



## 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 MINUTES SEPTEMBER 6, 2005

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 County Administrative Officer Susan Thompson, Interim County Counsel Claude Biddle and Assistant Clerk Sally Navarez. Chairman Reb Monaco presiding when the following was had to wit:

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

- a) Pledge of Allegiance. Chairman Monaco asked that the audience remain standing following the Pledge for a moment of silence in honor of those lost and affected by Hurricane Katrina.
- b) *Upon motion duly made, seconded and carried, acknowledged the Certificate of Posting.*
- c) **Public Comment:** Bill Ritz, representative for Senator Jeff Denham came forward. Mr. Ritz presented Chairman Monaco with a replacement California flag, one that has flown over the State Capitol, for the Board Chambers.

Chairman Monaco asked Mr. Ritz to convey the sympathies of the Board to Senator Denham on the passing of his father-in-law.

- d) **Department Head Announcements:** CAO Thompson noted as a result of Hurricane Katrina, NACO, the Governor and the Office of Emergency Services were working together for the relocation of affected families to California and how all counties can help. Ms. Thompson noted she would continue to keep the Board informed.

- e) **Board Announcements, Introductions and Presentations:** Chairman Monaco took the opportunity to present to each Board member, a badge with the County seal and respective Board members name and district they represent.

CAO Thompson also noted that Supervisor Monaco paid for the badges himself for each Board member.

#### CONSENT AGENDA:

Chairman Monaco indicated request had been received to pull Items #2, 3, 4, 6, 7, 15, 19, 23 and 24.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus, approved Consent Agenda Items #1, 5, 9-14, 16, 17, 20-21 and 25-29. Motion passed unanimously 5-0.*

#### ADMINISTRATIVE BUSINESS:

- 1) **Approved** agreement with Jovenes de Antano for the period of September 6, 2005 through June 30, 2006 in the amount of \$30,000 for the provision of meals to senior citizens of San Benito County. (Management Analyst) (file #1042)

2) **Consider agreement with San Benito Tire, Inc. for the provision of county vehicle maintenance and repair services with a contract term of September 5, 2005 through September 5, 2008. (Management Analyst)**

Assistant Clerk of the Board Sally Navarez indicated to the Chair that the contract term needed to be corrected to reflect September 6, 2005 through September 5, 2008.

**BOARD ACTION:** *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Loe, **approved** contract term as amended. Motion passed unanimously.*

Supervisor De La Cruz questioned the possible need of augmenting this matter if funding ran short.

Management Analyst Robin Scattini indicated salary savings would be utilized.

CAO Susan Thompson indicated the agreement is to be used county-wide and if use exceeds allocated monies, a request will be made of the Board to cover any overages.

**BOARD ACTION:** *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Loe, **approved** agreement with San Benito Tire, Inc. for the provision of county vehicle maintenance and repair services with a contract term of September 6, 2005 through September 5, 2008. Motion passed unanimously. (file #190)*

3) **Consider agreement with Waters-Oldani Executive Recruitment, A Division of the Waters Consulting Group, Inc. for executive recruitment of Planning & Building Director, Public Works Director and Librarian (optional) in an amount not to exceed \$60,000 for the period of September 6, 2005 through June 30, 2006. (Management Analyst)**

Supervisor De La Cruz questioned why wasn't the lowest bid being considered.

Lengthy discussion ensued regarding specific criteria (profiling and evaluation services) this particular vendor will utilize; the formation of a sub-committee consisting of Supervisors Loe and De La Cruz specific to the Librarian recruitment; the need for the potential Planning Director to be well versed in CEQA matters even if applicant is from out of state; and agendaize at a later date the Librarian recruitment in order to receive input from the community.

**BOARD ACTION:** *Upon motion duly made by Supervisor Marcus and seconded by Supervisor De La Cruz, **approved** agreement with Waters-Oldani Executive Recruitment for executive recruitment for a Planning Director, Public Works Director and Librarian in an amount not to exceed \$60,000 for the period of September 6, 2005 through June 30, 2006. Motion passed unanimously 5-0. (file #630)*

4) **Consider updated job specification for the position of Assistant County Administrative Officer.**

Lengthy discussion ensued regarding the removal of Human Resources functions from the job description; the removal of a college degree from the job description; what other counties have in comparable positions and offering the recruitment county-wide versus Administrative Office only.

