



# SAN BENITO COUNTY BOARD OF SUPERVISORS

Don Marcus  
District No. 1

Anthony Botelho  
District No. 2

Pat Loe  
District No. 3  
Vice-Chair

Reb Monaco  
District No. 4  
Chair

Jaime De La Cruz  
District No. 5

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

## REGULAR MEETING AUGUST 23, 2005 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in regular session. Supervisors Marcus, De La Cruz, Botelho, Loe and Monaco were all present. Also present was Acting County Administrative Officer Susan Lyons, Interim County Counsel Claude Biddle and Senior Board Clerk Linda Churchill. Chairman Monaco called the meeting to order at 9:30 a.m.

### 9:30 a.m. CALL TO ORDER:

- a) Pledge of Allegiance.
- b) *Acknowledged Certificate of Posting*
- c) **Public Comment:** Joe Thompson, Tres Pinos Resident, came forward and asked the Board once again to support Senate Constitutional Amendment 15. Mr. Thompson noted that Senator Denham has become a co-sponsor of this amendment. Mr. Thompson asked the Board to do what the Orange County Board of Supervisors did and that is unanimously resolved to support Senate Constitutional Amendment 15.
- d) **Department Head Announcements:** There were none.
- e) **Board Announcements, Introductions and Presentations:** Supervisor Marcus reported on the August 17, 2005 Regional Council of Rural Counties (RCRC) meeting he attended in Sacramento noting that he had a list of legislative updates indicating RCRC's position and he would make it available to anyone interested. Supervisor Marcus stated there was a detailed report by RCRC, which urged county support on current legislation in the form of drafting a resolution reducing the use of methamphetamines in rural counties.  
Supervisor Marcus further reported that he and Chairman Monaco would be joining Rosario Marin who is the Chairperson for the California State Integrated Waste Management Board for a tour of the John Smith Landfill tomorrow morning August 24<sup>th</sup>.  
Supervisor Marcus also reported that most rural counties can either undo or modify CDF and fire standards to require fire sprinklers in rural residences and he would be working with staff and CDF to determine where the county needs to be on logistically requiring fire sprinklers in rural residences.  
**Chairman Monaco directed staff to agendize the resolution regarding reducing methamphetamine usage.**  
*Acting County Administrative Officer Susan Lyons stated it would be agendized for the September 6, 2005 meeting.*  
**Chairman Monaco directed Supervisor Marcus to work with staff regarding the modification of fire standards and agendize it for a future date.**  
Supervisor Botelho commended county staff for their quick response and abatement in San Juan Bautista after the finding of a bird infected with the West Nile Virus.

Chairman Monaco thanked the community for coming out on Monday evening, August 22<sup>nd</sup> for a town hall meeting held by Congressman Sam Farr, which was held in the Board Chambers.

## **CONSENT AGENDA:**

***Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, approved Consent Items 1 through 18 with the exception of Item 12, which was pulled from the agenda, and noting that Supervisor De La Cruz abstained from Item 14. (Unanimous).***

### **ADMINISTRATIVE BUSINESS:**

1) **Approved** Certificate of Recognition recognizing Dave Williams, California Department of Forestry, for over 32 years of service to the citizens of San Benito County for presentation at a later date. (Chairman Monaco) *File #60*

### **AGRICULTURAL COMMISSIONER – P. Matulich:**

2) **Approved** agreement with the California Department of Food and Agriculture for Pierce's Disease – Glassy Wing Sharpshooter Inspection Program in the amount of \$38,109.56 for Fiscal Year 2005/2006. *File #1.1*

### **AUDITING – J. Hodges:**

3) **Approved** Departmental Claims.

### **CLERK OF THE BOARD:**

4) **Approved** the minutes of the meetings of July 26, 2005 and August 2, 2005.

