



SAN BENITO COUNTY BOARD OF SUPERVISORS

Don Marcus
District No. 1

Anthony Botelho
District No. 2
Vice-Chair

Pat Loe
District No. 3

Reb Monaco
District No. 4

Jaime De La Cruz
District No. 5
Chair

County Administration Building – Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

REGULAR MEETING JUNE 24, 2008 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date *in regular session*. Supervisors Monaco, Loe, Marcus, Botelho and De La Cruz were present. Also present was County Administrative Officer Susan Thompson, Deputy County Counsel Irma Valencia and Clerk of the Board Linda Churchill. Chairman Jaime De La Cruz presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor Monaco led the Pledge of Allegiance.

Supervisor Monaco called for a Moment of Silence in memory of Former San Benito County Sheriff Harvey Nyland who passed away on June 22, 2008.

- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

- c) **PRESENTATIONS & RECOGNITIONS:**

Introduction of LeAnna Ceglia, Miss San Benito Rodeo 2008 who is representing the San Benito County Saddle Horse Association in the 2008 Saddle Horse Show and Rodeo Downtown Parade and the Saddle Horse Show and Rodeo to be held June 27-29 at Bolado Park. (Supervisor Monaco)

Amanda Jacobsen, Miss San Benito Rodeo 2007, was present on behalf of Ms. Ceglia who was unable to attend. Ms. Jacobsen encouraged everyone to attend the Horse Show and Parade noting it is the 75th Anniversary and to support this grand local event that continues the heritage of our county.

Present Certificate of Recognition to Barbara Hernandez, Treasurer's Office Manager, in appreciation for 33 years of service and dedication to the County.

Supervisor Botelho presented Certificate of Recognition to Ms. Hernandez for her many years of dedicated service to San Benito County and wished her well in her retirement.

Present Certificate of Recognition to Manuel Teves, Building and Grounds Superintendent, in appreciation for over 34 years of service and dedication to the County.

Supervisor Marcus presented Certificate of Recognition to Mr. Teves for his many years and dedicated service to San Benito County and wished him well in his retirement.

- d) **Public Comment:** Marty Richman, local resident, stated that he attended a ceremony at the local armory where a briefing was being held for members of the Delta Company First Battalion 185th Armor Regiment who are preparing to leave for a tour of duty in the Middle East and Iraq / Kuwait area for their second time around. Mr. Richman thanked those who contributed to making this event a success. Mr. Richman suggested that the County Website should include contact information for families who may have problems during this time.

Art Swift, Rancho Larios Community in San Juan Bautista, expressed his appreciation to Supervisor Botelho and the Public Works staff who attended a recent community meeting held during May where the CSA 45 budget was reviewed. Mr. Swift stated that at the meeting Public Works Director Jerry Lo reported that the community was actually carrying a \$140,000 debt to the county and that as a result of that debt Mr. Lo stated that the County was not really able to provide the level of services that they would otherwise provide. Mr. Swift stated that the Rancho Larios community discovered that this was the result of legal disputes between the original developers of Rancho Larios, (Shea Homes, Larwin Homes, the Water District and the County) that was settled back in 2002. Mr. Swift stated the present homeowners were part of the settlement and do not feel it is fair that those fees were assessed to them and that their level of services were less. Mr. Swift indicated that he had documentation, a copy of the settlement agreement between Larwin, Shea and the County, that states that fees should not be allocated to the homeowners. Mr. Swift asked that this item be formally agendized on an upcoming Board of Supervisors meeting with the intention of trying to get it resolved before the CSA 45 budget is to be finalized in late July or August.

Supervisor Botelho requested that this item be placed on a future agenda to get it resolved once and for all.

Chairman De La Cruz stated that he would work with County Administrative Officer Susan Thompson to get this placed on an upcoming agenda.

Marvin Jones, Hollister resident, stated that while he has always gotten a response to his inquiries to the City of Hollister or Board of Supervisors he recently attended a Council of Governments (COG) meeting last week and there was an item to adopt a resolution concerning the unmet public transportation needs funding and programs for Fiscal Year 2008-2009. Mr. Jones said he asked the question how much and he received no response. Mr. Jones asked if there was any way an individual could find out how much the unfunded programs would cost the taxpayers of San Benito County for our transit system noting he would appreciate the information.

