



Board of Supervisors
San Joaquin County

MIGUEL VILLAPUDUA
Chair
First District

TOM PATTI
Vice-Chair
Third District

KATHERINE M. MILLER
Second District

CHUCK WINN
Fourth District

BOB ELLIOTT
Fifth District

MONICA NINO
County Administrator

J. MARK MYLES
County Counsel

RACHÉL DeBORD
Clerk of the Board

Minutes

**SAN JOAQUIN COUNTY BOARD OF SUPERVISORS
MINUTES OF
TUESDAY, AUGUST 27, 2019
9:00 AM**

Commencement of Meeting

9:00 a.m. - Chairman Villapudua commenced the meeting of August 27, 2019 and called for a moment of silence or silent reflection. Sheriff Withrow asked for a moment of silence for those affected by an officer-involved shooting this morning in Lathrop. Sheriff Withrow reported the Deputy's involved were uninjured.

Pledge of Allegiance

Supervisors Winn led in the Pledge of Allegiance.

Roll Call

Katherine M. Miller District 2
Chuck Winn District 4
Bob Elliott District 5
Tom Patti District 3
Miguel Villapudua Chair - District 1

RECOGNITIONS/PRESENTATIONS AS AMENDED

1. BOS - Recognition of the Greater Valley Conservation Corps for Assistance with Community Cleanup Events.

On behalf of the Board, Chairman Villapudua presented a Certificate of Recognition to Greater Valley Conservation Corps. The Board recognized the Greater Valley Conservation Corps positive impact on the community. Director Nick Mueller thanked the Board for the recognition.

PUBLIC COMMENT/CONSENT ITEMS

1. Diana Buetner, Ruben Cortez, Breana Garcia, Kathleen Gapusan, Camille Christian, and Anjeneau Ward spoke in support of pay increases for IHSS workers.
2. Dan Harrison, President Mountain House Community Service District, provided a written letter from Mountain House Community Service District in response to the reduction of Sheriff's Deputies in Mountain House.
3. Brenda Vasquez, Kathleen Gapusan, Cheri Long, Dr. Julie Brown, and Gina Castellano spoke in support of pay increases for Sheriff Deputies.
4. Jon Mendelson briefed the Board on recent activities by the Continuum of Care.
5. Tracy Graves expressed concern with vagrancy along the waterways.
6. Jackie Shaw spoke in opposition to Forward Landfill proposed project and supports the San Joaquin Farm Bureaus appeal.
7. Janet Rivera spoke in opposition to the use of Holt Elementary as a homeless shelter and also spoke in opposition to the Forward Landfill proposed project.

MINUTES

Motion to approve the Minutes of August 13, 2019 and August 21, 2019. Approved.
B-19-496

RESULT: ADOPTED [UNANIMOUS]

MOVER: Tom Patti, District 3

SECONDER: Katherine M. Miller, District 2

AYES: Miller, Winn, Elliott, Patti, Villapudua

1. Board of Supervisors - Regular Meeting - Aug 13, 2019 9:00 AM
2. Board of Supervisors - Special Meeting - Aug 21, 2019 8:30 AM

APPOINTMENTS TO BOARDS AND COMMISSIONS

RESULT: ADOPTED [UNANIMOUS]
MOVER: Tom Patti, District 3
SECONDER: Chuck Winn, District 4
AYES: Miller, Winn, Elliott, Patti, Villapudua

1. BOS - Approve One Appointment to the Advisory Water Commission: (1) Building and Construction Industry Representative, Position No. 1003, for the Term of August 20, 2019 Through August 20, 2023.

Approve the appointment of Christopher Neudeck to the Advisory Water Commission as Building and Construction Industry Representative, Position No. 1003, for the term of August 20, 2019 through August 20, 2023. Approved. B-19-526

2. BOS - Approve Two Appointments to the Assessment Appeals Board #1: (1) Third Regular Member, Position No. 1313, and (1) Second Alternate Member, Position No. 1310.2A for the Terms of September 02, 2019 Through September 05, 2022.

