



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

TERRENCE R. DERMODY
County Counsel

LOIS M. SAHYOUN
Clerk of the Board

MINUTE SUMMARY

SAN JOAQUIN COUNTY BOARD OF SUPERVISORS Tuesday, November 8, 2005

A moment of silence was held.

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

Minutes of the Board of Supervisors' Meeting of November 1, 2005. **Approved.** Mow/Marenco/5 B-05-1208

SCHEDULED MORNING ITEMS

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

A) Garden Acres Community Center Advisory Board - 1 position. **Clerk of Board to Readvertise.** Sieglock/Mow/5 B-05-1209

PRESENTATIONS

9:00 a.m. - bos - Proclamation Proclaiming November 2005 as "Court Adoption and Permanency Month" in San Joaquin County. Chairman Gutierrez presented the Proclamation to David Erb, Deputy Director of Children and Adult Services, Human Services Agency. Mr. Erb addressed the Board.

APPROVE CONSENT ITEMS # 1-16

Consent Item: #3, 8 and 11 - Pulled for discussion.

Consent Item: #1-2, 4-7, 9-10 and 12-16 – **Approved.** Ornellas/Sieglock

Consent Item: #3 – Public Works Director Tom Flinn responded to Supervisor Sieglock’s question stating that we are not paying in advance before collecting the money.

Consent Item: #8 – Supervisor Sieglock commented that there is still lots of garbage throughout the county along roadsides, etc. He requested that this item be postponed until someone from the District Attorney’s Office could appear before the Board to see if the Paralegal I for the Environmental Prosecution Unit could be used in this area.

Consent Item: #11 – In response to Supervisor Ornellas, Community Development Director Kerry Sullivan clarified Sports Apparatus and stated that Community Development will only respond to complaints. **Approved.** Sieglock/Mow/5

CONSENT - HEALTH & HUMAN SERVICES

1. hsa - Acceptance of Donation from Marin Community Foundation to Neglected Children's Trust Fund. B-05-1210
2. phs - Approval of Out-of-State Travel to Attend Cobas TaqMan Training in Indianapolis, Indiana. (Funded) B-05-1211

CONSENT - PUBLIC WORKS

3. pw - Approve Adjustment of Fiscal Year 2005-06 Appropriations and Revenues to the Budget for Community Infrastructure Program - Flag City. **(4/5th's Vote Required)** (4th District) B-05-1212
4. pw - Introduce and Waive Reading of an Ordinance Providing for a No Parking Zone on the West Side of Manthey Road, from Yettner Road to 600 Feet North. **(Said Ordinance to be Adopted November 15, 2005)** (1st District) B-05-1213
5. pw - Acceptance of the Mariposa Road Resurfacing Contract and Execution of a Notice of Completion. (2nd and 4th Districts) R-05-615

Consent – Public Works (continued)

6. pw - Approval of Subdivision Agreement and Final Map Entitled "Lindly Estates," Located in the Valpico Area Southeast of Tracy. (5th District) R-05-616 & A-05-960

CONSENT - LAW & JUSTICE

7. css - Replenishment of Child Support Disbursement Account (Revolving Fund) for Department of Child Support Services. B-05-1214
8. da - Approval of Employment Contract for Paralegal I for the Environmental Prosecution Unit. A-05-961

CONSENT - GENERAL GOVERNMENT

9. ag/comm -Approval of Agreement with California Department of Food and Agriculture for Glassy-Winged Sharpshooter/Pierce's Disease Program Activities, and Related Budget Adjustments. **(4/5th's Vote Required)** B-05-1215, B-05-1216 & A-05-962
10. ag/comm - Approval of Agreement with California Department of Food and Agriculture for Pest Exclusion County Work Activities. B-05-1217 & A-05-963
11. cdd - Introduce and Waive Reading of an Ordinance Adding Chapter 5, Division 5, Title 10 of the San Joaquin County Ordinance Code Relating to Sports Apparatus in the Public Rights-of-Way. (All Districts) B-05-1218
12. cdd - Approval of Williamson Act Farmland Security Contract and Farmland Security Zone Applications of PA-0500662 and PA-0500459 of Rodgers Family Trust. (3rd District) R-05-617, A-05-964 & A-05-965
13. cdd - Resolution Authorizing the Chairman of the Board of Supervisors to Execute California Land Conservation Contract (Williamson Act Contract) PA-0500576, K & H Van Vliet Children LLC; PA-0500678, Borelli Living Trust; PA-0500688, J. Meneses & Sons Dairy. (4th & 5th District) R-05-618, A-05-966, A-05-967 & A-05-968
14. cdd/neigh/pres/div - Execute Agreement with Central Valley Low Income Housing Corporation to Provide Services in Fulfillment of the County's 2004 Shelter Plus Care Grant. B-05-1219 & A-05-969
15. cdd - Response to the Audit of the San Joaquin County Abandoned Vehicle Abatement Service Authority. B-05-1220
16. fac/mgmt - Resolution Approving Completion of the San Joaquin Human Services Agency Chiller and Cooling Tower Replacement Project. R-05-619