Supervisor Marcus commented that the COG Board had those numbers in front of them at the COG meeting and he thought his question was to the Executive Director Lisa Rheinheimer, which could have been resolved at that meeting. Supervisor Marcus stated that he would make sure that the Ms.

Rheinheimer gets in touch with Mr. Jones immediately after the Board meeting today and get those figures to him.

- e) **Department Head Announcements:** County Administrative Officer (CAO) Susan Thompson introduced Asst. Fire Chief, Cal Fire and San Benito County Fire, Reno Ditullio, who provided an update on the recent fires in the area.

Chief Ditullio reported that there was a significant lightning event over the weekend throughout Northern California that stretched from the Monterey County line to the Oregon state border. Chief Ditullio reported there were over 5000 recorded lightning strikes which caused significant numerous incidents. Chief Ditullio reported that there were a number of fires across the Central Coast and Monterey and San Benito Counties and some fires have not yet been contained

Health & Human Services Agency Director Kathy Flores announced that the Public Health Division's Annual "Kids at the Park" event would be held at Dunne Park tomorrow. Ms. Flores stated this is a health and safety fair and there would be several activities for kids and their families.

Sheriff Curtis Hill stated that he appreciated the Moment of Silence in memory of former San Benito County Sheriff Harvey Nyland. Sheriff Hill stated that a celebration of Sheriff Nyland's life would be held at noon on Monday, June 30, 2008 at the Mission San Juan Bautista.

- f) **Board Announcements, Introductions and Presentations:** Supervisor Loe reported that it was her honor to represent the Board of Supervisors at St. Benedict's / Sacred Heart Church 131st Anniversary on Sunday. Supervisor Loe further stated that she also attended the National Guard send-off held at the local armory on Sunday and it was a very moving day. Supervisor Loe stated that we need to support these families.

Supervisor Loe asked that something be placed on the County Website that would direct family members to the services available to them. Supervisor Loe further asked if it could be placed on an upcoming Board of Supervisor agenda that we have a moment of reflection to reflect on the sacrifices that the families and the soldiers are making.

Chairman De La Cruz directed that this item be placed on the next agenda immediately after the Pledge of Allegiance to be led by Supervisor Loe.

Supervisor Marcus expressed optimism on the City's progress along with the Governance Committee on the actual operation now of the Wastewater Treatment Plant. Supervisor Marcus stated that the second phase of the Wastewater Master Plan is going to be coming to fruition and there are going to be major decisions to make on demineralization of the water and how the water is going to be used throughout the county. *Supervisor Marcus requested that this item needs to be placed on an upcoming agenda with regards to a Memorandum of Understanding (MOU) with the San Benito County Water District and the City of Hollister.*

CAO Susan Thompson indicated that she was targeting the July 22nd meeting for this item.

Supervisor Botelho recognized the Parks and Recreation Commission Chairman Don Kelley and Commissioner Jim West who have been working with him to get plans for restroom facilities for the small park in San Juan Bautista adjacent to the school. Supervisor Botelho said this has been a real success story in adding recreational facilities for our youth. Supervisor Botelho stated

that Chairman Kelley found pre-approved plans for the restrooms, which saved a significant amount of money and we can now move ahead with the plans.

Supervisor Botelho reported that he attended a Regional Council of Rural Counties (RCRC) meeting in Crescent City noting that the main topic was the budget. Supervisor Botelho stated that there was also discussion about the impacts of the costs of fighting all of these fires currently in the state. Supervisor Botelho also reported there was discussion about keeping all of our state parks open and the proposal of adding a \$10 license fee on vehicles that would go towards keeping these parks open.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus approved Consent Agenda Items 1 through 32 with the exception of Items 27 and 31 which were pulled for discussion. (Unanimous)

ADMINISTRATION:

- 1) **Approved** contract renewal with Gregory M. LaForge for Primary Indigent Defense Services for a three-year period effective July 1, 2008 to June 30, 2011. *File #119*
- 2) **Approved** contract renewal with Harry J. Damkar for First Level Conflict Indigent Defense Services for a three-year period effective July 1, 2008 to June 30, 2011. *File #119*
- 3) **Approved** augmentations to the Risk Management Budget for FY 2007/08 unanticipated expenditures totaling \$57,559 to be paid by General Fund Contingencies. *File #119*

