



Board of Supervisors
San Joaquin County

MONICA NINO
County Administrator

J. MARK MYLES
County Counsel

RACHÉL DeBORD
Clerk of the Board

MIGUEL VILLAPUDUA
Chair
First District

TOM PATTI
Vice-Chair
Third District

KATHERINE M. MILLER
Second District

CHUCK WINN
Fourth District

BOB ELLIOTT
Fifth District

Draft Minutes

**SAN JOAQUIN COUNTY BOARD OF SUPERVISORS
MINUTES OF
TUESDAY, OCTOBER 08, 2019
9:00 AM**

Commencement of Meeting

9:03 a.m. - Chairman Villapudua commenced the meeting of October 8, 2019 and called for a moment of silence, silent reflection or silent prayer in memory of Human Services Agency Accounting Technician Cherie Leonard who passed away on September 12. Mrs. Leonard worked for the county for over 20 years.

Pledge of Allegiance

Supervisor 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

1. BOS - Update on Stockton-San Joaquin County Public Library Services.
Suzy Daveluy, Deputy Director of Community Services/City Librarian Stockton-San Joaquin County Public Library, presented an update of the Stockton-San Joaquin County Public Library Services. Ms. Daveluy responded to questions and comments by the Board.

2. BOS - Presentation of the World of Wonders Science Museum Expansion Project in Lodi.
Sally Snyder, President of World of Wonders Science Museum, shared a video of the proposed World of Wonders Science Museum expansion project in Lodi. Ms. Snyder responded to questions and comments by the Board.

PUBLIC COMMENT/CONSENT ITEMS

Kimberly Warmsley, Gina Castellano, Kathy Garcia, Taffie Walter, Markus Karmann, Pam Warmerdam, Rhodesia Ransom, Diana Buettner, and Steve Dake addressed the Board regarding labor negotiations.

Tasso Kandris, Mary Avanti, and Gertie Kandris addressed the Board requesting reinstatement of the Sheriff's Community Car program.

Kathleen Gapusan addressed the Board regarding a conflict of interest with Ready to Work, thanked Stockton City Councilmember Susan Fugazi for opposition of AMR contract, and expressed support for labor negotiations.

Peter Koulouris, attorney representing Ziggy's Smoke Shop and speaking on his own behalf, requested the Board consider sensible vaping regulations.

Dominick Gulli addressed the Board regarding the San Joaquin Area Flood Control Agency's improper use of funding and the Smith Canal Gate Project. Mr. Gulli provided a handout to the Board.

Chairman Villapudua stated for the record County Administrator Monica Nino has negotiated in good faith and will continue to work for the tax payers and the workers of San Joaquin County.

MINUTES

Chairman Villapudua postponed consideration of the September 24, 2019 minutes to October 22, 2019.

1. Board of Supervisors - Regular Meeting - September 24, 2019

APPOINTMENTS TO BOARDS AND COMMISSIONS

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Tom Patti, District 3

SECONDER: Katherine M. Miller, District 2

AYES: Miller, Winn, Elliott, Patti, Villapudua

1. BOS - Approve the Appointment of One Position to the Agricultural Advisory Board: (1) Fourth Supervisorial District Representative, Position No. 1104.1, for the Unexpired Term of January 16, 2019 Through January 16, 2022.

Motion to appoint Ken Vogel to the Agricultural Advisory Board as Fourth Supervisorial District Representative, Position No. 1104.1, for the unexpired term of January 16, 2019 through January 16, 2022. Approved. B-19-

2. BOS - Approve the Appointment of One Position to the Behavioral Health Board: (1) General Interest Representative, Position No. 6704.1, for the Unexpired Term of September 18, 2019 Through September 18, 2022.

Motion to appoint Anastassios Kandris to the Behavioral Health Board as General Interest Representative, Position No. 6704.1, for the unexpired term of September 18, 2019 through September 18, 2022. Approved B-19-

3. BOS - Approve the Appointment of One Position to the Equal Employment Opportunity Advisory Committee: (1) County Administrator Nominated Department Head Representative, Position No. 2702, for the Unexpired Term of January 15, 2019 Through January 15, 2021.