**BOARD ACTION:** *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus, **approved** updated job specification for the position of Assistant County Administrative Officer with said recruitment for departmental promotional opportunity only. Motion passed 4-1 with Supervisor Loe voting no on the matter. (file #630)*

**AUDITOR – J. Hodges:**

5) **Approved** Departmental Claims.

**BOARD OF SUPERVISORS:**

6) **Consider proposed resolution in support of methamphetamine legislation to increase funding for education, research, enforcement, cleanup and treatment. (Res. No. 05-86)**

Assistant Clerk of the Board Sally Navarez noted to the Chair that the adoption date of the proposed resolution contained in the Boards' packet was incorrect. Ms. Navarez indicated the correct adoption date should reflect September 6, 2005.

**BOARD ACTION:** *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus, **adopted** Resolution 2005-86 as amended. Motion passed unanimously. (file #156 & 110)*

7) **Consider letter of support of SB 588 (Runner) and AB 231 (Sharon Runner) regarding the Sexual Predator Punishment And Control Act: Jessica's Law and authorize Chair to sign said letter.**

Per request of Supervisor De La Cruz, Sheriff Curtis Hill made a presentation and provided background regarding said act.

**BOARD ACTION:** Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, **approved** letter of support of SB588 (Runner) and AB231 (Sharon Runner), **authorized** Chair to sign said letter and **directed** said letter be distributed to various Legislators. Motion passed unanimously. (file #156)

**CLERK OF THE BOARD:**

8) **Approved** the minutes of the meeting of August 9, 2005.

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

9) **Approved** agreement with Central Coast Energy Services (CCES), Inc. for the provision of low-income home weatherization referrals and **authorized** the Director of CSWD to sign said agreement on behalf of the county. (file #939)

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

10) **Reaffirmed** 14-Day Proclamation of Local Emergency – Thomas Road. (file #104)

**MENTAL HEALTH – A. Yamamoto:**

11) **Approved** agreement renewal with K&R Manor & Salvador Lodge Board and Care facilities in an amount not to exceed \$10,000 for the provision of residential treatment services for FY2005/2006. (file #810)

12) **Approved** agreement renewal with Hope Rehabilitation Services in an amount not to exceed \$25,000 for the provision of client treatment plans for FY2005/2006. (file #810)

13) **Approved** agreement renewal with Hallis, LLC in an amount not to exceed \$5,000 for the provision of completion of annual State required Cost Report with a contract term of September 6, 2005 through June 30, 2006. (file #810)

14) **Approved** agreement renewal with Idea Consulting in an amount not to exceed \$92,000 for the provision of Quality Management, Quality Improvement and Special Projects assistance for outpatient and inpatient services for FY2005/2006. (file #810)

15) **Consider agreement renewal with Gary Ernst in an amount not to exceed \$67,000 for the provision of administrative/fiscal consultant services for FY2005/2006.**

Supervisor De La Cruz questioned the amount of the contract.

Director Alan Yamamoto explained Mr. Ernst was very knowledgeable in this extremely financially complex area and was the former Director for San Benito County. Mr. Yamamoto further explained that Mr. Ernst provided these same services to other counties at a higher rate of compensation.

**BOARD ACTION:** Upon motion duly made by Supervisor Botelho and seconded by Supervisor De La Cruz, **approved** agreement renewal with Mr. Ernst for the provision of administrative/fiscal consultant services for FY2005/2006. Motion passed unanimously. (file #810)

16) **Approved** agreement renewal with Nusrat Malik, M.D. in an amount not to exceed \$5,000 for the provision of specialty mental health services with a contract term of September 6, 2005 through June 30, 2006. (file #810)

17) **Approved** agreement renewal with Chamberlain's Children Center, Inc. in an amount not to exceed \$125,000 for the provision of Therapeutic Behavioral Services (TBS) for FY2005/2006. (file #810)

18) **Approved** agreement renewal with 7<sup>th</sup> Avenue Skilled Nursing Facility in an amount not to exceed \$89,000 for the provision of inpatient, sub-acute level skilled nursing services for FY2005/2006. (file #810)

19) **Consider agreement renewal with Monterey County in an amount not to exceed \$25,000 re: services for children in placement from Monterey County for FY2005/2006.**

Supervisor De La Cruz asked for clarification that the starting date of the contract was actually July 1, 2005.