### **COMMUNITY SERVICES & WORKFORCE DEVELOPMENT – K. Flores:**

5) **Approved** the appointment of Maria Thomas to the Workforce Investment Board representing the private sector for a three-year term effective September 1, 2005 through August 31, 2008. *File #939*

6) **Approved** the 2005/2006 Workforce Investment Act (WIA) job training plan modification for submission to the State. *File #939*

### **COUNTY COUNSEL – C. Biddle:**

7) **Approved** amendment to Addendum A of agreement with Stringer Business Systems to add a scanner module to the Panasonic model DP-4530 and authorized Interim County Counsel to sign said Addendum. *File #160*

### **DEPARTMENT OF EMERGENCY SERVICES – M. Riopel:**

8) **Reaffirmed** 14-Day Proclamation of Local Emergency – Thomas Road. *File #104*

### **HEALTH & HUMAN SERVICES AGENCY – K. Flores:**

9) **Approved** amendment to agreement with Miller Networks, Inc. for annual Information Technology (IT) service agreement for FY2005/2006. *File #420*

10) **Approved** Declaration of Intent *not* to apply for FY2005/2006 Rural Health Services (RHS) Program funding and **authorized** Chair to sign said Declaration of Intent. *File #420*

11) **Approved** Proclamation declaring August 2005 as "Breastfeeding Awareness Month" in San Benito County. *File #430*

12) Regarding the construction of secure network closet with temperature control for Bioterrorism IT Connectivity Project:

- a) Accept all bids for a one-time project to provide and install air conditioning equipment for temperature control in the main IT equipment closet at 439 4<sup>th</sup> Street; and
- b) Award the contract to the lowest responsive, responsible bidder; and
- c) Approve contract, not to exceed \$7,000, with the lowest responsive, responsible bidder and authorize Chair to sign the contract.

Health and Human Services Agency Director Kathy Flores reported that no bids were received.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Marcus tabled this item indefinitely to be brought back at a future date with a status report. File #130*

13) **Approved** amendment to agreement with Miller Networks, Inc. re: stage 4 of the Public Health Division Bioterrorism IT connectivity project extending termination date to October 31, 2005. *File #130*

#### **HUMAN RESOURCES – M. Booth:**

14) **Approved** the modification of the job description for First 5 San Benito County Sustainability Coordinator and to increase the position from .8FTE to 1.0FTE. *File #155*  
(4-0 vote. De La Cruz abstained.)

#### **PUBLIC WORKS:**

15) **Adopted Resolution No. 2005-85** adopting the updated Disadvantaged Business Enterprise Program for Fiscal-Year 2005/2006. *File #105*

16) **Approved** reimbursement agreement with the Pride of San Juan in the amount of \$56,131 from the Prescott Road/Orchard Road account to complete required Surface Transportation Assistance Act (STAA) intersection improvements. *File #105*

#### **SHERIFF – C. Hill:**

17) **Approved** the hiring of a Deputy Sheriff applicant at Range 21.1, Step D based on extensive law enforcement training and experience. *File #110*

18) **Approved** the re-classification of one sworn Lieutenant-Operations to that of non-sworn Lieutenant-Corrections. *File #110*

### **REGULAR AGENDA:**

#### **PRESENTATIONS / RECOGNITIONS:**

19) **Presentation by Yolanda Valverde re: San Benito Recovery Homes, Inc. (Supervisors Botelho & De La Cruz)**

Presentation was given by Yolanda Valverde, Director/Owner of San Benito Recovery Homes, Inc. and Susan Drehobl, Director of Operations describing the sober living homes they have opened in San Benito County.

**BOARD ACTION:** *Received presentation. File #156*

**PUBLIC WORKS:**

- 20) **Regarding the Southside Road Bike Lane project, consider the following:**
- a) **Accept all bids in the bid summary report; and**
  - b) **Award contract to Wattis Construction Company as the lowest responsive/responsible bidder; and**
  - c) **Approve contract with Wattis Construction Company as the lowest responsive /responsible bidder and authorize chair to sign contract in the amount of \$243,343; and**
  - d) **Augment the Public Works Capital Improvement projects budget in the amount of \$64,000 expenditures and revenues from Transportation Development Act (TDA) Air District and Congestion Mitigation and Quality Act (CMAQ) funds.**

Assistant Public Works Director Arman Nazemi provided background information stating that Southside Road is unsafe for bikes and pedestrians and this project would remedy that problem.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz approved Item 20 as recommended with an amendment to authorize the Vice Chair to sign the contract. (Vote 4-0. Chairman Monaco abstained.) File #105*

- 21) **Consider request for direction on alignment preference for the Hospital Road Bridge.**

Assistant Public Works Director Arman Nazemi provided background information reporting that on January 6, 2005 the Board of Supervisors approved the Hospital Road Bridge Project with an alignment that takes temporary construction easements. During the preliminary design stage the consultant drafted a new alignment that is more cost effective but will require acquisition of land from three (3) property owners. This new alignment will save the taxpayers approximately \$1.4 million dollars from the original design. Mr. Nazemi provided a visual map showing the proposed realignment preference.