Approve the appointment of Robert Smolke to the Assessment Appeals Board #1 as Third Regular Member, Position No. 1313, for the term of 09/02/2019 - 09/05/2022. Approved. B-19-527

Approve the appointment of William R. Fields to the Assessment Appeals Board #1 as Second Alternate Member, Position No. 1310.2A, for the term of 09/02/2019 - 09/05/2022. Approved. B-19-528

3. BOS - Approve the Appointment of One Position to the Behavioral Health Board: (1) General Interest Representative, Position No. 6704.5, for the Unexpired Term of January 17, 2017 Through January 17, 2020 Due to the Resignation of Michael A. Corsaro.

Approve the appointment of Charles Eproson, Jr., to the Behavioral Health Board as General Interest Representative, Position No. 6704.5 for the unexpired term of 01/17/2017 - 01/17/2020. Approved. B-19-529

4. BOS - Approve the Appointment of One Position to the Civil Service Commission: (1) Fifth Supervisorial District Representative, Position No. 2105, for the Unexpired Term of January 10, 2018 Through January 10, 2022.

Approve the appointment of Amrik Wander to the Civil Service Commission as Fifth Supervisorial District Representative, Position No. 2105 for the unexpired term of 01/10/2018 - 01/10/2022. Approved. B-19-530

5. BOS - Approve the Appointment of One Position to the Commission on Aging: (1) Fifth Supervisorial District Representative, Position No. 2305, for the Unexpired Term of July 1, 2017 Through July 1, 2020.

Approve the appointment of Mary Fran Block to the Commission on Aging as Fifth Supervisorial District Representative, Position No. 2305, for the unexpired term of 07/01/2017 - 07/01/2020. Approved. B-19-531

6. BOS - Approve the Appointment of Three Positions to the Taft Community Center Advisory Board: (1) At-Large Representative, Position No. 6201, for the Unexpired Term of October 27, 2018 Through October 27, 2021; (2) Low-Income Representatives, Position Nos. 6203.3 and 6203.04 for the Unexpired Terms of September 8, 2018 Through September 8, 2021 and January 27, 2018 Through January 27, 2021, Respectively.

Clerk of the Board to readvertise.

7. BOS - Approve the Appointment of Two Positions to the Tracy Public Cemetery District Board of Trustees: (2) Trustees, Position Nos. 6501.1 and 6501.2 for the Terms of August 30, 2019 Through August 30, 2023.

Approve the appointment of Derrick J. Davis to the Tracy Public Cemetery District Board of Trustees as Trustee, Position No. 6501.1, for the term of 08/30/2019 - 08/30/2023. Approved. B-19-532

Approve the appointment of Richard Paulson to the Tracy Public Cemetery District Board of Trustees as Trustee, Position No. 6501.2, for the term of 08/30/2019 - 08/30/2023. Approved. B-19-533

CONSENT ITEMS # 1 - 32

Consent Item #6 was pulled by Supervisor Winn. Office of Emergency Services Director Shellie Lima responded to comments by the Board on activities planned throughout the month of September.

Consent Item #11 was pulled by Supervisor Patti. General Services Director Marcia Cunningham and Parks Administrator Judy Vasbinder responded to questions by the Board.

Consent Item #13 was pulled by Supervisor Patti. Registrar of Voters Melinda Dubruff responded to questions by the Board.

Consent Item #23 was pulled by Supervisor Elliott. Ready to Work Executive Director Jon Mendalson responded to questions by the Board.

Consent Item #24 was pulled by Supervisor Patti. Sheriff Pat Withrow and Assistant Sheriff of Operations Matt Lindsey responded to questions by the Board.

Consent Item #27 was pulled by Supervisor Miller. Public Works Director Kris Balaji and Deputy Director Fritz Buchman responded to questions by the Board.

Consent Item #31 was pulled by Supervisor Elliott. Public Works Director Kris Balaji and Deputy Director Fritz Buchman responded to questions by the Board.

