san joaquin county
board of supervisors
minute summary
Tuesday, July 13, 2004

A Moment of Silence was held.

PRESENT: SUPERVISORS MOW, SIEGLOCK, GUTIERREZ, MARENCO, ORNELLAS

Minutes of the Board of Supervisors' Meetings of June 29, 30, & July 1, 2004. Approved. Mow/Gutierrez/5 B-04-706

PUBLIC COMMENT

Georgianna Reichelt addressed the Board regarding Lovelace Transfer Station rate increase.

Consent Item: #9 – Pulled for discussion by Supervisor Mow. Ken Cohen, Interim Health Care Services Director, responded to Supervisor Mow’s question regarding cost savings of having in-house radiology rather than hiring an outside contractor for services. Approved by separate motion. Sieglock/Ornellas/5

Consent Items: #1--8 & 10--30. Approved. Sieglock/Marenco/5

CONSENT - HEALTH & HUMAN SERVICES
1. hcs - Medical Services Agreement with Department of the Youth Authority, Northern California Youth Correctional Center. A-04-547 & B-04-707

2. mhs - Modification to the Warehouse Lease Agreement for Public Conservator. A-04-548

3. mhs - Approval of Part-time Psychiatrist Employment Contract. A-04-549

4. mhs - Late Out-of-State Travel Request to Attend Building Automation and Control System Operator Course at Seattle, Washington. B-04-708

5. mhs - Agreement with Managed Care Network Providers. A-04-550 thru A-04-556

6. hcs - Amendment to the Agreement with Sutter Medical Center, Sacramento for Cancer Surveillance Program Reporting. A-04-557

7. hcs - Student Training Agreements for Radiological Technology Training with Dameron Hospital, Catholic Healthcare West and Lodi Memorial Hospital. A-04-558, A-04-559, & A-04-560

8. hcs - Professional Services Agreement for Physical Medicine and Rehabilitation. A-04-561

9. hcs - Modification to the Professional Services Agreement with Delta Radiology Medical Group, Inc. A-04-562

10. hcs - Agreement for General Surgery Rotation between Catholic Healthcare West and San Joaquin General Hospital. A-04-563

11. hsa - Authorization of Memorandum of Understanding with the Women's Center of San Joaquin County. A-04-564 & B-04-709


**CONSENT - PUBLIC WORKS**

13. pw - Acceptance of the Austin Road Resurfacing Contract and Execution of a Notice of Completion. (5th District) R-04-382

14. pw - Approval of Subdivision Agreement and Final Map Entitled "Moreing Cove" Located Near the Western Area of Stockton. (3rd District) R-04-383
Consent – Public Works (continued)

15. pw - Award of Contract for the Lower Sacramento Road Corridor Improvements Program, Segment 3A-Phase I Project and Amendment of Measure K Cooperative Agreement. (4th District) R-04-384 & A-04-566

16. pw - Approval of an Agreement with the State of California Department of Transportation for the State Match Program. R-04-385 & A-04-567

17. pw - Approval of a San Joaquin County-San Joaquin Council of Governments Measure K Cooperative Agreement for the Design and Construction of the Armstrong Road Segment 3 Bicycle Route. (4th District) R-04-386 & A-04-568

CONSENT - LAW & JUSTICE

18. prob - Approve Agreement with Center for Positive Prevention Alternatives for Operation of a Youth Service Bureau and Youth Shelter. A-04-569

CONSENT - GENERAL GOVERNMENT

19. air - Authorization to Accept Federal Airport Improvement Program Grant Offer for Maintenance and Development of Stockton Metropolitan Airport. B-04-711 & A-04-570


21. assr/rec/co clerk - Adoption of an Ordinance Amending Chapter 3 of Division 5 of Title 2 of the Ordinance Code of San Joaquin County by Amending Sections 3-5000, 3-5001, 3-5002, 3-5003, 3-5004, and 3-5005, Relating to Reassessment of Property Damaged or Destroyed by Misfortune or Calamity. (Said Ordinance Introduced & Waived on 6/29/04) Ordinance #4218