Mr. Nazemi reported that three property owners would be involved in the land acquisition process. Those property owners include John & Vickie Brigantino, Granite Rock Co. and Maximor-Juan Ornelas.

Jim West, representing Granite Rock Co. came forward stating that Granite Rock would donate the land acquisition.

Dave Brigantino, representing the Brigantino family, came forward stating that they had no problem with the acquisition but would get something in writing from potential buyers of the property.

Bruce Tichinin, attorney representing the Ornelas family, came forward and asked for additional time to respond and that there appeared to be some additional problems with the new proposed realignment noting that the Ornelas family had just received notice of this item on Friday preceding the meeting and that was not enough time to determine what the outcome of this project would be and how it would the Ornelas' boarding stables and property.

**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Supervisor Botelho continued the item to the September 6, 2005 meeting to give the Ornelas family time to study it further and to respond. (Unanimous) File #105*

- 22) **Regarding proposed ordinance amending Chapter 9 of San Benito County Code, Motor Vehicles and Traffic and designating new speed limits on Bixby Road, Flint Road, Freitas Road, Mission Vineyard Road and Lucy Brown Road, consider the following:**

- a) **Waive the reading of the ordinance in its entirety; and**
- b) **Introduce the ordinance by title only; and**
- c) **Continue to the meeting of September 6, 2005 for adoption.**

Assistant Public Works Director Arman Nazemi provided background information stating that the Public Works Department had received a request from Supervisor Botelho along with other concerned citizens to perform speed survey studies on these roads. As a result of the traffic study done the safe speeds proposed are Mission Vineyard Road will be posted at 45 MPH; Freitas Road and Lucy Brown Road will be posted at 50 MPH; Flint Road will be posted at 35 MPH and Bixby Road at 45 MPH.

Discussion was held and concerns expressed that these speed limits were not low enough however it was agreed upon to accept the results of the study.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Loe introduced the ordinance amending Chapter 9 of the San Benito County Code, Motor Vehicles and Traffic; waived the reading of said ordinance and continued consideration of the ordinance to the September 6, 2005 meeting. (Unanimous) File #105*

23) **Consider Capital Improvements project status report.**

Assistant Public Works Director Arman Nazemi summarized the staff report as submitted in the Board's agenda packets, which outlined the phasing with a timeline to completion for the individual projects as well as the project status.

Supervisor Marcus requested that Rosa Morada Road be added to the Capital Improvements project list.

Steve Rosati, local resident, came forward stating that a comment made earlier regarding borrowing money from other funds to help fund a project 100% concerned him and he wanted to make sure that the funding is earmarked somewhere either through deed restrictions or some other means to make sure these funds are secure for the future and haven't been used for something else.

**BOARD ACTION:** *Received report. File #105*

Item 24 was re-scheduled and heard after Item 25 due to a specific scheduling time for Item 25.

**ADMINISTRATIVE BUSINESS:**

25) **10:30 a.m. Receive report from the Santa Clara Valley Transportation Authority regarding the proposed flyover at Highways 152 and 156. (Management Analyst)**

John Ristow, Santa Clara Valley Transportation Authority Deputy Director, provided a report re: State Route 152/State Route 156 Improvement Project using visual aids and maps. Mr. Ristow explained the need for this project.

Lengthy discussion ensued and supervisors expressed concerns with the proposed alternative that was chosen by the Valley Transportation Authority noting that while they were not against the flyover they were concerned with the traffic and road impacts it would create for San Benito County and that those impacts have not been addressed.

Public input was received from the following:

Joe Zanger, San Benito County resident, supported the project stating there was a need for this bridge in order to make the highway safe.

Joe Thompson, Citizen's Rail Advisory Committee and Tres Pinos resident supports the project as proposed but feels should be looking at a regional solution with further improvements. Mr. Thompson showed a visual map.

Steven Rosati, Hollister resident came forward and noted that in 2003 it was clear direction by the Council of Governments that there was to be no free flow of traffic in San Benito County and that the free flow of traffic was to go into the Santa Clara County direction. Mr. Rosati felt this alternative would adversely affect traffic patterns in San Benito County. Mr. Rosati further stated that if we are stuck with this alternative then proper directional signage was necessary and most importantly if San Benito County is really expected to take more of Santa Clara County's traffic then our Board of Supervisors needs to pursue the development of a commercial and retail outlet somewhere near the intersection of 156 and San Felipe Road to take advantage of the increased traffic that is going to come through there.