BEHAVIORAL HEALTH – A. Yamamoto:

- 4) **Approved** contract renewal with Lewis Aptekar, Ph. D. for psychological services for the FY 2008/09, for a maximum annual total of \$35,000. *File #810*
- 5) **Approved** contract renewal with K & R Manor & Salvador Lodge for board and residential care treatment services for the FY 2008/09 for a total annual maximum amount not to exceed \$15,000. *File #810*
- 6) **Authorized** submission to the State ADP the Comprehensive Drug Court Implementation Notice of Grant Award application allowing the acceptance of \$17,485 of State General Funds for the period of January 1, 2009 to December 31, 2009; and **authorized** the County Behavioral Health Director to sign the Multi-Agency Plan and all related documents. *File #810*
- 7) **Approved** contract renewal with Idea Consulting for assistance with data collection & analysis for the FY 2008/09 for a maximum annual total of \$122,000. *File #810*
- 8) **Approved** contract renewal with Gary Ernst as Administrative/Fiscal Consultant for FY 2008/09 for a maximum annual total of \$81,855. *File #810*

- 9) **Approved** the County Substance Abuse Crime Prevention Act and Offender Treatment Program Plans (SACPA, OTP) for the FY 2008/09 and submission to the State Department of Alcohol and Drug Program, and **adopted Resolution No. 2008-45** signifying Board approval of the FY 2008/09 County SACPA and OTP Plan. *File #810*
- 10) **Approved** contact renewal with Charis Youth Center for Therapeutic Behavioral Services for the period of July 1, 2008 to June 30, 2009, for a maximum amount of \$80,000. *File #810*
- 11) **Approved** contract renewal with 7th Avenue Center for skilled nursing facility for the FY 2008/09 for a maximum amount of \$89,000. *File #810*

CHILD SUPPORT SERVICES – K. Johnson:

- 12) **Authorized** the purchase of an Imaging System; and **approved** budget adjustment form transferring the amount of \$90,000. *File #22*

CLERK OF THE BOARD – L. Churchill:

- 13) **Approved** the action minutes of the May 13, 2008, May 27, 2008, June 3, 2008 meetings and budget hearings held June 9-10, 2008.

CLERK/AUDITOR & RECORDER – J. P. Gonzalez:

- 14) **Approved** amendment #2 to contract with Marsha Stillman for Professional Services for Property Tax Reconciliation for an additional \$78,000. *File #608*
- 15) **Adopted Resolution No. 2008-46** accepting the certified Statement of Election Results for the June 3, 2008 Statewide Direct Primary Election. *File #285*
- 16) **Approved** amendment to contract with K & H Integrated Print Solutions for printing of June 3, 2008 Statewide Direct Primary. *File #285*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 17) **Approved** contract with Dr. Johnson-Schroetlin to provide psychological services for the period July 1, 2008 through June 30, 2009 in the amount of \$24,000 and **authorized** the Health and Human Services Agency to sign contract. *File #130*
- 18) **Approved** contract Amendment #1 with Chamberlain's Children Center for the provision of respite services extending the term of the contract to June 30, 2009; and **authorized** the Health & Human Services Director to sign said amendment. *File #130*
- 19) **Appointed** Mr. Jesse Polk to the Community Action Board to represent District #2 for a three-year term effective June 24, 2008 to June 23, 2011. *File #939*
- 20) **Accepted** contract with First Five Commission for Family Resource Center for the period of July 1, 2008 to June 30, 2009 in the amount of \$68,000, and **approved** MOU's with Stork's Nest and Children's Oral Health Services for the period of July 1, 2008 to June 30, 2009, in amounts of \$2,000 and \$4,000, and **authorized** HHSA Director to sign said MOU's and contract. *File #130*