22. cob - Approve Announcement of 1 Position on the Garden Acres Community Center Advisory Board. B-04-713

23. cob - Approve Announcement of 1 Position on the Solid Waste Management Independent Hearing Panel. B-04-714

24. cob - Approve Announcement of 1 Position on the Taft Community Center Advisory Board. B-04-715

Consent – General Government (continued)

26. fac/mgmt - Approve Plans and Specifications for Re-Bid of the Community Center Expansion Phase 2 Project and **Set Bid Opening Date of August 4, 2004 at 2:00 p.m.** R-04-387


28. oes - Continuance of Local Emergency. B-04-718

29. rov - Resolution Authorizing the Registrar of Voters to Conduct the City of Tracy, City of Lodi, City of Escalon General Municipal Elections, and to Consolidate Said Elections with the Statewide General Election to be Held on Tuesday, November 2, 2004. R-04-388

30. rov - Resolution Authorizing the Registrar of Voters to Conduct a School Bond Election for the Lincoln Unified School District and to Consolidate the District's Election with the Statewide General Election to be Held on Tuesday, November 2, 2004. R-04-389

**SCHEDULED MORNING ITEMS**

9:00 a.m. - pw - Report on Delinquent Mandatory Residential Refuse Collection Charges for Service Year 2003/2004. Tom Flinn, Director of Public Works Department, and Annette Borges, Integrated Waste Manager, of Public Works Department addressed the Board on this matter. **Approved Staff Recommendations.** Gutierrez/Marenco/5  R-04-390

9:00 a.m. - bos - **APPOINTMENTS TO BOARDS & COMMISSIONS:**

A) Agricultural Advisory Board - 1 Position. *(Contd from 6/8/04)* Appointed Stephen Brocchini. Sieglock/Gutierrez/5  B-04-719

B) Children's Services Coordinating Commission - 1 Position. **Reappointed Dennis Newlin.** Sieglock/Gutierrez/5  B-04-720

C) Collegeville Fire Protection District - 1 Position. **Clerk of the Board to Readvertise Position.**

D) Economic Development Association - 1 Position. **Clerk of the Board to Readvertise.**

E) Emergency Medical Services Committee - 1 Position. *(Contd from 6/8/04)* **Clerk of the Board to Readvertise.**

Appointments to Boards and Commissions (continued)
F) Equal Employment Opportunity Advisory Board - 2 Positions. **Reappointed Josephine Cervantes.** Gutierrez/Mow/5 B-04-721

Clerk of the Board to Readvertise Remaining Position.

G) Housing Appeals Board - 1 Position. **Appointed Susan Kizer.** Sieglock/Gutierrez/5 B-04-722

H) Larch Clover Community Center Advisory Board - 1 Position. **Clerk of the Board to Readvertise.**

I) Mental Health Board - 1 Position. **Continued to July 20, 2004.**

J) Parks & Recreation Commission - 1 Position. **Clerk of the Board to Readvertise.**

K) Workforce Investment Board - 1 Position. **Clerk of the Board to Readvertise**

**DISCUSSION - LAW & JUSTICE**

1. cao - Approval of Joint Spending Plan for 2004 Local Law Enforcement Block Grant Program. Tony Rocha of the County Administrator’s Office, and Patty Mazzilli, Chief Deputy Probation Officer of Probation Department, Stewart Wakeling, Juvenile Justice Coordinator, and ToCan Nguyen addressed the Board on this matter. **Approved Staff Recommendations.** Sieglock/Gutierrez/5 B-04-724

The Chairman directed the County Administrator to work with the Probation Department to look at additional grants and funding and commitment to the program.

