

**BOARD CHAMBERS, COURTHOUSE, 7TH FLOOR**

**222 E. WEBER AVENUE, STOCKTON, CA**

**TUESDAY, JULY 09, 2002**

**9:00 AM**

A moment of silence was held.

**PRESENT: SUPERVISORS BEDFORD, SIEGLOCK, GUTIERREZ, MARENCO, MOW**

Minutes of the Board of Supervisors' Meetings of June 26, 27, & July 2, 2002. Gutierrez/Sieglock/5  
**Approved. B-02-880**

Consent Item: #5 – Pulled for discussion

Consent Items: #1  
thru 26 –  
**Approved.**  
Gutierrez/  
Marenco/5

**SCHEDULED MORNING ITEMS**

9:00 a.m. - bos - Appointments to Boards & Commissions:

- A. Garden Acres Community Center Advisory Board - 1 Position (**Contd from 6/25/02**)  
**Clerk of the Board to Readvertise Position.**

**DISCUSSION - GENERAL GOVERNMENT**

1. cao - Approval of Joint Spending Plan for 2002 Local Law Enforcement Block Grant. Stephanie Larson, Deputy County Administrator, addressed the Board on this matter. **Continued to July 16, 2002.**

**COMMUNICATIONS**

bos - Received and Referred all Board Communications this date as Outlined on the Communications Distribution Listing. Sieglock/Gutierrez/5 B-02-881

## **PUBLIC COMMENT**

Allyn Costa addressed the Board and stated that she and her husband are farmers on Highway 120 where they have a produce stand. They were cited for a violation and are currently in the process of correcting these violations. Mrs. Costa asked whether or not the Board had any plans to change the Produce Stand Ordinance. Chairman Mow indicated that he had no knowledge of any action to change the ordinance. County Counsel cautioned the Board in discussing this matter as it was not on the agenda. However, the Board could ask that it be scheduled for a future meeting.

Supervisor Sieglock explained to Mrs. Costa that the Board had gone through a lengthy process in discussing this matter prior to the ordinance being adopted. Supervisor Bedford indicated he has personally met with several of the owners of the produce stands on Highway 120. He said that there are some aspects of the present ordinance that are difficult to comply with. Therefore, he wanted to bring it to the Board's attention that a group of fruit stand owners on Highway 120 would like to have an opportunity to review that ordinance. He wanted to know if the Board would be receptive to an extension on the produce stand ordinance as it affects the owners on Highway 120. Supervisor Gutierrez asked what kind of financial impact the ordinance has had on produce stands. Mrs. Costa's plan is to meet the present requirements of the ordinance, however, the financial impact is going to be great because if she does not meet the requirements, she will be financially penalized. Mrs. Costa stated that her income is supplemented by the produce stand.

ToCan Nguyen addressed the Board on various matters.

## **BOARD OF SUPERVISORS QUESTIONS AND COMMENTS**

Supervisor Marengo indicated that he had some concerns regarding a copy of a letter he received that was addressed to the California Energy Commission from the Mountain House Community Service District (MHCSO) General Manager. Specifically, he felt that Mountain House Staff may be taking a position on the East Altamont Energy Center different from that of the Board of Supervisors. The CAO said that he would request the MHCSO General Manager to bring a report to the Board on this issue. Chairman Mow directed the CAO to review the letter and contact the MHCSO General Manager.

Supervisor Bedford again addressed the complaints he received from produce stand operators on Highway 120 that have been cited with violations of the ordinance. He indicated that the operators have requested his assistance in obtaining time extensions to correct these violations with the Director of Code Enforcement. Additionally, they would like an opportunity to appear before the Board to inform them how the ordinance is affecting them.

Chairman Mow stated that there are fruit stands all over the county, and he has not received any complaints from those operators that are located in the Delta which he represents.

Supervisor Gutierrez expressed his concern about the issue raised by Supervisor Marengo regarding the Mountain House Community Service District letter and requested that the MHCSO report back to the Board publicly next week.

Supervisor Gutierrez asked that staff furnish Supervisor Bedford with the materials and tapes of past Board Meetings regarding the produce stand matter. He said that after Supervisor Bedford has reviewed the materials and listened to the tapes, and if Supervisor Bedford felt that the Board missed any significant areas that he would support Supervisor Bedford's request.

Supervisor Gutierrez informed the Board that there is an extraordinary photography exhibit at the San Joaquin Historical Museum and encouraged the Board Members to view the exhibit. The exhibit is entitled "The World is Watching" and is based on the civil rights movement and several other movements.