Consent Item #32 was pulled by Supervisor Winn. Public Works Director Kris Balaji and Deputy Director Fritz Buchman responded to questions by the Board.

Motion to approve Consent Items #1 - 32. Approved.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Katherine M. Miller, District 2

SECONDER: Chuck Winn, District 4

AYES: Miller, Winn, Elliott, Patti, Villapudua

CONSENT - GENERAL GOVERNMENT

1. BOS - Receive and Refer all Board Communications as Outlined on the Communications Distribution Listing.
B-19-497
2. CAO - Approval of Response to the 2018-2019 Civil Grand Jury Report Regarding the French Camp McKinley Fire District.
B-19-498
3. CAO - Approval of Response to the 2018-2019 Civil Grand Jury Report Entitled, Cold Cases in San Joaquin County: On the Back Burner 2018-2019 Case #0318.
B-19-499
4. COB - Approve the Announcement of Six Positions to Various Boards, Commissions, and Committees and Set the Application Deadline for September 20, 2019.
B-19-500
5. CDD-NEIGH/PRES - Authorization for the Community Development Department Director to Foreclose on Defaulted Housing Loans. (1st, 4th and 5th Districts)
B-19-501
6. GEN/SER - Proclaim the Month of September 2019 as “National Preparedness Month” in San Joaquin County.
7. GEN/SER - Approval of the Non-Disclosure and Mutual Assistance Agreement Between Pacific Gas and Electric Company and San Joaquin County.
R-19-112; A-19-277

8. GEN/SER - Approve Additional Contract Authority for Delta Wireless for Purchase Order #55360 in the Amount of \$5,180 for the Service and Support of Security Cameras at the Robert J. Cabral Agricultural Center and Purchase Order #55361 in the Amount of \$6,233 for Closed Circuit Television Support at the San Joaquin County Jail.
B-19-502
9. GEN/SER - Approval to Double-Fill the Position of Crafts Worker III in the General Services Department, Facilities Management Division.
B-19-503
10. GEN/SER - Approval of the San Joaquin County Office of Emergency Services Response to the 2018-2019 Grand Jury Follow-up Report to the 2017-2018 Grand Jury Report Entitled, "Office of Emergency Services Operational Assessment" (Case No. 0417).
B-19-504
11. GEN/SER - Approval of the San Joaquin County Parks and Recreation Division's Response to the 2018-2019 Grand Jury Report Entitled, "Micke Grove Zoo: Honoring the Past, Securing the Future 2018-2019" (Case No. 0218).
B-19-505
12. ISD - Approve an Agreement with Graviton Consulting Services, Inc., for Consulting Services to Enhance San Joaquin County's PeopleSoft Human Capital Management and Budget Systems From September 1, 2019 Through June 30, 2020, for an Amount Not to Exceed \$1,350,000.
B-19-506; A-19-278
13. ROV - Approve and Authorize The Director of the Information Systems Division, or Designee, on Behalf of the Registrar of Voters' Office to Execute an Agreement With KNOWiNK, LLC. in the Amount of \$675,395 for Electronic Poll Books for the Period of September 3, 2019 Through September 3, 2024. (Amended)
B-19-507; A-19-279

CONSENT - HEALTH AND HUMAN SERVICES

14. BHS - Retroactive Approval of Agreement with LocumTenens.com to Conduct Searches for and Provide Locum Tenens Physicians for the Period of July 1, 2019 to June 30, 2020, for a Total Cost Not to Exceed \$588,000.
B-19-508; A-19-280