Director Alan Yamamoto indicated that the contract did indeed begin July 1, 2005 and said services have been provided effective that date.

**BOARD ACTION:** *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, approved and renewed agreement with Monterey County re: services for children in placement with that county for FY2005/2006. Motion passed unanimously. (file #810)*

20) Regarding agreement renewal with Monterey County for the provision of services to MediCal eligible children, consider the following:

- a) **Approved** contract renewal for the term of Fiscal Years 2005/2006 and 2006/2007; and
- b) **Authorized** the Board Chair to sign said contract; and
- c) **Authorized** the County Mental Health Director to sign related documents. (file #810)

21) **Approved** agreement with Carrie Budd, LMFT in an amount not to exceed \$84,000 for the provision of therapy services with a contract term of September 6, 2005 through June 30, 2006. (file #810)

22) **Approved** agreement renewal with Merced Manor Skilled Nursing Facility in an amount not to exceed \$89,000 for the provision of inpatient, sub-acute level skilled nursing services for FY2005/2006. (file #810)

#### **PLANNING & BUILDING – M. Bethke:**

23) **Regarding agreement with Hamilton Swift Land Use & Development Consultants, Inc. for project planning services:**

- a) **Make findings that it is in the public interest to use services of a consultant familiar with the adjacent specific plan and area and waive the Purchasing Ordinance's requirement to obtain three competitive quotations; and**
- b) **Approve said agreement for a contract period commencing September 6, 2005 until completion of the project for which the services are rendered.**

Lengthy discussions ensued regarding whether or not the EIR is stale, actual application is on file or withdrawn; traffic issues, choice of consulting firm, having appropriate staff present before the Board before discussing again; assigning contract employee to this project, having the Planning Commission handle the matter before them prior to the Board of Supervisors discussing; the Transfer of Development Credits program and the allocation process which still needs to be reviewed by the Planning Commission; and having this matter go through the county bid process in order to receive three quotes for potential consultants.

Web Winans, Lovers Lane resident, came forward and agreed that this matter needs to be thoroughly looked at especially at the rating levels of the roads which at the time of inception of the project were "F" but through the lapse of time, might now be categorized to level "H." Mr. Winans also thanked the Board for pulling the items off the Consent Agenda.

**BOARD ACTION:** *Matter was withdrawn from the agenda. (file #790)*

24) **Regarding agreement with Bert Verrips, AICP, Environmental Consultant Services, for the provision of environmental review services:**

- a) **Make findings that it is in the public interest to continue to use the services of the original EIR consultant and waive the Purchasing Ordinance's requirement to obtain three competitive quotations; and**

- b) **Approve said agreement for a contract period commencing September 6, 2005 until the completion of the project for which the services are contracted.**

**BOARD ACTION:** *Matter was withdrawn from the agenda. (file #790)*

**PUBLIC WORKS:**

- 25) **Approved** agreement with the San Benito County Historical Society for caretaker services at County Historical Park with a contract term of September 6, 2005 through June 30, 2010. *(file 92.1)*
- 26) **Approved** vehicles and equipment to be declared as surplus:
- a) **Declared approval** list of vehicles and equipment surplus and remove from inventory; and
  - b) **Approved** sealed bid auction of 1973 Caterpillar D-5 Tractor/Dozer. *(file #105)*

**SHERIFF – C. Hill:**

- 27) **Approved** Resolution No. 05-87 **authorizing** the Sheriff to purchase materials, supplies and equipment via the State General Services Administration (GSA). *(file #110)*
- 28) **Accepted** report on the 2005 Hollister Independence Rally costs incurred. *(file #124)*

**SUBSTANCE ABUSE PROGRAM – M. Narasaki:**

- 29) **Approved** agreement with Santa Cruz Counseling Center, Inc. (Hermanas) in the amount of \$23,949 for residential treatment services with a contract term of September 7, 2005 through June 30, 2006. *(file #1053)*

<b>REGULAR AGENDA:</b>
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**PUBLIC WORKS:**

- 30) **Consider request for direction on alignment preference for the Hospital Road Bridge.** (Cont. from 8/23/05 mtg.)