- 21) **Approved** contract with Sandra Montgomery for physical therapy services for the period of July 1, 2008 to December 31, 2008 in an amount not to exceed \$14,400; and **authorized** the H HSA Director to sign contract. *File #130*
- 22) **Approved** contract with Jennifer Hossain for physical therapy services for the period of July 1, 2008 to December 31, 2008 for an amount not to exceed \$37,440; and **authorized** the Health & Human Services Director to sign contract. *File #130*
- 23) **Authorized** the H HSA Director to sign letter of intent to extend the timeframe of the current Child Abuse Prevention Council (CAPC) 3 Year Plan for the FY'S 2008/2011; **authorized** the Chair to sign letter of intent to contract with public and private nonprofit agencies to provide services; **adopted Resolution No. 2008-47** approving the submission of said Letters of Intent. *File #130*
- 24) **Adopted** the plans and specifications for the San Benito County Health Department Floor Leveling Project, and **authorized** staff to solicit bids. *File #420*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 25) **Approved** contract with Field Solutions, Inc. for Extraction Well Maintenance at John Smith Landfill for the period of July 1, 2008 to June 30, 2010. *File #75.4*
- 26) **Approved** contract with SWT Engineering, Inc. for landfill engineering services at John Smith Landfill for the period of July 1, 2008 to June 30, 2010. *File #75.4*

INTERNAL SERVICES – R. Inman:

- 27) **Approve amendment to San Benito County Department Head Salary Plan deleting the requirement that the County Administrative Officer provide a recommendation to the Board for salary step increases for the Agricultural Commissioner and the County Counsel.**

Supervisor Botelho felt that it was important to have the CAO have input as far as whether or not we should be offering step increases.

Internal Services Director Rich Inman stated that this item was agendized at the behest of the Chairman basically because this amendment refers only to these two positions that are statutorily protected and the concern was that the CAO really has no control over their performance per se and the evaluation should be conducted by the Board of Supervisors.

Lengthy discussion ensued with regards to whether or not the CAO should provide an official evaluation or just informal input and how the language should be stated in the Department Head Salary Plan.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus, referred this item back to staff to come back with clarification language that would informalize the requirement for CAO to provide recommendation to the Board of Supervisors for the Agricultural Commissioner and County Counsel. (4-1 vote. De La Cruz voted no.)*

- 28) **Approved** contract with Lynx Technologies for development, updates and maintenance of the Countywide GIS maps and to provide training to staff for the period of July 1, 2008 to June 30, 2009 in an amount not exceed \$77,100. *File #119*

- 29) **Approved** Plans & Specifications and the Invitation for Bid (IFB) for the Agricultural Commissioner's Modular Facility Modifications. *File #1.1*
- 30) **Approved** agreement with Megabyte System, Inc. for the maintenance of the Megabyte Property Tax System MPTS 200 at a cost not to exceed \$31,412; and **approved** agreement with Megabyte System, Inc. for SQL Server Database Support at a cost not to exceed \$23,559. *File #7*

PROBATION DEPARTMENT – B. Cardall:

- 31) **Approve contract with Stanley Convergent Security Solutions, Inc. for a control panel for the period of June 30, 2008 to July 9, 2009 in an amount not to exceed \$220,535.**

Marty Richman, local resident, asked what is it that we are leasing and why does it cost so much money?

CAO Susan Thompson answered that this is not a lease. It is for purchase of a control panel that controls all of the locking systems throughout the Juvenile Hall. CAO Thompson stated that the current system is un-functional and un-repairable and we similarly replaced the same kind of a locking system at the jail last year.

Discussion ensued with regards to the competitive bid process and the unit's very specialized capabilities.

Chief Probation Officer Brent Cardall, Capital Project Manager Theresa Yee and Sheriff Hill addressed the concerns and questions.

Robert Scoles, Aromas resident, stated that he has worked with this type of unit before and it is a very specialized and technical system and although it looks like a lot of money, it's really not.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, approved the contract with Stanley Convergent Security Solutions, Inc., Inegrator.com Division for an amount not to exceed \$220,535 with a term of June 30, 2008 through July 9, 2009 and authorized the Chair to sign the contract. (Unanimous)*

VICTIM WITNESS ASSISTANCE PROGRAM – K. Fancher:

- 32) **Adopted Resolution No. 2008-48** designating the District Attorney's Office as the Implementing Agency for the San Benito County Victim/Witness Assistance Program, and **authorized** the Victim Witness Program Coordinator and County Auditor to sign necessary documentation for the grant application. *File #142.6*

REGULAR AGENDA:

PLANNING DEPARTMENT – A. Henriques:

- 33) **Review proposal of the Silicon Valley Land Conservancy to acquire agricultural conservation easements on two farms located on Frazier Lake Road and Miller Canal; and adopt Resolution supporting and approving the easements and finding that they are consistent with the San Benito County General Plan.**