15. BHS - Retroactive Approval for Community Service Agreements With Canyon Manor, Crestwood Behavioral Health, Inc., Merced Behavioral Center, Sylmar Health and Rehabilitation Center, and California Psychiatric Transitions, Inc., for the Period of July 1, 2019 to June 30, 2020, for a Total Cost Not to Exceed \$4,009,161, and Authorize Director of Purchasing and Support Services to Approve Agreement Amendments and to Increase or Decrease Related Purchase Orders Within the Overall Total Maximum Amount.
B-19-509; A-19-281; A-19-282; A-19-283; A-19-284; A-19-305
16. HCS - Retroactive Approval of Agreement With the California Department of Health Care Services for Participation in the Medi-Cal Inmate Claiming Program for July 1, 2019 Through June 30, 2020.
B-19-510; A-19-285
17. HCS - Approve Retroactive Agreement With Community Medical Centers for Patient-Centered Comprehensive Primary, Preventive and Behavioral Health Services Under the Whole Person Care Pilot Program for the Term of July 1, 2019 Through June 30, 2020, Not to Exceed a Total Amount of \$301,605.
B-19-511; A-19-286
18. HSA - Retroactive Approval of Fiscal Year 2019-2020 Community Services Agreements With Bread of Life, Child Abuse Prevention Council, Children's Home of Stockton, Community Partnership for Families of San Joaquin, SJC Veterans Court, and Women's Center – Youth and Family Services for a Total of \$626,665 From July 1, 2019 Through June 30, 2020.
B-19-512; A-19-287; A-19-288; A-19-289; A-19-290; A-19-291; A-19-292
19. HSA - Approval of Amendments to First 5 San Joaquin Children and Families Commission Agreements With Community Medical Centers, Inc., and Runyon Saltzman, Inc., to Increase Total Funding From \$1,000,638 to \$1,087,899 Through December 31, 2019.
B-19-513; A-19-293; A-19-294
20. PHS - Approval of the Grant Agreement 19-10346 With the California Department of Public Health for the CalFresh Healthy Living Program for the Period of October 1, 2019 through September 30, 2022, for a Maximum Amount of \$3,117,492.
B-19-514; A-19-295
21. SJGH - Retroactive Approval of an Increase in the Amount of \$545,506 to the Existing Agreement With Aramark Healthcare Support Services, Inc., for Management of the Food and Environmental Services Departments at San Joaquin General Hospital, Bringing the Total Approved Funding for the Agreement Over the Contract Period July 1, 2016 Through June 30, 2020, to an Amount Not to Exceed \$12,290,473.
B-19-515

22. SJGH - Award of Contract for Chiller #1 Replacement Project to Division 5-15, a California Corporation, in the Amount of \$1,285,515 and Authorize Change Order Authority Not to Exceed \$128,552 and Approve an Increase in Appropriations of \$1,652,000 for the 2019-2020 Hospital Enterprise Fund Budget. (4/5ths Vote Required)
R-19-113; Budget Appropriations B-19-516

CONSENT - LAW & JUSTICE

23. DA - Approve a Contract With Ready to Work for Facility Monitor Services, Re-Entry Educator Services, Work Crew Leaders Services, and Associated Costs for an Amount Not to Exceed \$663,448, for the Term of August 28, 2019 Through June 30, 2020.
R-19-114; A-19-296
24. SO - Approve Five Year Agreement With Axon Enterprise, Inc., for a Cloud Based Body Worn Camera and Taser Evidence Data Storage System for \$4,353,159.
B-19-517; A-19-298
25. SO - Approve Annual Equitable Sharing Agreement and Certification Reports for Sheriff's Office and Metro Narcotics Task Force With Federal Departments of Justice and Treasury for the Period July 1, 2018 Through June 30, 2019.
B-19-518

CONSENT - PUBLIC WORKS

26. PW - Approve a Resolution to Install, Operate, and Maintain One Additional Streetlight in Lincoln Village Maintenance District. (2nd District)
R-19-115
27. PW - Approval of Agreement Between the City of Stockton, California Water Service Company, and Lincoln Village and Colonial Heights Maintenance Districts Regarding Base Monthly Payments to Stockton East Water District for Supply of Treated Water and Reconciliation Between the Urban Contractors. (2nd and 3rd Districts)
B-19-519; A-19-301
28. PW - Adoption of an Initial Study/Negative Declaration for the Cotta Road Bridge Replacement Project. (4th District)
B-19-521
29. PW - Adoption of the Final Initial Study/Mitigated Negative Declaration for the Escalon-Bellota Road Bridge (29C-038) over Littlejohns Creek Replacement Project. (4th District)
B-19-522