Assistant Director of Public Works Arman Nazemi noted this matter was continued from the August 23<sup>rd</sup> meeting in order to meet with the affected property owners for the proposed site for said bridge. Mr. Nazemi indicated the alternate site for the said bridge had the approval of two of the three affected property owners. However, the remaining property owner, Mr. Ornales and his representative were present to address the Board on this matter.

Bruce Tichinin, attorney for Mr. Ornales, thanked the Board for the opportunity to have the time to review the proposal of Public Works. Mr. Tichinin indicated Mr. Ornales was willing to move forward with the project but requested set-back variances, fair market value for the pepper trees that were to be removed and a sound wall around the residence due to the increased traffic noise that will occur due to the realignment. Mr. Tichinin indicated the property owner was moving through the Use Permit process in order to increase the number of animals for his current horse boarding facility from five (5), consistent with the General Plan, to twenty (20) via the Use Permit process.

Discussion ensued regarding request of the property owner and it was noted that the property owner will continue through the Use Permit process via the Planning Commission level and continue to work with Public Works on the matter.

**BOARD ACTION:** *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Marcus, **accepted** new alignment for the Hospital Road Bridge and **directed** Public Works staff to continue to work with the property owner in good faith. Motion passed unanimously. (file #105)*

- 31) **Adopt 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.** (cont. from 8/23/05 mtg.)

Assistant Director of Public Works Arman Nazemi indicated this was the formal action to adopt said resolution as was introduced at the meeting of August 23<sup>rd</sup>.

Chairman Monaco asked if there were any members of the public wishing to address this matter.

Cathy Alameda of Flint Road came forward and noted she would like to see 4-way stop signs placed at Bixby and Mitchell Roads as well as Olympia Road at Lucy Brown Lane. Vehicles are traveling too fast at these intersections which are pickup stops for buses for children.

Substance Abuse Coordinator Marc Narasaki came forward and suggested that the Sheriff's Deputy in the area monitor the bus stop areas on these roads during peak times for enforcement purposes.

Niessa Bauder-Guaracha of Freitas Road came forward and also expressed concern of the speeding vehicles near the bus stops.

**BOARD ACTION:** Upon motion duly made by Supervisor Botelho and seconded by Supervisor Marcus, **adopted** Ordinance 790 Amending Chapter 9 of the San Benito County Code, Motor Vehicles and Traffic on certain roads. Motion passed unanimously. (file #105)

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

32) Regarding a Community Development Block Grant (CDBG) 2005 application, consider the following:

- a) Receive the CSWD Director's report on the proposed application; and
- b) Authorize the Chair to sign the resolution authorizing submission of the grant application and authorizing signing authority for the CSWD Director.

Received report from CSWD Director and Deputy Director indicating receipt of \$1,230,000 grant award and the establishment of a housing trust fund mechanism, possibly for permanent housing and that the CSWD Director will work with the CAO on such proposal.

**BOARD ACTION:** Upon motion duly made by Supervisor Marcus and seconded by Supervisor Botelho, **adopted** Resolution 2005-88 authorizing submission of said grant application and authorizing signing authority for the CSWD Director. Motion passed unanimously. (file #939)

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

33) Consider West Nile Virus Task Force report/update.

Received status report of the activities of the West Nile Virus Task Force including presentation made to the City Councils of the City of Hollister and City of San Juan Bautista; completion of larvicide's treatment for the CSA's and the City of San Juan Bautista with treatment beginning today's date for the City of Hollister; public service announcements to announce state grant award and identification of one bird which tested positive in the County and the execution of the state contract.

**BOARD ACTION:** Received status report of the activities of the West Nile Virus Task Force. No formal action taken. (file #130)

#### **COUNTY COUNSEL – C. Biddle:**

34) Adopt 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. (cont. from 8/23/05 mtg.)

Counsel Biddle noted today's action is to formally adopt said ordinance which was introduced at the meeting of August 23<sup>rd</sup>.