**DISCUSSION - PUBLIC WORKS**

1. pw - Report Regarding Transfer of Funds from Road District #2 to Road District #1. Tom Flinn, Director of Public Works Department, addressed the Board on this matter. (4/5’s vote required)

A motion was made to transfer funds from Road District #2 to Road District #1 to fund improvements in the Boggs Tract area. Mow/Sieglock/Ornellas/No Gutierrez/Marenco/2 B-04-723

**COMMUNICATIONS**
ToCan Nguyen addressed the Board on various matters.

Bill Pearce of Valley Patients Alliance stated that the purpose he was in attendance at the Board Meeting was to receive clarification and guidance on the distribution of medical marijuana in San Joaquin County. He referenced Proposition 215 passed eight years ago, and most recently Senate Bill 420 that addressed some of the issues that were raised in Proposition 215. Mr. Pearce said that he had not received a response to his letter of April 2004 asking what the county was doing to implement SB 420.

Supervisor Gutierrez stated that he had asked County Counsel for an opinion, and they did extensive research and produced a response. He thought Mr. Pearce had received this response. Supervisor Gutierrez indicated that it was his understanding that this matter is before the Federal courts and that there are some issues that have to be dealt with at the Federal level.

County Counsel Terry Dermody stated that it was not correct that they had not responded to the communication Mr. Pearce referenced. Mr. Dermody, on June 2, had sent a memorandum to the Community Development Director with copies to each Board Member and the CAO. His understanding was that that communication was shared with individuals who have approached the Community Development Director and inquired about this matter. In addition, he spoke by telephone and personally with Mr. Pearce about these same issues, and repeated to him what he had previously advised the Board in writing. The Board does not control the prosecutorial discretion of the District Attorney and does not have the constitutional authority to do so. Mr. Dermody also pointed out the Federal and State issues involved.

Supervisor Mow stated that he had met with an individual representing a number of employees regarding changes in the City of Stockton parking designations. He had a discussion with Steve Pinkerton of the City of Stockton who has expressed a willingness to meet with the employees, along with involvement from the County Administrator’s Office. Supervisor Mow furnished the County Administrator with a petition from employees.

Supervisor Marenco referred to Emergency Medical Service (EMS) System Redesign Steering Committee Minutes of June 7, 2004. He stated that this was the second time he received minutes from this committee where the members discussed the political concerns of the Board. He did not feel that this is the way to do business.
Additionally, Supervisor Marenco stated that he was still concerned about the June 15, 2004 Board Meeting regarding Consent – Health & Human Services Item #2 – “Approval of Take-Time-to-Immunize Program Subcontract with Community Medical Centers.” Supervisor Marenco asked whether or not the Board needed to rescind their vote on this matter due to the fact that it was learned that the services had not been provided, and he wanted to know what happened to the other four years of the contract.

County Administrator Manuel Lopez reported that he had spoke with Public Health Director Bill Mitchell and met with Interim Health Care Services Director Ken Cohen and Public Health Director Bill Mitchell on June 12, 2004. He confirmed that the work had not been done and so the contract will not be processed as the fiscal year is over. The other years are not at issue. Mr. Lopez stated that Mr. Cohen attempted to contact the Auditor-Controller to see if there should be some internal mechanisms in place to ensure that these matters are clearly developed before coming to the Board.

Supervisor Gutierrez indicated that he was approached by employees of the courts that expressed concern regarding downtown parking for employees. The point they raised was that anyone seeing a movie can park free. However, employees working downtown have to pay, and the city is always encouraging employees to stay downtown and that employees generate revenue for downtown businesses. Supervisor Gutierrez stated that this matter could possibly be part of the discussions with the City of Stockton.

Supervisor Gutierrez also commented on the matter regarding the late contract with Community Medical Centers. Supervisor Gutierrez expressed his concern regarding serious administrative issues and a real problem with checks and balances.

Supervisor Mow acknowledged that the County Administrator is working toward resolving issues regarding this matter, and to have continuing dialogue on these type of matters.

