

Board of Supervisors  
San Joaquin County

STEVEN GUTIERREZ  
Chairman  
First District

DARIO L. MARENCO  
Vice Chairman  
Second District

VICTOR MOW  
Third District

JACK A. SIEGLOCK  
Fourth District

LEROY ORNELLAS  
Fifth District

MANUEL LOPEZ  
County Administrator  
RENCE R. DERMODY  
County Counsel  
LOIS M. SAHYOUN  
Clerk of the Board

MINUTE SUMMARY

**BOARD CHAMBERS, COURTHOUSE, 7TH FLOOR  
222 E. WEBER AVENUE, STOCKTON, CA  
Tuesday, June 28, 2005  
9:00 AM**

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

e Minutes of the Board of Supervisors' Meetings of June 21, 22, & 23, 2005. **Approved.** Mow/  
5 B-05-726

SCHEDULED MORNING ITEMS

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

A) Advisory Water Commission - 2 Positions **Reappointed Matthew Machado and Joe  
Giulian.** Sieglock/Marenco/5 B-05-727

B) Camanche Regional Park Advisory Board - 1 Position. **Reappointed Jose Alva.** Sieglock/  
Marenco/5 B-05-728

C) Commission on Aging - 3 Positions. **Reappointed Dean Morris, Gerald Rothman  
and Joseph Murphy.** Sieglock/Marenco/5 B-05-729

D) Planning Commission - 2 Positions. **Reappointed Sandra Carter and Appointed  
Elizabeth Blanchard.** Sieglock/Marenco/5 B-05-730 & B-05-731

ments to Boards and Commissions (continued)

E) Public Health Advisory Board - 3 Positions. **Reappointed Al Crow.** Sieglock/Marenco/5;  
**Clerk of the Board to readvertise remaining two positions.** B-05-732

F) Retirement Board - 1 Position. **Reappointed Ray McCray.** Sieglock/Marenco/5 B-05-733

9:00 a.m. - bos - Reappointment of Jeffrey Prag and Christine Kroger to the San Joaquin County Law Library Board of Trustees. **Reappointed Jeffrey Prag and Christine Kroger.** Sieglock/Mow/5 B-05-734

9:00 a.m. - hsa - Conduct Public Hearing to Adopt the In-Home Supportive Services Public Authority Fiscal Year 2005-2006 Budget and Rate Application. (Action Required by the Board of Supervisors and the IHSS Public Governing Board of Directors). Human Services Agency Director Joe Chelli and George McHugh, Director of Public Authority addressed the Board on this matter. Supervisor Sieglock requested that the Board be provided a report showing costs of previous years. **Approved.** Sieglock/Mow/5 B-05-735 & B-05-736

**APPROVE CONSENT ITEMS # 1-36**

#17 - Pulled for discussion by Supervisor Mow.

#28 – Pulled for discussion by Supervisor Ornellas.

#1, 2, 8 & 22 – Pulled for discussion by Supervisor Sieglock.

Consent: #37 – Pulled for discussion by Chairman Gutierrez for public comment from Beverly Foster.

#3-7, 9-16, 18-21, 23-27 and 29-36. **Approved.** Mow/Marenco/5

**Items (continued)**

Consent Item: #1 – In response to Supervisor Sieglock, First Five Program Director Lani Schiff-Ross stated that other cities could also receive this funding.

Consent Item: #2 – In response to Supervisor Sieglock, First Five Program Director Lani Schiff-Ross explained the meaning of this item.

Consent Item: #8 – In response to Supervisor Sieglock, Human Services Agency

Director Joe Chelli and Human Services Agency Deputy Director Dave Erb clarified the designation of the Children's Services Coordinating Commission to serve as the Child Abuse Prevention Coordinating Council.

Consent Item: #17 – In response to Supervisor Mow, Juvenile Justice System Coordinator Stewart Wakeling gave an evaluation summary of the Neighborhood Center Initiative.

Consent Item: #22 – In response to Supervisor Sieglock, Chairman Gutierrez stated that the funding for the 2005-06 Summer Youth Enrichment Program was coming out of the District Special Projects/Activities fund allocated to the First Supervisorial District.