Web Winans, Hollister resident, came forward stating that there needs to be something done to get a left turn off of Highway 152 but he was concerned about the amount of traffic that is going to come down Shore Road and affect traffic patterns. Mr. Winans feels something should be done quickly to handle the situation and he was not pleased with this plan at all.

David Murray, Branch Chief for the Regional Planning and Development and Review for CalTrans District 5 in San Luis Obispo came forward. Mr. Murray reminded the Board of Supervisors that improving the safety and operations of State Highway system is the number one priority for the department and it is their opinion that this project as presented by Mr. Ristow addresses both the long standing and well documented safety and operations of the efficiency of this intersection and he encouraged support of the VTA efforts.

Tom Quigley, Director of the Council of Governments, reported that COG received a copy of the administrative draft of the Gateway Study and noting CalTrans and COG will respond to that and that report is forthcoming.

Richard Bettencourt, CEO of Bettencourt Commodities, came forward stating that truck traffic coming over Pacheco Pass and going into Hollister and go north does not make sense to him. Mr. Bettencourt stated that he is favor of it being done the right way.

Arman Nazemi, Assistant Director of Public Works, stated that Highway 152 is long overdue for a four-lane project. Mr. Nazemi said he was an advocate of this project noting that either alternative would work and will facilitate the intersection problem. Mr. Nazemi stated that any improvement being made to the roadway system would be an enhancement or alternative for Santa Clara County traffic and he feels there should be a Memorandum of Understanding between the Board of Supervisors of San Benito and Santa Clara County and Santa Clara County should pay their fair share for any future improvements that will come through San Benito County.

**BOARD ACTION:** *Chairman Monaco directed Supervisors Loe and Botelho to bring back a report at the September 6, 2005 Board of Supervisors meeting regarding discussion to be held at the Council of Governments meeting of August 25, 2005 regarding the VTA plan for the 152/156 flyover. File #1035*

The Board adjourned for a lunch break at 12:20 p.m. and re-adjourned at 1:30 p.m. regarding the following items:

**COUNTY COUNSEL – C. Biddle:**

- 24) **Regarding proposed ordinance adding Sections 2-65 and 2-66 to Section 2, Article XV of the San Benito County Code pertaining to claims review by the County Auditor, consider the following:**
- a) **Waive the reading of the ordinance in its entirety; and**
  - b) **Introduce the ordinance by title only; and**
  - c) **Continue to the meeting of September 6, 2005 for adoption.**

Interim County Counsel Claude Biddle provided background information stating that this ordinance would permit the County Auditor to review, reject or approve all claims without going before the Board of Supervisors. At present time all claims are subject to Board review before authorized payment. Mr. Biddle explained that this ordinance would pertain to certain items which are specifically set forth in the Government Code and the Board will still remain control of the County's finances.

**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz, waived the reading of the ordinance, introduced the ordinance by title only and continued the consideration of the ordinance to the September 6, 2005 meeting for adoption. (Unanimous)*

Web Winans, Lovers Lane resident, asked if this would enforce the purchasing ordinance.

Mr. Biddle stated that this ordinance provides for a purchasing agent, which we don't currently have. *File #608*

**26) Consider approval of a letter of support for the City of Hollister's extension request to the Central Coast Regional Water Quality Control Board re: Administrative Civil Liability (ACL) Order R3-202-0097 to allow additional time for full implementation of a Long-term Wastewater Management Plan and revision of the Cease & Desist Order and Water Discharge Report. (Management Analyst)**

Supervisor Marcus indicated that Hollister City Manager Clint Quilter asked for an extension of this item to the next Board meeting.

**BOARD ACTION:** *Continued this item to the September 6, 2005 meeting. File #695*

**27) Receive report regarding Proposition 42 and its impact upon San Benito County. (Management Analyst)**

Susan Lyons, Acting CAO, provided background information stating that Proposition 42 was approved in 2002 by voters. The sales tax on motor vehicle fuel fees are transferred to the Transportation Investment Fund (TIF) for transit, capital improvement and maintenance projects. Over the past two fiscal years the Proposition 42 funding has been suspended because of the State's budget and will now be paid back over the next 15 years by the State.