Chairman Ornellas referred to an earlier complaint from a woman regarding gates on reclamation district land or on riverbanks. He clarified that reclamation district does not own the riverbank. It usually belongs to the property owner that neighbors it. The property owner and/or the reclamation district can require gates. The reclamation districts collect money and do the best to maintain the riverbanks.

Secondly, Chairman Ornellas informed the Board that an arsonist lit up about $380,000 in hay in three different fires on property between Mountain House and the city of Tracy. He plans to contact the Sheriff regarding this matter.

Board of Supervisors Questions and Comments (continued)

Chairman Ornellas also reported that on July 7 a press conference was held to bring awareness to AB 2165 and to view the continued work at Jones Tract. He thanked Connie Cassinetto, Media Communications Officer, for putting the event together and Ron Baldwin, Director of Emergency Operations, for his presentation.

CLOSED SESSION
CONFERENCE WITH LABOR NEGOTIATOR

California Government Code Section 54957.6

Agency Negotiator: Manuel Lopez; Don Turko; Wayne Heine; John Bertke; Jeff Sloan; Donna Williamson.

Employee Organizations: SEIU, San Joaquin Deputy Sheriff's Association, San Joaquin County Correctional Officers Association, San Joaquin County Law Enforcement Management Association, Sheriff Deputy Sergeant Association, California Nurses Association, San Joaquin County Management Association, San Joaquin District Attorney Investigator's Association, Union of American Physicians and Dentists, and Unrepresented

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

California Government Code Section 54956.9(a)

ROSA SORIA et al vs. RONNIE GENE CARPENTER et al; San Joaquin Superior Court Case No. SV239129

DAVID M. GRAN vs. SAN JOAQUIN COUNTY et al; San Joaquin Superior Court Case No. CV018428

MOUNTAIN HOUSE PARKWAY CONDEMNATION CASES: MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT vs. SPATAFORE, JR., et al; San Joaquin County Superior Court Case No. CV023995, CV023995, CV023997, CV023996, CV024108, CV023993, CV024102, CV024100, CV024104, CV024107, CV024103, CV024101, CV023994, CV023998, CV024106, CV024105.

SCHEDULED AFTERNOON ITEMS

1:30 p.m. - cdd - Public Hearing Regarding Yearly Report on VFW Post 1051 Status as Required by Site Approval #PA-02-625 of Old German Baptist Church (c/o VFW Post
Attorney Mike Hakeem and James Pilchard addressed the Board on this matter. *(Contd from 3/9/04). Continued to October 12, 2004 at 1:30 p.m. with the Hearing Open.* Sieglock/Marenco/5  B-04-726

1:30 p.m. - cdd - Public Hearing Regarding Execution of Certificate of Cancellation of Williamson Act Contract #75-C1-16 of June Mills. (PA-0300618) (4th District) Kerry Sullivan, CDD Director, addressed the Board on this matter. **Approved Staff Recommendation.** Mow/Gutierrez/5  R-04-391

1:30 p.m. - cdd - Public Hearing on First Cycle General Plan Text Amendment: Application #PA-0400220, Housing Element Update 2003-09. (All Districts) Jon Moore, CDD Deputy Director, addressed the Board on this matter. **The Board continued the public hearing to July 27, 2004 at 1:30 p.m. to further discuss amendments to proposed text regarding Mountain House zoning and housing densities (Pg: Vol III, IIB-73) and Stockton Planning area utilities for housing (Pg: Vol III, IIB-74).** Sieglock/Mow/5  B-04-727

**ADJOURNED TO TUESDAY, JULY 20, 2004 AT 9:00 A.M.**

Sieglock/Gutierrez/5  B-04-728

Note: If you need disability-related modification or accommodation in order to participate in this meeting, please contact the Clerk of the Board of Supervisors at (209) 468-2350 at least 48 hours prior to the start of the meeting. Government Code Section 54954.2(a).