Planning Director Art Henriques provided background information stating this is a request from the Silicon Valley Land Conservancy for support by the Board of Supervisors, by adopting a resolution, to approve an easement and

finding that they are consistent with the San Benito County General Plan. Mr. Henriques stated that the Conservancy has been working with two owners of family farms (Leong and Vargas) in north San Benito County, to currently protect agricultural land by development of an agricultural conservation easement. Mr. Henriques stated that a resolution confirming the County's support for the grant is needed in order for the Conservancy to go to the California Department of Conservation. Mr. Henriques reported that the two properties are located on Frazier Lake Road and Miller Canal and noted that a third property is also being considered in this area. Mr. Henriques stated that this is a win-win situation for the County because it would be protecting valuable agricultural land that will remain in farmland and it is also protecting critical watershed flood plain area of the Pajaro River which has very limited flood protection at this point.

Lengthy discussion ensued about this process and the concern of Board members pertaining to property rights in the future and that there is no guarantee that this must be farmed.

Craige Edgerton, Executive Director, Silicon Valley Land Conservancy, answered questions posed by Board members.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor Botelho, adopted **Resolution No. 2008-49** supporting and approving the acquisition of an Agricultural Conservation Easement by the Silicon Valley Land Conservancy; and finding that they are consistent with the San Benito County General. (Unanimous) File #790*

- 34) **Review proposal of West Hills Community College District to allow the formation of a School Facilities Improvement District (SFID) in San Benito County, and adopt Resolution adopting Education Code provisions to permit the formation of the School Facilities Improvement Districts in the County of San Benito.**

Planning Director Art Henriques provided background information stating that this is a request for support to allow the formation of a School Facilities Improvement District (SFID) in San Benito County. Mr. Henriques noted that this district would affect only about 5-6 people and the Elections Department must agree to adding this to the ballot in the November election.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, adopted **Resolution No. 2008-50** adopting the California Education Code provisions to permit the formation of a School Facilities Improvement District in the County of San Benito. (Unanimous) File #13*

CLERK/AUDITOR & RECORDER – J. P. Gonzalez:

- 35) **Adopt Resolution adopting the Final Budget for the FY 2008-2009.**

Assistant Auditor Larry Chapman stated that this resolution summarizes all actions that were taken by the Board of Supervisors at budget hearings held on June 9 and 10, 2008.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, adopted **Resolution No. 2008-51**, adopting the Fiscal Year 2008-2009 Budget. (Unanimous) File #865*

- 36) **Adopt Resolution establishing the Proposition 4 Appropriation Limit for the FY July 1, 2008 to June 30, 2009 at \$26,240,117.**

Assistant Auditor Larry Chapman explained that this action establishes the annual appropriation limit for the County of San Benito and it is just a formality. Mr. Chapman noted that we are well within our limits.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor Monaco, adopted **Resolution No. 2008-52** establishing the Proposition 4 Appropriation Limit for the County for the Fiscal Year July 1, 2008 to June 30, 2009. (Unanimous) File #865*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 37) **Approve contract with Gary Liss & Associates to prepare a Draft Feasibility Study for a Resource Recovery Park adjacent to John Smith Road Landfill for the period of June 24, 2008 to December 31, 2008.**

Director of Integrated Waste Management Department Mandy Rose provided background information explaining that after meeting with the Finance Committee in February 2008 to review this proposed project, a Request for Proposal (RFP) to prepare a feasibility study on the Resource Recovery Park was issued in April 2008. Ms. Rose stated that the successful proposer was Gary Liss & Associates and that contract is here for consideration.

Ms. Rose answered questions posed by Board members.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, approved the contract with Gary Liss & Associates to prepare a Draft Feasibility Study for a Resource Recovery Park on or adjacent to the John Smith Road Landfill. (Unanimous) File #142*

AFTERNOON AGENDA

1:30 P.M.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, approved Consent Agenda Items 40, 41, 44, 46 and 47 and pulling Items 38, 39, 42, 43, 45 and 48 for discussion. (Unanimous)

PLANNING DEPARTMENT – A. Henriques:

- 38) **Approve contract with Cathy Casillas for tracking of reimbursement project costs for Santana Ranch for the period of June 24, 2008 to June 30, 2010.**

Planning Director Art Henriques reported that Chairman De La Cruz asked about the differential in payment to the contractor per hour for Santana Ranch versus DMB (El Rancho San Benito). Mr. Henriques stated that originally there were concerns that the El Rancho San Benito project was going to be more complicated but the Chairman's answer was they would just be working more hours. Mr. Henriques stated that they did contact the contractor, Nants Foley, and she was agreeable to going with the reduced rate and therefore we have a recommendation for the next item (39) that the approval be subject to a revision to reduce the rate to \$35.00 per hour.