Consent Item: #28 – Mr. Lee Brink of Stockton addressed the Board on this matter. Community Development Director Kerry Sullivan asked the Board's direction to initiate an ordinance. After discussion by Board Members, Ms. Sullivan stated that prior to coming back to the Board, she will send a draft of the ordinance to Board Members to review.

Consent Item: #37 - Beverly Foster expressed concerns about identification of the trucks and if the ordinance is passed, how will the vendors know of the new ordinance. Treasurer-Tax Collector Shabbir Khan explained that the ordinance will be published in the newspaper, information will be provided on the application for the licenses as they are issued, and he will write a letter to the 20 current vendors that are licensed. County Counsel Terrence stated that it will take some time for the word to filter out.

Consent Items: 1, 2, 8, 17, 22, 28 and 37. **Approved.** Sieglock/Mow/5

ToCan Nguyen addressed the Board on Consent Items.

### CONSENT - HEALTH & HUMAN SERVICES

cao - Children and Families Commission (First 5 San Joaquin) Recommendation to Fund City of Stockton Parks and Recreation Department as Leverage for the Playground Renovation Project. B-05-737 & A-05-468

cao - Children and Families Commission (First 5 San Joaquin) Recommendation for Extension of Funding Agreements for 2005/2006. B-05-738 & A-05-469 thru A-05-497

hcs - Approval of Applications for Appointment to San Joaquin General Hospital. B-05-739

hcs - Approval of Applications for Reappointment to San Joaquin General Hospital Medical Staff. B-05-740

hcs - Approval of Revisions to the San Joaquin General Hospital Bylaws. B-05-741

hcs - Approval of Employment Contracts for Health Care Professional Pharmacy Residents. B-05-498 & A-05-499

hcs - Approval of Employment Contracts for Health Care Services. A-05-500--506

hsa - Recommendation to Designate the Children's Services Coordinating Commission to serve as the Child Abuse Prevention Coordinating Council. B-05-742 & R-05-372

hsa - Request to Sign Notice of Intent for Child Abuse Prevention, Intervention, and Treatment Program, Community-Based Child Abuse Prevention Program and The Promoting Safe and Stable Families Program. B-05-743

0. hsa - Approval of Contract with San Joaquin County Office of Education for Child Abuse Prevention, Intervention and Treatment Services. B-05-744 & A-05-507

1. hsa - Approval of Fiscal Year 2005-06 State Contract for Senior Community Services Employment Program. B-05-745 & A-05-508

2. hsa - Approval of the In-Home Supportive Services Public Authority Interagency Agreement (Action Required by the Board of Supervisors and the IHSS Public Authority Governing Board of Directors). B-05-746 & A-05-509

3. hsa - Approval of Congregate and Home-Delivered Meals Contracts for Seniors First, Inc. for Fiscal Year 2005-2006. B-05-747 & A-05-510 & A-05-511

4. phs - Approval of Out-of-State Travel to Attend the National Association of City and County Health Officials - Association of State and Territorial Health Officials 2005 Joint Conference in Boston, Massachusetts. B-05-748

5. phs - Approval of Contract Amendment with the California Department of Health Services for Ryan White Funds and Memoranda of Understanding with Community Medical Centers and the San Joaquin AIDS Foundation. B-05-749 & A-05-512, A-05-513 & A-05-514

### **CONSENT - PUBLIC WORKS**

5. pw - Award of Contract for the Valpico Road Resurfacing. (5th District) R-05-373

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

7. cao - Contract for the Continued Implementation of the Neighborhood Service Center Initiative of the Comprehensive Multiagency Juvenile Justice Plan. B-05-750 & A-05-515

8. prob - Renewal of Contract for Management Training and Consulting Services. A-05-

16

9. prob - Approve Agreement with Center for Positive Alternatives Inc., for Operation of a Youth Service Bureau. A-05-517
0. s/o - Approval of Sponsored Out-of-State Travel to Firearms Training in Pahrump, Nevada. B-05-751 & B-05-752
1. s/o - Sheriff-Inmate Welfare Fund: Approval of Inmate Telephone System Contract with Vercom Systems, Inc. B-05-753 & A-05-518