Chairman Mow suggested that the matter of the Produce Stand Ordinance come back before the Board with an informational report from the Community Development Director in order to afford him and Supervisor Bedford to be updated on the ordinance.

However, Supervisor Bedford stressed again that the produce stand operators are under a time frame as violation notices have been sent to the operators. They want to obtain some kind of moratorium in order to allow them time to comply with the ordinance.

Supervisor Marengo asked the Community Development Director how long the ordinance has been in place. The Community Development Director said that the ordinance was adopted by the Board approximately 1-1/2 years ago. Supervisor Marengo expressed that he has no objection for this matter to come back before the Board to hear a report, however, he does not feel this matter warrants a complete hearing process. Supervisor Marengo also urged the Chairman and Supervisor Bedford to review past materials and listen to the tapes.

Chairman Mow asked Supervisor Bedford if this was agreeable to him and he agreed. However, Supervisor Bedford requested that a grace period be given in the interim so that the produce stand operators are not burdened with going to court to defend themselves. Supervisor Bedford felt two weeks would be ample time for him to review the materials and tapes.

County Counsel advised that discussion of whether or not to placing this matter on an agenda and in what fashion is permissible. However, the Board should not take action to direct staff to take a specific action with regard to enforcement action. He explained that Code Enforcement probably has some discretion under the ordinance that they can use. He further stated that the Community Development Director can provide information to Board Members so that the Board can decide to either bring the matter back formally for further discussion or to take some specific action.

Supervisor Sieglock indicated that he would not want to see anything happen until that time.

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### **CLOSED SESSION**

#### **CONFERENCE WITH LABOR NEGOTIATOR**

California Government Code Section 54957.6

Agency Negotiator: Manuel Lopez; Don Turko; Edward Takach; Geoff Rothman;

Jeff Sloan; Harry Lewis

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)

Chiara Macciardi v. County of San Joaquin, San Joaquin County

Superior Court No. CV008416

Frank Constancio, et al., v. San Joaquin County, San Joaquin Superior

Court Case No. CV010125

#### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

## California Government Code Section 54957

Title: Human Services Agency Director

### **SCHEDULED AFTERNOON ITEMS**

1:30 p.m - cdd - Public Hearing Regarding Revision of Approved Actions Concerning Quarry Excavation #QX-96-1 of DSS Company (c/o Jose Alva). (5th District) Kerry Sullivan, Senior Deputy Director, of Community Development Department, and Attorney Jose Alva, addressed the Board on this matter. **Approved Staff Recommendations with Condition that Community Development Department Report Back to the Board within 6 Months from the Date of Approval Regarding the Revised Hours of Operation.** Gutierrez/Bedford/5 B-02-895 & R-02-449

1:30 p.m - cdd - Public Hearing on PA-02-145 & PA-02-149 of San Joaquin County. Kerry Sullivan, Senior Deputy Director, Community Development Department, and Michael Durkee, of Allen, Matkins, Leck, Gamble & Mallory, and Monte Siebel, addressed the Board on this matter. **Approved Staff Recommendations.** Marengo/Mow/5 B-02-896 & B-02-897 Ordinance #4161

1:30 p.m. - cdd - Public Hearing Regarding the Appeal by Ernest Bezley of the Planning Commission's Denial of Lot Line Adjustment #LA-01-100. (4th District) Kerry Sullivan, Senior Deputy Director, Community Development Department, Andrea Matarazzo of Remy, Thomas & Moose, LLP, Don Steele, Jim Curtis, Lynn Eggy, Larry Ross, Alberta Cox, Katina Conn, and Attorney Jose Alva, addressed the Board on this matter. **Approved Staff Recommendation to Deny the Appeal and Uphold the Staff Determination to Deny Lot Line Adjustment #LA-01-100.** Sieglock/Gutierrez/5 R-02-450

### **CONSENT - HEALTH & HUMAN SERVICES**

1. ag/cs - Approval of Fiscal Year 2002/03 County Community Service Program. B-02-882 & A-02-628 thru A-02-632
2. hcs - Lease Agreement with Dorian Chumley for San Joaquin General Hospital Residency Training Program Accommodations. A-02-633
3. mhs - San Joaquin Mental Health Services California Department of Mental Health - Medi-Cal Managed Care Agreement for Fiscal Year 2002/03. A-02-634