30. PW - Approve an Agreement for Design Engineering Services with Mark Thomas & Company, Inc. in the Amount of \$420,262 and Authorization of Supplemental Task Orders Not to Exceed \$41,938 for the Grant Line Road Realignment Project – Phase 1. (5th District) (Amended)
B-19-520; A-19-302
31. PW - Approve a Local Project Sponsor Agreement Between the County of San Joaquin and the City of Brentwood Regarding Department of Water Resources Grant Agreement No. 4600012648 Funding Development of the Tracy Subbasin Groundwater Sustainability Plan. (5th District)
B-19-523; A-19-303
32. PW - Approve a City-County Cooperative Agreement with the City of Escalon for the City of Escalon Chip Seal Projects. (4th District)
B-19-524; A-19-304

SCHEDULED MORNING ITEMS/PUBLIC HEARINGS

1. CDD - 9:00 a.m. - Public Hearing Regarding the Appeal by the San Joaquin Farm Bureau Federation of the Planning Commission's Approval of the 2018 Forward Landfill Expansion Project No. PA-1800090 and the Certification of the Supplemental Environmental Impact Report (SEIR) No. PA-0800105. (1st District)

Chairman Villapudua introduced this item and County Counsel Mark Myles advised the Board consider the request for a 30-day continuance submitted by Attorney Mike Hakeem on behalf of Forward Landfill.

Mr. Hakeem addressed the Board regarding the request to continue.

Katie Luchessi and Bruce Blodgett with the San Joaquin Farm Bureau, constituent who has farmed on Jack Tone, Michael Forge, and Joe Ferrairie spoke against the request to continue the item.

Motion to continue the item. Approved.

RESULT: CONTINUED [4 TO 1]
MOVER: Katherine M. Miller, District 2
SECONDER: Tom Patti, District 3
AYES: Miller, Elliott, Patti, Villapudua
NAYS: Winn

DISCUSSION

DISCUSSION - GENERAL GOVERNMENT

1. AGCOMM - Report on Staff Action Taken Since the Adoption of Interim Urgency Ordinances (4497 and 4528) and Proposed Regulations on the Cultivation of Industrial Hemp in the Unincorporated Areas of San Joaquin County.

County Counsel Erin Sakata and Agricultural Commissioner Tim Pelican presented this item to the Board.

Zach Drivon spoke in support of hemp cultivation and offered three recommendations for the Board to consider.

Steve spoke in support of the effort by the Agricultural Commissioner and discussed possible solutions.

Bruce Blodgett with San Joaquin Farm Bureau provided a hand-out regarding hemp cultivation and spoke in opposition to hemp cultivation.

Michael Dittman, Manteca resident, spoke in support of hemp cultivation.

Constituent spoke in support of hemp cultivation.

Jackie Shaw spoke in opposition of hemp cultivation.

Maria Laduca spoke in support of sustaining the county as the center of agriculture.

Eric Jacobson spoke in support of hemp cultivation.

Mr. Pelican, Ms. Sakata, County Counsel Mark Myles, and Sheriff Withrow responded to questions by the Board.

The Board discussed recommendations raised during public comment.

Motion to accept staff's report, direct Agricultural Commissioner to bring back an Ordinance with a reduction in setbacks to 100 feet for consideration on September 10, collect and provide data at the time of applying for a license regarding male or female plants, and research mechanisms to prevent cross pollination. Approved.

