial Avenue, Modesto, California – CE No. 04-426 ([View Item](#))
  - b. 908 Seybold Avenue, Modesto, California – CE No. 04-1813 ([View Item](#))
  - c. 1534 Dallas Street, Modesto, California – CE No. 04-2065 ([View Item](#))
  - d. 5748 Albers Road, Oakdale, California – CE No. 03-2376 ([View Item](#))
  - e. 6300 Lon Dale Road, Oakdale, California – CE No. 04-1095 ([View Item](#))
  - f. 2345 Ridge Road, Modesto, California – CE No. 04-2092 ([View Item](#))
  - g. 1827 John Street, Modesto, California – CE No. 04-2405 ([View Item](#))
  - h. 3730 Dakota Avenue, Modesto, California – CE No. 04-2056 ([View Item](#))
  - i. 201 Cowan Street, Modesto, California – CE No. 04-323 ([View Item](#))
  - j. 219 Lathrop Street, Modesto, California – CE No. 04-776 ([View Item](#))
- 14. Approval of the Process to Fill the Position of County Treasurer-Tax Collector and to Designate an Ad Hoc Advisory Committee ([View Item](#))
- 15. Approval to Accept the Stanislaus Consolidated Fire Protection District Report from the Ad Hoc Management Oversight Team and Consideration of the Budget Update from the District ([View Item](#))
- 16. Approval to Accept the Stanislaus County Employee Ethics Survey Report of Findings ([View Item](#))
- 17. Approval to Accept the Update on Groundwater Management Activities in the Modesto Groundwater Sub-Basin from the Stanislaus and Tuolumne Rivers Groundwater Basin Association – Environmental Resources ([View Item](#))
- 18. Approval of the Chief Executive Officer's First Quarter Financial Report for Fiscal Year 2004-2005 and Approval of Transfer from Appropriations from Contingencies ([View Item](#))

C. Department of Public Works

- \* 1. Approval to Summarily Vacate and Abandon Pirrone Court in Salida ([View Item](#))
- \* 2. Approval of Purchase Agreement to Acquire Road Right-of-Way at the Northwest Corner of Geer Road and Keyes Road for the Intersection Improvement Project ([View Item](#))
- 3. Approval to Accept the Status Report on Bringing the Altamont Commuter Express (ACE) Service to Stanislaus County ([View Item](#))

D. Department of Planning and Community Development

- \* 1. Approval to Set a Public Hearing on December 14, 2004 at 9:30 a.m. to Consider Specific Plan Amendment No. 2004-01, Diablo Grande, Sewer Line Extension and Utilization of the City of Patterson's Off-Site Wastewater Treatment Facility to Serve Diablo Grande ([View Item](#))
- \* 2. Approval to Set a Public Hearing on December 21, 2004 at 6:40 p.m. to Consider General Plan Amendment No. 2004-01, Rezone Application No. 2004-03, and Parcel Map Application No. 2004-11 - Carl & Terri Hagens ([View Item](#))
- \* 3. Approval to Set a Public Hearing on December 21, 2004 at 6:45 p.m. to Consider General Plan Amendment No. 2004-02 and Rezone Application No. 2004-07 - Jacob Auto Sales ([View Item](#))

E. County Counsel

V. Scheduled Matters

9:25 a.m. Public Hearing to Consider the Formation of County Service Area No. 22, Old School North (in Denair), Conduct a Ballot Procedure in Compliance with Proposition 218, and Consent to the Waiver of Conducting Authority Proceedings for the Formation of County Service Area No. 22 ([View Item](#))

9:30 a.m. Public Hearing to Consider Rezone Application No. 2003-06 and Vesting Tentative Subdivision Map Application No. 2003-02 - Del Rio Lago Subdivision, a Request to Rezone 43.8 Acres from RA (Rural Residential) Zoning District to Planned Development to Allow Construction of a Gated Community of 47 Homes to be Served by On-Site Sewer System on Property Located on the East Side of Carver Road, in Del Rio. A Mitigated Negative Declaration Will Be Considered.  
**A Written Request has been Received to Continue/Reschedule this Matter to Either December 7, 2004 or December 14, 2004** ([View Item](#))

9:35 a.m. A. Public Hearing to Consider the Introduction and Waiving of the First Reading of an Ordinance Relating to the Breeding, Transferring, Licensing, and Spaying and Neutering of Dogs and Cats and Establish Fees for the Department of Animal Services ([View Item](#))

B. Public Hearing to Consider the Introduction and Waiving of the First Reading of an Ordinance Amending Chapters 7.16, 7.24, 7.32, 7.48 and Amending Existing Fees and Adding New Fees to Chapter 7.50, Title 47 – Animals, of the Stanislaus County Code ([View Item](#))

VI. Correspondence

1. This Board has received the following claims: Manuel Cordevo, a Minor; Carolyn Dinwiddie; and, Barry Baumgartner.  
(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 Employment: Performance Evaluation – Interim Director of the Departments of Environmental Services and Parks and Recreation. Government Code Section 54954.5(e). Conference with Legal Counsel - Existing Litigation: Zoey Dawn Parkin, a minor, by and through her Guardian Ad Litem, Linda Herring and Linda Herring, individually vs. County of Stanislaus, et al., Stanislaus County Superior Court Case No. CV809856. Government Code Section 54956.9