Tom Quigley, Council of Governments Director and Pete Corn, Assistant Director of Public Works provided reports on the fiscal impacts of Proposition 42.

Web Winans, Lovers Lane resident, came forwarded stating that if the County has the chance to get hold of this money then we should get it now rather than let it sit and earn interest for somebody else.

**BOARD ACTION:** *No action required. Received report. File #156.1*

**28) Regarding County vehicle maintenance services Request For Proposal (RFP) consider the following:**

- a) **Accept all bids; and**
- b) **Award the entire vehicle maintenance contract (patrol and general fleet) to San Benito Tire, Inc., the respondent with the lowest cost generated from theoretical maintenance schedule; and**
- c) **Direct Administration to return with contract for approval, inclusive of a performance factor.**

Management Analyst Robin Scattini provided background information stating that on July 26, 2005 the Board of Supervisors approved the distribution of an RFP to the local community to seek services for maintaining the county's fleet of vehicles. The Administrative office identified

22 local providers of service and an RFP packet was mailed to each of the 22 providers and the notice was published twice in each local newspaper. A total of five (5) responses were received with all respondents coming from the local community. Once received, the submitted prices quotes were applied uniformly to a pre-determined maintenance schedule so as to generate a single, comparable total cost figure for each fleet.

Ms. Scattini reported that after the RFP process was complete and reviewed it was determined that San Benito Tire, Inc. generated the lowest cost for both the general fleet and the patrol fleet and based on this information the recommendation is to accept all proposals and to award the entire vehicle maintenance fleet, patrol and general, to San Benito Tire and direct Administrative staff to return with a contract for approval with the inclusion of a performance factor.

Discussion ensued and questions relating to the RFP process, the services to be provided, the term of the contract, escape clause and the performance factor were addressed.

Web Winans, Lovers Lane resident, came forward stating that the word needs to gets out to all County employees who are using County cars so that there is no question and if they get in trouble they know where to go to have the vehicle repaired.

Ms. Lyons answered that in order for the claim to be paid they must go to the contracted vehicle repair shop.

***BOARD ACTION:*** Upon motion made by Supervisor Loe and seconded by Supervisor Marcus accepted all proposals; awarded entire vehicle maintenance contract (patrol and general fleet) to San Benito Tire, Inc., the respondent with the lowest cost generated from the theoretical maintenance schedule; and, directed Administrative staff to return with a three (3) year term contract for approval, inclusive of a performance factor. (3-0 Vote. Supervisor De La Cruz voted no and Supervisor Botelho abstained.) File #45

## **CLOSED SESSION:**

*Matters discussed during Closed Session include existing and pending litigation, personnel matters and real property negotiations. Reportable actions taken by the Board during Closed Session will be announced during open session. (Gov. Code Section 54957.1(a) & (b), Ralph M. Brown Act.)*

### **29) Conference with Legal Counsel – Existing Litigation**

Authority: California Government Code Section 54956.9(a)

a) Stafford-Pelt vs. County of San Benito

***No reportable action.***

b) Fancher & Roybal vs. County of San Benito

*No reportable action.*

c) Martinez vs. County of San Benito, et al.

***No reportable action.*** File #235.6

### **30) Conference with Labor Negotiator**

Authority: California Government Code Section 54957.6

Agency Designated Representative: Susan Thompson, County Administrative Officer &  
Megan Booth, Interim HR Director

Employee Organization: General Unit – SEIU, Local 817

***No reportable action.*** File #235.6

### **31) Conference with Labor Negotiator**

Authority: California Government Code Section 54957.6



Agency Designated Representative: Susan Thompson, County Administrative Officer &  
Megan Booth, Interim HR Director  
Employee Organization: Deputy Sheriff's Association (DSA)  
**No reportable action.** File #235.6

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: Don Marcus, Jaime De La Cruz, Anthony Botelho, Pat Loe,  
Reb Monaco  
NOES: SUPERVISORS: None  
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to its next regularly scheduled meeting on September 6, 2005 at 9:30 a.m.

**REB MONACO, CHAIRMAN**  
San Benito County Board of Supervisors

ATTEST:  
John R. Hodges  
Clerk of the Board  
BY:  
Linda Churchill  
Senior Board Clerk