RESULT: **ADOPTED [3 TO 2]**

MOVER: Katherine M. Miller, District 2

SECONDER: Tom Patti, District 3

AYES: Miller, Patti, Villapudua

NAYS: Winn, Elliott

2. CC - Introduce and Waive Reading of an Ordinance Amending the San Joaquin County Code of Ordinance Title 4, Division 10, Chapter 1 Commercial Cannabis Activity to Remove the Allowance for Non-Delivery Commercial Cannabis Sales. (Ordinance to be Adopted on September 10, 2019)

Deputy County Counsel Zoey Merrill briefed the Board on this item.

Sheriff Withrow addressed the Board.

Constituent addressed the Board regarding planting hemp.

Ms. Merrill and County Counsel Mark Myles responded to questions by the Board.

Miller - clarification of action. Removing retail store front sales from existing ordinance.

Supervisor Patti entertained a motion to direct County Counsel to put moratorium on this commercial cannabis. Supervisor Elliott seconded the motion but withdrew upon clarification of the motion.

Motion to approve staff recommendations as outlined in the staff report. Approved.
R-19-116

RESULT: ADOPTED [4 TO 1]
MOVER: Katherine M. Miller, District 2
SECONDER: Tom Patti, District 3
AYES: Miller, Elliott, Patti, Villapudua
NAYS: Winn

1:06 p.m. - Chairman Villapudua called for a 15 minute recess.

BOARD OF SUPERVISORS COMMENTS AND COMMITTEE REPORTS

There were no Board comments this date.

CLOSED SESSION

2:54 pm. - County Counsel Mark Myles stated the Board would meet in Closed Session. There were no announcements expected coming out of Closed Session.

1. CONFERENCE WITH LABOR NEGOTIATOR
California Government Code Section 54957.6

Agency Negotiator: Monica Nino; Geoff Rothman; Jeff Sloan

Employee Organizations: SEIU, San Joaquin County Attorneys Association, San Joaquin County Correctional Officers Association, United Health Care Workers West, San Joaquin County Management Association, San Joaquin District Attorney Investigators Association, Union of American Physicians and Dentists, San Joaquin County Probation Officers Association, California Nurses Association, San Joaquin County Law Enforcement Management Association, San Joaquin Deputy Sheriffs Association, Sheriff Deputy Sergeant Association, and Unrepresented.

2. PUBLIC EMPLOYMENT
California Government Code Section 54957
Title: Director of Human Services

SCHEDULED AFTERNOON ITEMS

1:30 p.m. - Chairman Villapudua reconvened the meeting.

1. HR - 1:30 P.M. - Service and Retiree Award Presentation.

Human Resources Director Ted Cwiek provided an overview of the service awards program and the Board recognized retired employees and current employees for their years of service.

2. HR - 1:30 p.m. - Public Hearing to Consider Unit Modification Petition From the Union of American Physicians and Dentists UAPD Requesting to add the Classification of Certified Registered Nurse Anesthetist CRNA to the Physicians Bargaining Unit.

Human Resources Director Ted Cwiek briefed the Board on this item.

Patricia Hernandez, UAPD Senior Representative, requested the Board accept the petition as presented.

Mr. Cwiek stated the County's position is that this is inappropriate because there lacks a community of interest between CRNAs and Physicians.

2:00 p.m. - Chairman Villapudua called for a brief recess.

Dr. Onkar Judge responded to questions by both Mr. Cwiek, Ms. Hernandez and the Board.

2:53 p.m. - Chairman Villapudua opened and closed public hearing without comment.

Motion to deny the petition made by UAPD to add the CRNA classification to the Physicians bargaining unit and adopt the findings to support the Board's decision. Approved. B-19-525

RESULT: **ADOPTED [4 TO 1]**
MOVER: Bob Elliott, District 5
SECONDER: Chuck Winn, District 4
AYES: Winn, Elliott, Patti, Villapudua
NAYS: Miller

ADJOURN TO TUESDAY, SEPTEMBER 10, 2019 AT 9:00 A.M.

2:54 p.m. - Chairman Villapudua adjourned the meeting to September 10, 2019 at 9:00 a.m.