Motion to appoint Melinda Dubruff to the Equal Employment Opportunity Advisory Committee as County Administrator Nominated Department Head Representative, Position No. 2702, for the unexpired term of January 15, 2019 through January 15, 2021. Approved. B-19-

4. BOS - Approve the Appointment of One Position to the Garden Acres Community Center Advisory Board: (1) At-Large Representative, Position No. 3001, for the Unexpired Term of October 27, 2018 Through October 27, 2021.

Motion to appoint Maria Corral to the Garden Acres Community Center Advisory Board as At-Large Representative, Position No. 3001, for the unexpired term of October 27, 2018 through October 27, 2021. Approved. B-19-

5. BOS - Approve the Appointment of One Position to the Lodi Community Center Advisory Board: (1) Low-Income Representative, Position No. 4503.1, for the Unexpired Term of October 27, 2018 Through October 27, 2021.

Motion to appoint Nancy Haag to the Lodi Community Center Advisory Board as Low-Income Representative, Position No. 4503.1, for the unexpired term of October 27, 2018 through October 27, 2021. Approved. B-19-

6. BOS - Approve the Appointment of Three Positions to the Thornton Community Center Advisory Board: (1) Low Income Representative, Position No. 6603.1, for the Unexpired Term of March 12, 2019 Through March 12, 2022; (1) Low-Income Representative, Position No. 6603.3, for the Unexpired Term of March 4, 2018 Through March 4, 2021; and (1) At-Large Representative, Position No. 6301 for the Unexpired Term of August 10, 2019 Through August 10, 2022.

Motion to appoint Marisela Ortiz to the Thornton Community Center Advisory Board as Low Income Representative, Position No. 6603.1, for the unexpired term of March 12, 2019 through March 12, 2022. Approved. B-19-

Motion to appoint Maria Sousa to the Thornton Community Center Advisory Board as Low Income Representative, Position No. 6603.3, for the unexpired term of March 4, 2018 through March 4, 2021. Approved. B-19-

Motion to appoint Deedee Duggan to the Thornton Community Center Advisory Board as At-Large Representative, Position No. 6301 for the unexpired term of August 10, 2019 through August 10, 2022. Approved. B-19-

7. BOS - Approve the Appointment of One Position to the Thornton Municipal Advisory Council: (1) Member, Position No. 6401.2, for the Unexpired Term of December 3, 2018 Through December 4, 2022.

Motion to appoint Thomas Trost to the Thornton Municipal Advisory Council as Member, Position No. 6401.2, for the unexpired term of December 3, 2018 through December 4, 2022. Approved. B-19-

8. BOS - Approve the Appointment of One Position to the Veterans Advisory Commission: (1) Fourth Supervisorial District Representative, Position No. 7104, for the Unexpired Term of February 26, 2019 Through February 26, 2021.

Motion to appoint Charles Roots to the Veterans Advisory Commission as Fourth Supervisorial District Representative, Position No. 7104, for the unexpired term of February 26, 2019 through February 26, 2021. Approved. B-19-

CONSENT ITEMS # 1 - 19

Consent Item #5 was pulled by Supervisor Elliott. Housing Authority Board Director Peter Ragsdale responded to questions by the Board.

Consent Item #10 was pulled by Supervisor Winn. San Joaquin General Hospital CEO David Culberson responded to questions by the Board.

Consent Item #18 was pulled by Supervisor Patti. Sheriff Withrow and County Administrator Monica Nino responded to questions by the Board.

Motion to approve Consent Items #1 - 19. Approved.**RESULT:** ADOPTED [UNANIMOUS]**MOVER:** Katherine M. Miller, District 2**SECONDER:** Tom Patti, District 3**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-19-599
2. CAO - Amend the Salary Range for the Exempt Class of Director of Human Resources (HB1600) From Grade 906 to Grade 914 Effective February 24, 2020.
R-19-128
3. CAO - Approve and Authorize an Agreement for Property Tax Allocation Upon Annexation Between the County of San Joaquin and the City of Escalon for the Period of October 8, 2019 to July 31, 2026.
B-19-600; A-19-330
4. CC - Approve Settlement of Legal Action Entitled Cameron Major v. County of San Joaquin, et al.: San Joaquin Superior Court Case No. STK-CV-UCR-2014-0009700 in the Amount of \$75,000.
B-19-601
5. CDD-NEIGH/PRES - Authorization for the Community Development Department Director to Process the Reallocation of \$1,249,000 Home Investment Partnership Funding From the City of Manteca and the County to the Cottage Village Project and the Resulting Amendment #1 to the 2015-2019 Consolidated Plan and the 2019-2020 Annual Action Plan.
B-19-602
6. GEN/SER - Approve Revised Conflict of Interest Code for the San Joaquin County General Services Department.
B-19-603
7. ROV - Adopt A Resolution Appointing the Election Board for Reclamation District No. 1608 to Conduct a Board of Trustees Landowner General District Election on November 5, 2019
R-19-129