### **CONSENT - GENERAL GOVERNMENT**

2. bos - Funding for 2005-2006 Summer Youth Enrichment Programs. B-05-754
3. cao - Response to 2004/2005 Grand Jury Report - Case #1304 San Joaquin County District Attorney Fifth Floor (Office Space on the Fifth Floor). B-05-755
4. cob - Approve Announcement of 12 Positions on the Workforce Investment Board. B-05-756
5. cdd - Introduce and Waive Reading of an Ordinance to Amend the California Fire Code, 2001 Edition, and **Set Date of the Public Hearing for July 19, 2005 at 9:15 a.m.** B-05-757
6. cdd - Introduce and Waive Reading of an Ordinance to Amend the California Building Code, 2001 Edition, and **Set the Date of the Public Hearing for July 19, 2005 at 9:15 a.m.** B-05-758
7. cdd - Introduce and Waive Reading of an Ordinance to Adopt the California Electrical Code, 2004 Edition, and **Set the Date of the Public Hearing for July 19, 2005 at 9:15 a.m.** B-05-759
8. cdd - Initiate a Text Amendment Restricting the Location of Basketball Hoops within the County Road Right-of-Way. B-05-760
9. fac/mgmt - Approve Support of AB-486 - Roberti Z'Berg-Harris Urban Open Space and Recreation Program. B-05-761
0. rov - Resolution Declaring the Results of the Second Member-General Members, San Joaquin County Employees Retirement Association Held on June 14, 2005. R-05-374
1. veterans/ofc - Approve Participation in State Subvention Fund, Medi-Cal Cost Avoidance and Veteran License Plate Fund Programs for Fiscal Year 2005-2006. B-05-762

### **CONSENT - IN HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY**

2. ihss - Introduce and Waive Reading of an Ordinance Adopting an Amendment to the Contract between the Public Authority and Board of Administration of CALPERS. (**Said Ordinance to be adopted on 7/12/05**). B-05-763

### **CONSENT - MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT**

3. mhcsd - Approval of Professional Services Contracts with Nolte Associates, Inc for Engineering and Inspection Services for Mountain House Community Services District. B-05-764 A-05-519 & A-05-520

4. mhcsd - Approval of a Professional Services Contract with TJKM to Provide On-Call Traffic Studies and Transportation Planning Services for Mountain House Community Services District. B-05-765 & A-05-521

5. mhcsd - Approval of a Professional Services Contract with Harris & Associates to Provide Engineering and Construction Inspection Services for Neighborhoods E, G, H, and Arterial Roadway Construction for Mountain House Community Services District. B-05-766 & A-05-522

6. mhcsd - Approval of Professional Services Contracts with West Yost & Associates for Engineering and Construction Management Services to the Mountain House Community Services District for the Water Treatment Plant and Wastewater Treatment Plan Expansion and Other Utility-Related Projects. B-05-767, A-05-523, A-05-524, & A-05-525, A-05-526, & A-05-527 & A-05-528

### **DISCUSSION - GENERAL GOVERNMENT**

cao - Report on Head Start Program, Amend Head Start Grant Application and Authorize Head Start Positions and Policy Council Members. Phil Brown, County Administrator Manuel Lopez and Bruce Guidici, ToCan Nguyen and Pastor Ernest Williams addressed the Board regarding this matter. **Approved.** Sieglock/Mow/5 B-05-768

### **COMMUNICATIONS**

caos - Receive and Refer all Board Communications this date as Outlined on the Communications Distribution Listing. **Approved.** Sieglock/Mow/5 B-05-769

### **PUBLIC COMMENT**

Ernest Williams and Robert Wooten addressed the Board regarding the hiring of a specific Deputy Sheriff from another county.

ToCan Nguyen addressed the Board regarding various matters.

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

Supervisor Marengo stated that he would like to see a report from the Sheriff regarding the hiring of a deputy sheriff from another county, i.e., how the hiring was done and if it was legitimate. County Administrator Manuel Lopez stated that the Sheriff will have to respond to the Grand Jury, however, he will ensure that the Sheriff provide the Board a report.