Discussion ensued and Mr. Henriques answered questions by Board members regarding the process of tracking these costs.

Chairman De La Cruz directed staff to bring an update to the Board of Supervisors in two months to see how this is working.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, approved contract with Cathy Casillas for tracking of reimbursement projects costs for Santana Ranch for the period of June 24, 2008 and June 30, 2010. (Unanimous) File #790

- 39) **Approve contract with Nants Foley for development of forms and project management procedures for large development projects and tracking of reimbursement project costs for El Rancho San Benito for the period of June 24, 2008 to June 30, 2010.**

Planning Director Art Henriques stated that this is similar to Item 38 and this would be to hire the contract employee to track the reimbursable costs for the El Rancho San Benito project. Mr. Henriques stated they anticipate that this project will probably have more billable hours in general including this contract employee's time for a larger project with more than likely more staff involvement and more outside consultant involved. Mr. Henriques indicated that they estimate right now that they will not need to work more than 20 hours per week.

Mr. Henriques answered questions posed by Board members pertaining to concerns of exceeding billable hours and the potential for conflict of interest and what were standards set for requirements for this job.

Mr. Henriques indicated that both contractors had accounting and bookkeeping experience.

BOARD ACTION: Upon motion made by Supervisor Marcus and seconded by Supervisor Botelho, approved contract with Nants Foley for the period June 24, 2008 through June 30, 2010 with an amendment changing the hourly rate from \$50 to \$35 and authorized Chair to sign amended contract. (Unanimous) File #790

PARKS & RECREATION COMMISSION - J. Lo:

- 40) ***Appointed*** Daniel F. Dungy to represent Supervisorial District 3 on the San Benito County Parks & Recreation Commission to fill the vacancy for an unexpired term ending January 2011. (Supervisor Loe) File #93

PUBLIC WORKS DEPARTMENT - J. Lo:

- 41) ***Adopted*** specifications for the Juvenile Hall evaporative cooler unit repairs and for the purchase and installation of a new multi-zone, ductless split, heat pump, and ***directed*** staff to solicit bids for the work. File #120.5
- 42) **Make a finding for the sole-source purchase and installation of a Reman Long-Block Engine for the 1978 grader from Quinn Company, in the amount of \$21,700.**

Supervisor Monaco asked if in replacing this engine were we going to get caught up in some of the new air pollution standards that will be in effect in the next couple of years?

Supervisor Botelho asked if Public Works was able to look into some of the grant funding that might be available for upgrading these engines to meet AB32 standards noting there were several grants available through the Monterey Bay Unified Air Pollution Control District (MBUAPCD).

Supervisor Monaco stated that we might be able to look for a Moyer Grant to replace a piece of equipment and that could be done through the MBUAPCD.

Public Works Director Jerry Lo stated he was told that the engine needed to be replaced and he did not look at possible grant funding.

BOARD ACTION: *It was the consensus of the Board to bring this item back to the Board of Supervisors after looking into possible grant funding. File #105*

- 43) **Approve the purchase of two new riding mowers from the lowest responsive, responsible bidder, Valley Saw & Garden, in the amount of \$20,585.56.**

Supervisor Loe asked if we actually need two mowers and was there a way we could get away with just having one mower.

Lengthy discussion ensued about the need for two mowers.

Public Works Director Jerry Lo stated that at this point due to the fire hazards it is a safety issue since if they only one at a time it would take too much time.

Supervisor Loe asked if it's a safety concern why can't we rent?