DISCUSSION - GENERAL GOVERNMENT

1. cdd - Discussion of Weed Abatement on Mr. Ray Baglietto's Properties, APN: 085-310-10 and 085-310-11. Steve Dalton of Community Development briefed the Board on this matter. Mr. Ray Baglietto and ToCan Nguyen addressed the Board. **THE BOARD VOTED TO CANCEL THE CHARGES FOR WEED ABATEMENT ON MR. BAGLIETTO'S PROPERTY.** Sieglock/Marenco/5
2. bos - Discussion of Flying Cloud Gaming and Entertainment Facility. (Amador County) County Administrator Manuel Lopez briefed the Board on this matter. County Counsel Terrence Dermody responded to questions from Board Members. **THE BOARD VOTED TO HAVE STAFF CONTINUE TO GO FORWARD TO LOOK AT ALL STRATEGIC AND TACTICAL WAYS TO DERAIL THIS PROJECT IN AMADOR COUNTY.** Sieglock/Mow/5

COMMUNICATIONS

bos - Received and Referred all Board Communications this date as Outlined on the Communications Distribution Listing. **Approved.** Sieglock/Mow/5 B-05-1221

Consent Calendar: #8 – Craig Holmes, Assistant District Attorney, appeared before the Board. and stated that this position will assist in Code Enforcement cases. Supervisor Sieglock expressed that he would like to see this position work on dumping garbage throughout the county. **Approved.** Sieglock/Marenco/5

ToCan Nguyen addressed the Board.

PUBLIC COMMENT

James Young addressed the Board.

Richard Reyes Gallegos addressed the Board.

Reverend Bob Hailey addressed the Board regarding the Red Cross Director appearing before the Board at the previous Board Meeting. He wanted to ask questions regarding administrative costs and how much money was spent for the people that relocated in San Joaquin County. Chairman Gutierrez directed the Clerk of the Board to make a copy of the video for Reverend Hailey.

ToCan Nguyen addressed the Board.

BOARD OF SUPERVISORS QUESTIONS AND COMMENTS

Supervisor Ornellas commented that the dumping throughout the county is becoming worse. He stated that he does not know whether or not the recent ordinance passed by the Board has had any impact. Supervisors Sieglock, Gutierrez and Marenco also commented on this matter.

Supervisor Sieglock wished everyone a happy upcoming Veteran's Day weekend and urged people to go out and vote on this date.

Supervisor Mow reported that he and Supervisor Ornellas recently met with the City of Tracy regarding the placement of the VA Regional Health Care Facility at French Camp. The City of Tracy dropped their proposal.

Chairman Gutierrez reported on his meeting in the Taft area with residents regarding a sexual offender being placed in that area.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR

California Government Code Section 54957.6

Agency Negotiator: Manuel Lopez; Wayne Heine; Don Turko; 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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

California Government Code Section 54956.9(a)

JEFFERY WERBLUN vs. SAN JOAQUIN COUNTY; The United States District Court For The Eastern District of California Case No. CIV. S-04-2567

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to California Government Code Section 54956.9 (b); 1 case

SCHEDULED AFTERNOON ITEMS

1:30 p.m. - cdd - Public Hearing Regarding General Plan Amendment PA-0500138; Master Plan Amendment PA-0500140; Specific Plan Amendment PA-0500142; Mountain

House Development Title Amendment PA-0500141; Major Subdivision PA-0500143 (Mathew Land, Inc.); Major Subdivision PA-0500144 (GNK); Major Subdivision PA-0500145 (GNK); Two Development Agreements: PA-0500147 (GNK) and PA-0500148 (Mathews); Use Permit PA-0500149 (Water Tanks); Use Permit PA-0500150 (Wastewater Storage Ponds); Williamson Act Contract Cancellation PA-0500151; Concerning the Mountain House New Community. (5th District) (**Continued from September 13, 2005**) County Counsel Terrence Dermody, Mountain House Services General Manager Paul Sensibaugh, Attorney Mike McGrew, Delta College President Raul Rodriguez, Attorney Daniel DalPorto, Attorney Jose Alva, Attorney John Doyle, Mountain House Resident Steven Kreek, Delta College Board of Trustees Members Dan Parises and Ted Simas and Jerry Kamilos addressed the Board. **THE BOARD POSTPONED THIS MATTER TO November 22, 2005.** Marenco/Sieglock/5 B-05-1224

ADJOURNED TO TUESDAY, NOVEMBER 15, 2005 AT 9:00 A.M.

Sieglock/Marenco/5 B-05-1223

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).