CONSENT - HEALTH AND HUMAN SERVICES

8. EEDD - Approve a Loan Modification to Partially Release Collateral for Uniqo, Inc.
B-19-604
9. HSA - Retroactive Approval of 2020 Low-Income Home Energy Assistance Program Agreement No. 20B-2032 With the California Department of Community Services and Development for \$2,316,974 From October 1, 2019 Through June 30, 2021.
B-19-605; A-19-331
10. SJGH - Approval of Increase in the Financial Allocation to the Agreement With Barton Associates to Conduct Searches for and Provide Contract Physicians and Permanently Employed Physicians, Increasing the Not to Exceed Total Amount for the One-Year Period of October 24, 2019 to October 23, 2020 From \$150,000 to \$350,000.
B-19-606
11. SJGH - Approve Employment Agreement With Steven T. Kmucha, MD, Department of Surgery, at a Base Salary of \$249,406 for the Period October 14, 2019 Through June 30, 2020, and an Annual Base Salary of \$350,127.
B-19-607; A-19-332
12. SJGH - Approval of Applications for Appointment for a Three-Year Term and Reappointment for a Two-Year Term to San Joaquin General Hospital Medical Staff.
B-19-608
13. SJGH - Approval of Request for Additional Privilege for a Two-Year Term to San Joaquin General Hospital Medical Staff.
B-19-609
14. SJGH - Approval of Service Agreement With Philips Healthcare for Diagnostic Imaging and Echocardiography Equipment for an Amount Not to Exceed \$1,449,655 for the Period November 1, 2019 Through October 31, 2024.
B-19-610; A-19-333
15. SJGH - Approval of Second Amendment to the Agreement With Anesthesia Associates of San Joaquin PC to Provide Obstetrical Anesthesia Services, Increasing the Amount by \$2,769,698 for the Period October 20, 2019 Through December 31, 2021, for an Overall Maximum Amount Not to Exceed \$12,583,638 for the Period October 20, 2009 Through December 31, 2021.
B-19-611; A-19-334

CONSENT - LAW & JUSTICE

16. PROB - Accept Grant Award From the Board of State and Community Corrections in the Amount of \$200,070, for the Period of October 8, 2019 Through September 30, 2020, for Mental Health Training for Probation Department Staff, Approve Related Budget Adjustments, and Establish a Trust Fund to Receive Advanced Funds. (4/5ths Vote Required)

B-19-612; Budget Appropriation b-19-612a

17. PROB - Retroactive Approval and Authorization to Sign the First Amendment of Interagency Agreement with Superior Court of California, County of San Joaquin for Probation Services for the Period of October 1, 2019 Through September 30, 2020 in the Amount of \$60,944.

B-19-613; A-19-335

18. SO - Authorize Agreement With City of Stockton for Inmate Work Crew Services With Estimated Revenues of \$191,000 From October 8, 2019 to October 7, 2020 and Increase Service Agreement Authorization.

B-19-614; A-19-336

19. SO - Approval of Contract for Commissary Services with Keefe Commissary Network, LLC With a Term of October 8, 2019 to October 7, 2026.