Mr. Lo stated that in the long run its best to have two mowers since renting can create a time problem and we would have to go out of town to get the rentals.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, accepted all responsive bids; awarded the contract to Valley Saw & Garden as the lowest responsive, responsible bidder; and, approved the purchase of two new riding mowers from Valley Saw & Garden in an amount not to exceed \$20,585.56 for two riding mowers and \$10,292.78 for one riding mower. (4-1 Vote. Loe voted no.) File #105.3*

- 44) **Approved** the purchase of chip seal aggregate Granite Rock, the lowest responsive, responsible bidder, in amount of \$63,234.60. *File #105*

- 45) **Approve the purchase of two new message boards from the lowest responsive, responsible bidder, Sierra Safety, in the amount of \$32,818.50.**

Supervisor Loe asked if we really need two message boards?

Public Works Director Jerry Loe explained that in the event of an emergency we would need to use them at both the north and south end of the county to alert the public.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor Monaco, accepted all responsive bids received; awarded the contract to Sierra Safety as the lowest responsive, responsible bidder; and, approved the purchase of two new message boards from Sierra Safety in an amount not to exceed \$32,818.50. (Unanimous) File #105*

- 46) **Approved** contract with M.A. Jones Incorporated, DBA Cleaning Services for janitorial services for the period of June 24, 2008 to June 23, 2009, in an amount not to exceed \$128,265. *File #105*

- 47) **Approved** the purchase of one new tractor broom from E.R. Bacon, the lowest responsive, responsible bidder, for the amount of \$49,777.94. *File #105*

- 48) **Approve the purchase of seven vehicles from the lowest responsive, responsible bidder, Tiffany Ford of Hollister, for a total amount of \$167,599.08.**

Supervisor Loe asked if the department needs all of these vehicles.

Public Works Director Jerry Lo explained the planned usage for the requested vehicles stating there are not enough vehicles for staff to use and some employees use their own vehicles.

Supervisor Loe questioned the difference in the amount requested to purchase and the amount that was included in the 2008/2009 budget.

Lengthy discussion ensued regarding the needs for adding this many news vehicles; if the vehicles were bid individually or were we getting a discount for purchasing all of the vehicles from Tiffany Ford; and, concern of a purchase of a vehicle and how do we apply that to the CSA's.

Sally Bettencourt, Hollister resident, said she sees fire trucks going to medical calls and why can't those medical people be going in a cab pick-up truck instead and cut down on costs of expenses of big fire trucks going out on 911 calls.

County Administrative Officer Susan Thompson explained that she has talked with fire staff about this and we only have two county fire people on any truck at any time so if you take them out of that truck and put them in a different vehicle to run to an emergency, and they get a fire call, then they have to go back to get their fire truck and then go to their call so its really a matter of expediency.

BOARD ACTION: *Chairman De La Cruz directed the Public Works Director to: 1) Go back to respective bidders and ask about a discount if purchasing all of the vehicles from one company; 2) Look into the use of a vehicle paid for by CSA's for public jobs and to proportion equipment costs for time served in each individual CSA; and, 3) Why are the two vehicles included in the 2008/2009 budget double the amount that shows on these bids and what is the difference; and, bring information back to the Board of Supervisors for consideration. (Unanimous) File #105*

1:30 P.M. PUBLIC HEARINGS:

ASSESSOR: T. Slavich:

49) **Held** public hearings to consider the following Land Conservation Act Requests.

Assessor Tom Slavich provided background information for each LCA request indicating that the Agricultural Preserve Advisory Committee recommended approval of all requests submitted.

The Chairman opened the public hearing for each request with no one from the public wishing to address the Board. The Chairman closed each hearing.

BOARD ACTIONS:

- **Bern Hitch & Joanne Barker: Compatible Use Request:** APN's: 028-05-0-017-0 & 028-05-0-019-0.
Upon motion made by Supervisor Loe and seconded by Supervisor Monaco, approved request as recommended. (Unanimous)
- **Nahabedian Exploration Group, LLC, Applicant. Five Oaks LTD, Landowner: Compatible Use Request: 28 Assessor's Parcels, Book**

24, Pages 14, 15, 16, 17, 18, 19; Book 29, Pages 8 & 10; Book 30, Page 4.

Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, approved request as recommended. (Unanimous)

- **Lone Tree Ranch, LLC: Lot Line Adjustment: 15 Assessor's Parcels, Book 25, Pages 7, 8, 11, 12, 13, 14. Linda Jean Morrissey, Nada Sparling, James Winfield Sparling, Steven Whitmore Sparling, Cynthia Sparling Jones, Edward Sparling, Thomas Hawkins Sparling: Lot Line Adjustment: 10 Assessor's Parcels, Book 25, Pages 1, 3, 5, 6, 7.**

Upon motion made by Supervisor Marcus and seconded by Supervisor Monaco, approved request as recommended. (Unanimous)

- **Linda Jean Morrissey, Nada Sparling, James Winfield Sparling, Steven Whitmore Sparling, Cynthia Sparling Jones, Edward Sparling, Thomas Hawkins Sparling: Division Request: 10 Assessor's Parcels, Book 25, 1, 3, 5, 6, 7.**

Upon motion made by Supervisor Marcus and seconded by Supervisor Monaco, approved request as recommended. (Unanimous.)

- **Brian & Cynthia Holthouse: Division Request: 018-20-0-059-0.**

Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, approved request as recommended. (Unanimous)

- **Edward Strohn: Division Request: 17 Assessor's Parcels, Book 27, Pages 17, 19, 24 & Book 28, Pages 12, 17.**

Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, approved requested as recommended. (Unanimous) File #7.1

PLANNING DEPARTMENT – A. Henriques:

- 50) **Held a public hearing to consider an ordinance amending Chapter 17 of the San Benito County Code (Subdivision Ordinance 617, as previously amended) to revise Article IX, Section 17-63, Improvements, General, to authorize the Planning Commission to defer frontage improvements for minor subdivisions under certain circumstances. Planning Commission Resolution 2008-01 recommends enacting the proposed ordinance. CEQA Determination: exempt under CEQA Guideline 15061(b)(3).**

Planning Director Art Henriques provided background information stating that the Planning Commission has requested that staff look at possible amendments to the Subdivision Ordinance and that is before the Board for consideration.

Assistant Planning Director Byron Turner reported that the Planning Commission felt very strongly about one particular issue and directed that it be moved forward as an amendment to the Subdivision Ordinance and this issue is the ability to defer frontage improvements. Currently the Commission has the ability to waive frontage improvements, just simply not require frontage improvements on minor subdivision, but the ability lies solely with the County Engineer. Mr. Turner stated that historically the County Engineer would look at it as a safety issue if requiring the improvements were to create an unsafe situation. Mr. Turner reported that the changes that the Planning Commission wishes to make to allow the ability to defer would read:

Sec. 17-63, General.

(a) The improvements set forth in this article shall be required for all subdivisions unless the Planning Commission finds that due to the particular circumstances of the subdivision, said improvements are not necessary, are not desirable, or that alternatives are desired for the public health, safety and welfare, or are less damaging to the environment, *or makes the determination to defer said improvements. The Planning Commission may defer frontage improvements for the following projects:*

1. *Minor subdivisions where the property is built-out to its maximum density and no new traffic impacts will be generated by the subdivision.*
2. *Minor subdivisions where no lots will be sold and no building permits for new, single-family dwellings will be applied for. A deed restriction prohibiting the sale of all unimproved lots and designating each lot as "non-buildable" until such time as the required frontage improvements are completed shall be required as a condition of approval.*

In order for the Planning Commission to defer frontage improvements, they must find that due to the particular circumstances of the subdivision, no additional traffic or road impacts will take place. The subdivider shall pay the expense of all required improvements.

Mr. Turner stated that the recommended action is to hold a public hearing, introduce ordinance, waive reading and continue the matter to the July 1, 2008 meeting for final adoption.

Lengthy discussion ensued and questions by Board members were addressed by Mr. Turner, Mr. Henriques, CAO Susan Thompson and Deputy Counsel Shirley Murphy.

Chairman De La Cruz opened the public hearing. There was no one from the public who wished to address the Board.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, introduced ordinance amending Section 17-63 of the San Benito County Code, waived reading of said ordinance and continued the matter to July 1, 2008 final adoption. (Unanimous) File #790*

The vote of each member of the Board of Supervisors upon each matter at the foregoing meeting, unless otherwise stated, was as follows:

AYES: SUPERVISORS: Monaco, Loe, Marcus, Botelho, De La Cruz

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to July 1, 2008 at 9:00 a.m. for a regular meeting.

JAIME DE LA CRUZ, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Linda Churchill
Clerk of the Board