4. phs - Public Health Services Immunizations Project Subvention Funds Contract #02-25180. B-02-883 & A-02-635
5. hsa - Request for Approval of the Greater Stockton Chamber of Commerce Agreement. (**Contd from 7/2/02**). Judith Jones, Deputy Director of Program Development, of Human Services Agency, Douglass Wilhoit, CEO, Greater Stockton Chamber of Commerce and Ron May, President, Greater Stockton Chamber of Commerce, addressed the Board on this matter. B-02-884 & A-02-636

### **CONSENT - PUBLIC WORKS**

6. pw - Acceptance of the Union Road Resurfacing Contract and Execution of a Notice of Completion. (5th District) R-02-436
7. pw - Approval and Adoption of Plans and Specifications for the Concrete Bridge Deck Seal Program 2002, and **Setting a Bid Opening Date of August 1, 2002 at 1:30 p.m.** (All Districts) R-02-437
8. pw - Acceptance of the Bird Road Resurfacing Contract and Execution of a Notice of Completion. (5th District) R-02-438
9. pw - Approval and Adoption of Plans and Specifications for the Bruella Road Resurfacing and **Setting a Bid Opening Date of August 1, 2002 at 1:30 p.m.** (4th District) R-02-439

### **CONSENT - LAW & JUSTICE**

10. prob - Renewal of Contract with San Joaquin Community Data Cooperative for Evaluation of Probation Department Juvenile Justice Crime Prevention Act Programs. B-02-885 & A-02-637
11. prob - Approval of Employment Contract - Crossroads Case Manager - Grant Funded. A-02-638
12. s/o - Sheriff Inmate Welfare Fund: Acceptance of a Donated Military Surplus Vehicle - 1994 Ford F350 Crew Cab Flat Bed Truck. B-02-886
13. s/o - Resolution Amending Salary Assignment and Departmental Allocation Listing: Sheriff- Unified Court Security Budget - Addition of One Deputy Sheriff II Position. (**4/5ths Vote Required**) B-02-887 & R-02-440

### **CONSENT - GENERAL GOVERNMENT**

14. cdd - Renewal of the Urban County Cooperation Agreement between San Joaquin County and

- the Cities of Escalon, Lathrop, Manteca, Lodi, Ripon, and Tracy for the Period of 2003-2005. B-02-888
15. cdd - Request for Refund of Planning Fees (PA--0200207) for Ernie Schenone. (2nd District) B-02-889
  16. cdd - Foreclosure on Defaulted Housing Loans. B-02-890
  17. info systems - Employment Contract Information Systems Analyst IV. B-02-891 & A-02-639
  18. purchasing - Award of Contract for Light Fixture Energy Conservation Retrofit at Public Works, Juvenile Justice, Sheriff Operations Center, Honor Farm and Jail Distribution Center. B-02-892 & A-02-640
  19. purchasing - Award of Contract for Energy Efficient Heating Retrofit for the Animal Cages at Micke Grove Zoo. B-02-893 & A-02-641
  20. rov - Resolution Directing the Registrar of Voters to Conduct the City of Escalon Municipal Election and to Authorize the Registrar of Voters to Render Special Specified Services to the City During the Conduct of its General Municipal Election. R-02-441
  21. rov - Resolution Appointing John Spaletta to the Board of Trustees of Reclamation District #2030. R-02-442
  22. rov - Resolution Directing the Registrar of Voters Office to Conduct the City of Tracy General Municipal Election and to Authorize the Registrar of Voters to Render Specified Services to the City During the Conduct of Its General Municipal Election. R-02-443
  23. rov - Resolution Directing the Registrar of Voters Office to Conduct the City of Ripon General Municipal Election and to Authorize the Registrar of Voters to Render Specified Services to the City During the Conduct of Its General Municipal Election. R-02-444
  24. rov - Resolution Directing the Registrar of Voters Office to Conduct the City of Lathrop General Municipal Election and to Authorize the Registrar of Voters to Render Specified Services to the City During the Conduct of Its General Municipal Election. R-02-445
  25. rov - Resolution Directing the Registrar of Voters Office to Conduct the City of Manteca General Municipal Election and to Authorize the Registrar of Voters to Render Specified Services to the City During the Conduct of Its General Municipal Election. R-02-446

**CONSENT - MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT**

26. mhcsd - Adoption of Resolutions Approving an Agreement for Use of the Material Recovery Facility and Transfer Station in South San Joaquin County. R-02-447 R-02- 448 & A-02-642

**ADJOURNED TO TUESDAY, JULY 16, 2002 AT 9:00 A.M.** Sieglock/Gutierrez/5 B-02-894