In response to concerns raised by Supervisor Marengo regarding IHSS, County Administrator Manuel Lopez stated that he will furnish a report to the Board.

Administrator Manuel Lopez responded to Supervisor Mow's request for clarification on Consent Item #13.

Supervisor Mow expressed that he felt many of the questions raised regarding the hiring of a specific deputy from another county were answered in the Grand Jury Report. He asked how individuals could receive a copy of the Grand Jury Report. Supervisor Ornellas added that maybe there would be less concern if a deputy sheriff was at a desk job.

Supervisor Ornellas expressed his dismay on a recent Supreme Court decision regarding eminent domain. County Counsel addressed the Board on this matter.

Deputy Wooten came to the podium again to speak. In response to Mr. Wooten, County Counsel Terrence Dermody stated that when the formal response to the Board is received from the Sheriff, that would be an appropriate time for discussion of this matter. Chairman Gutierrez asked Mr. Wooten to wait for the response from the Sheriff. Supervisor Sieglock suggested that Mr. Wooten speak to the new Sheriff and have him make Mr. Wooten a copy of the Grand Jury Report.

Supervisor Sieglock inquired about a request that Supervisor Ornellas raised several months ago with regard to coroners report and asked when will the Board receive the report. County Administrator Manuel Lopez stated that the Board would receive the report by July 19 or July 26.

In response to Chairman Gutierrez question regarding ambulance service discussions between the City of Stockton and American Medical Response (AMR), County Administrator Manuel Lopez stated that the issue has been discussed between AMR and the City of Stockton. He added that Health Care Services Director Ken Cohen will be presenting to the Board on July 12 regarding ambulance services.

Chairman Gutierrez asked when would the Board be receiving a report of Office of Substance Abuse (OSA) employees that are will be laid off and where they are being placed. County Administrator Manuel Lopez provided a brief update and stated that he would make sure the Board received a report. Chairman Gutierrez said he would also like to know the salary that OSA employees would be making if they were moved into other positions.

Chairman Gutierrez suggested that if there were any future Community Development matters that were not on the agenda that they be placed to be heard in the morning of a Board meeting rather than the afternoon. Board members concurred.

County Counsel Terrence Dermody announced that there was no "Closed Session: and that the Board would be in session until 1:30 p.m.

**CLOSED SESSION**

CONFERENCE WITH LABOR NEGOTIATOR

California Government Code Section 54957.6

Agency Negotiator: Manuel Lopez; Wayne Heine; John Bertke; Bruce Heid.

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

**SCHEDULED AFTERNOON ITEMS**

1:30 p.m. - cdd - Public Hearing Regarding Development Title Text Amendment Application #PA-0400683 of San Joaquin County Regarding the Definition of "Special Indoor Event" and "Special Outdoor Event."(All Districts) Community Development Director Kerry Sullivan briefed the Board on this matter. **Approved.** Sieglock/Marenco/5 B-05-770 & Ordinance #4258

**RETURNED TO TUESDAY, JULY 12, 2005 AT 9:00 A.M.** Sieglock/Ornellas/5 B-05-771

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



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Fifth District

**SUPPLEMENTAL AGENDA**



EL LOPEZ  
Administrator

E R. DERMODY  
County Counsel

SAHYOUN  
Member of the Board

## MINUTES

**BOARD CHAMBERS, COURTHOUSE, 7<sup>TH</sup> FLOOR  
222 E. WEBER AVENUE, STOCKTON, CA  
TUESDAY, JUNE 28, 2005  
9:00 A.M.**

### **CONSENT-GENERAL GOVERNMENT**

as/tax/collector - Adopt an Ordinance Regarding an Amendment to Chapter 1(b) of Division 1  
e 7, Sections 7-1026, 7-1029, 7-1030, 7-1032, and 7-1033, of the Ordinance Code of County of  
aquin to Regulate Peddler Licenses. (Said Ordinance **Introduced & Waived on 6/21/05**)  
**ved.** Sieglock/Mow/5 Ordinance #4259

Prepared & Posted on 6/24/05