B-19-615; A-19-337

BOARD OF SUPERVISORS COMMENTS AND COMMITTEE REPORTS

Supervisor Patti reported he volunteered for Give Every Child a Chance fundraiser in Manteca benefiting after school programs throughout San Joaquin County. He stated he had the privileged to address 155 cadets of the Discovery Challenge Academy at the Sharpe Army Depot which is one of two youth residency programs in the state of California for at-risk young adults hosted by the National Guard noting there are plans to expand the program. He reported celebrating National Coffee Day with Cops at the Manteca Police Department along with staff from the District Attorney's office, answering questions from the public. He reported on a recent tour he attended along with Senator Cathleen Galgiani, Assemblyman Heath Flora, Stanislaus County Supervisor Kristin Olsen, & City Councilman Douglas Ridenour of a new state-of-the-art public safety and waterworks facility being built in Modesto by Diede Construction. Lastly, he requested staff explore vaping laws for Board consideration.

The Board reached a consensus directing staff to explore vaping laws including the potential harmful impacts of ingesting THC products while vaping.

Supervisor Winn reported he spoke at UC Davis Extension, Riverside, with regard to groundwater recharge. He attended Valley Voice, reporting one day was specifically set aside to discuss water issues with representatives from California, Colorado, and Arizona.

Lastly, Supervisor Winn reported he attended RCRC Conference where water issues were discussed and a new program shared by foothill counties to address forest fire dangers by reducing the amount of fuel to burn.

Supervisor Miller reported that she spoke at Dr. Kathy Hart's retirement celebration and congratulated everyone involved in successfully negotiating the Deputy Sheriff's Association Contract.

Supervisor Elliott reported on a visit to Frito Lay's zero and near zero emissions freight facility in Modesto.

CLOSED SESSION

10:29 a.m. - County Counsel Mark Myles state the Board would meet in closed session for the items listed on the agenda except for the item: San Joaquin General Hospital v. Blue Cross of Texas; San Joaquin Superior Court Case No. STK-CV-UBC-2016-5963.

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. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
California Government Code Section 54956.9(a)

Gina Belleci and Rebecca Henry v. County of San Joaquin
San Joaquin Superior Court Case No. STK-CV-UAT-2017-4268

San Joaquin General Hospital v. Blue Cross of Texas
San Joaquin Superior Court Case No. STK-CV-UBC-2016-5963

3. **PUBLIC EMPLOYMENT**
California Government Code Section 54957

Title: Director of Community Development Department

4. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Initiation of litigation pursuant to California Government Code Section 54956.9(c):
Four Cases

SCHEDULED AFTERNOON ITEMS

2:18 p.m. - County Counsel Mark Myles stated that by unanimous vote the Board of Supervisors approved a Memorandum of Understanding with the Deputy Sheriffs Association Bargaining Unit and directed the Human Resources Department to finalize the documentation and authorized the Chair to sign the Agreement.

1. CDD - 1:30 P.M. - Conduct a Public Hearing to Adopt the Mitigated Negative Declaration and Approve Development Title Text Amendment No. PA-1800327 to Permit a New Use Type, Veterans Supportive Housing, in the P-F (Public Facilities) Zone with Special Use Regulations Pertaining to Public Services and Location. (All Districts)

Senior Planner Megan Aguirre presented this item to the Board.

2:22 p.m. - Chairman Villapudua open and closed the public hearing with no comments.

Motion to approve staff recommendations. Approved. B-19-616; Ordinance No. 4540

RESULT: ADOPTED [UNANIMOUS]

MOVER: Chuck Winn, District 4

SECONDER: Bob Elliott, District 5

AYES: Miller, Winn, Elliott, Patti, Villapudua

2. CDD - 1:30 P.M. - Conduct a Public Hearing to Adopt the Mitigated Negative Declaration and Approve a Six-Year Time Extension Application for Major Subdivision Application No. PA-0600327 of Mountain House Developers, LLC Mountain House Community. (5th District)

Senior Planner John Funderburg presented this item to the Board.

Motion to approve this item as presented by staff. Approved. B-19-617; R-19-130

RESULT: ADOPTED [UNANIMOUS]

MOVER: Bob Elliott, District 5

SECONDER: Katherine M. Miller, District 2

AYES: Miller, Winn, Elliott, Patti, Villapudua

ADJOURN TO TUESDAY, OCTOBER 22, 2019 AT 9:00 A.M.

2:37 p.m. Chairman Villapudua adjourned the Board of Supervisors Meeting to October 22, 2019 at 9:00 a.m.