**BOARD ACTION:** Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus, **adopted** Ordinance 791 Adding Section 2-65 and 2-66 to Section 2, Article XV of the San Benito County Code Pertaining To Claims Review By The County Auditor. Motion passed unanimously. (file #608)

#### **ADMINISTRATIVE BUSINESS:**

35) Regarding the consolidation of the Community Services & Workforce Development department, consider the following:

- a) Approve the consolidation of the CSWD Department as a division of the H&HSA; and
- b) Approve the addition of an Administrative Services Specialist (1.0FTE) position and delete a 1.0FTE Director of CSWD's schedule of authorized positions; and
- c) Approve the H&HSA Director proceed with the reorganization of the H&HSA.

Discussion ensued regarding proposed reorganization; the additional 1.0FTE position, and culminated with the H&HSA Director noting this matter had been discussed with all relative Commissions/Board and there has been no negative comments relative to this proposal.

**BOARD ACTION:** *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho:*

- a) **Approved** the consolidation of the CSWD Department as a division of the H&HSA; and
- b) **Approved** the addition of an Administrative Services Specialist (1.0FTE) position and **deleted** a 1.0FTE Director of CSWD's schedule of authorized positions; and
- c) **Approved and authorized** the H&HSA Director proceed with the reorganization of the H&HSA.

*Motion passed 4-1 with Supervisor Loe voting no on the matter. (file #130 & 630)*

36) **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) (cont. from 8/23/05 mtg.)**

Received report from CAO Thompson as well as from Clint Quilter, City Manager for the City of Hollister regarding moving forward on this matter.

CAO Thompson noted a minor correction to the letter of support which was continued from the August 23<sup>rd</sup> meeting would be done to reflect action of today's meeting.

**BOARD ACTION:** *Upon motion duly made by Supervisor Marcus and seconded by Supervisor De La Cruz,*

- a) **Adopted** a position of support of the City of Hollister's request to the Central Coast Regional Water Quality Control Board to revise the Administrative Civil Liability Order (ACL) to allow additional time for full implementation of a Long-term Wastewater Management Plan; and
- b) **Support** the City of Hollister's request that the cease and desist order and the water discharge report be revised to be consistent with the extension; and
- c) **Authorized** a letter to be submitted to the CCRWQC with corrected date and signed by the Chairman of the Board.

*Motion passed unanimously. (file #695)*

37) **Receive status report of Council of Governments discussion from Supervisors Loe and Botelho re: Valley Transit Authority plan for the Hwy 152/156 flyover. (Supervisor Loe & Supervisor Botelho)**

Per Supervisors Botelho and Loe, they wanted the public to be assured that this Board was not expressing opposition to the flyover nor does the County intend to delay or jeopardize monies for this project.

Tom Quigley, COG Director, explained that the Federal Highway Administration would not fund the project until all issues have been resolved and will meet with the Valley Transit Authority (VTA) and CalTrans Districts 4 & 5 in order to discuss further the concerns of COG.

Again, for the benefit of the public, Supervisor Loe and Botelho wanted to assure the public there was no Board opposition to the flyover nor any alternate routes and would continue to work with CalTrans and the VTA on the matter.

**BOARD ACTION:** *Received status report. No formal action taken. (file #1035)*

<b>CLOSED SESSION:</b>
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38) **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. (file #235.6)*

**b) Fancher & Roybal vs. County of San Benito**

*No reportable action. (file #235.6)*

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

*No reportable action. (file #235.6)*

**d) Monteon vs. Richard Scagliotti, San Benito County Board of Supervisors, San Benito County Financing Corporation et. al.**

*No reportable action. (file #235.6)*

**e) Sandman vs. County of San Benito**

*No reportable action. (file #235.6)*

**39) 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)*

**40) 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)*

**41) Conference With Labor Negotiator**

**Authority: California Government Code Section 54957.6**

**Agency Designated Representative: Susan Thompson, Co. Admin. Officer & Gifford Swanson, Public Authority Manager (IHSS)**

**Employee Organization: SEIU, Local 817 – In Home Supportive Services (IHSS)**

*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: Marcus; De La Cruz; Botelho; Loe & Monaco

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to its next regularly scheduled meeting on, Tuesday, September 13, 2005 at 9:30 a.m.

REB MONACO, CHAIRMAN

San Benito County Board of Supervisors

ATTEST:

John R. Hodges  
Clerk of the Board

BY:

Sally Navarez  
Assistant Board Clerk