



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1

Anthony Botelho
District No. 2
Vice-Chair

Robert Rivas
District No. 3

Jerry Muenzer
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 OCTOBER 2, 2012 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *regular session*. Supervisors De La Cruz, Botelho, Rivas, Muenzer and Barrios were present. Also present were County Administrative Officer Rich Inman, County Counsel Matt Granger, and Clerk of the Board Denise Thome. Chair De La Cruz presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor Muenzer led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

c) PRESENTATIONS AND RECOGNITIONS:

Proclamation declaring October 23-31, 2012 as Red Ribbon Week in San Benito County.

Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, approved the proclamation declaring October 23 -31, 2012 as Red Ribbon Week in San Benito County.

Supervisor Barrios presented the proclamation to Director of Behavioral Health Alan Yamamoto. (*Unanimous*) *File #810*

HUMAN RESOURCES:

Present Certificate of Recognition to Alfredo Casas, Public Works Custodian, for almost 14 years of service.

Upon motion duly made by Supervisor Botelho and seconded by Supervisor Muenzer approved the certificate of recognition to Alfredo Casas.

Chairman De La Cruz presented the certificate of recognition to Public Works Administrator Steve Wittry who was accepting on behalf of Alfredo Casas who was not present.

Supervisor Botelho commented that he would miss Alfredo.

Public Works Administrator Wittry concurred. (*Unanimous*) *File #630*

- d) **Public Comment:** Hazel Hawkins Hospital Director of Marketing Frankie Gallagher spoke of the Pink Glove Dance competition to raise breast cancer

awareness and proceeded to show a video of Hazel Hawkins Hospital's dance. She explained how to go online and vote.

Marty Richman spoke of the library situation and suggested if there was no library they could send the bookmobile around. He further suggested that they could open the school libraries on a rotating basis and pool funding to benefit everyone.

- e) **Department Head Announcements:** Public Works Administrator Steve Wittry stated that they would be paving portions of Fairview Road that day. He advised drivers to drive slowly.

County Librarian Nora Conte spoke of the new changes on their website that allows people to access a discover and go program.

CSWD Deputy Director Enrique Arreola stated that there would be a job fair at the One Stop Career Center on October 10, 2012 from 10:00 a.m. to 2:00 p.m. and they would be assisting people with getting a job.

- f) **Board Announcements, Introductions and Presentations:** Supervisor Rivas asked that the discussion on whether or not to release the draft of the General Plan be put on the next agenda.

County Counsel Matt Granger indicated that he would not be there for the October 16th meeting but would be back in November.

Supervisor Botelho felt it was a good idea and the plan should be released the next day. He further felt that it was important to him to see the breakdown on the billing. He spoke of the additional costs above the allocation of one million dollars and who authorized the additional costs.

Chairman De La Cruz thought it may take longer than the next meeting.

Supervisor Barrios reported that on her vacation she visited Lake Powell and the Grand Canyon.

Supervisor Muenzer reported that he attended the fair all three days. He added that he attended Congressman Sam Farr's press conference the previous day at the airport where he presented the 2.5 million grant award to the city and airport.

Chairman De La Cruz stated that a policy was needed on who can use the Board Chambers and conference room. He indicated that he wanted the new policy effective January 1, 2013. He stated that he and County Counsel would be bringing it back in the near future.

County Administrative Officer Rich Inman stated that he would schedule it for November 6, 2012.

CONSENT AGENDA:

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **approved** Consent Agenda items with the exception of Items 7, 8 and 9 which were pulled for discussion. (Unanimous)*

CLERK OF THE BOARD – D. Thome:

- 1) **Approved** the action minutes of the August 14, 2012 regular meeting and the August 21, 2012 regular meeting.

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

- 2) ***Adopted Resolution No. 2012-59 approving*** the FY 2012-2013 Final Budget. *File #865*

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

- 3) ***Adopted Resolution No. 2012-60 establishing*** the Proposition 4 (Gann Limit) Appropriation Limit for the fiscal year July 1, 2012 to June 30, 2013 at \$28,180,506. *File #608*

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 4) ***Approved*** budget augmentation in the amount of \$16,846.39 for gate at Migrant Camp. (4/5 vote) *File #130*

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 5) ***Adopted Ordinance No. 907 adding*** Chapter 11.12 (“Standards for Body Art and Piercing”) to Title 11 of the San Benito County Code. (Continued from October 2, 2012 meeting) *File #130*

PLANNING DEPARTMENT – G. Armstrong:

- 6) ***Adopted Ordinance No. 908 amending*** Section 23.15.008 (Parkland Dedication). (Continued from October 2, 2012 meeting) *File #790*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 7) **Approve contract Amendment #1 for environmental services for San Juan Highway Bike lane project with LSA Associates, Inc., in the amount of \$25,385 for a total contract amount value of \$30,185.**

Supervisor Botelho stated that the original contract was just under \$5,000 and now the amendment was \$25,000. He asked for justification for the additional work and that it was his inclination to not support. He did not feel there was additional work for the firm and that it was a glorified shoulder widening.

Public Works Administrator Steve Wittry explained that it was an environmental contract and that the change order had been on hold for awhile. He further explained the charges and why it had to be done.

Supervisor Botelho asked if it was out of line to table the amendment until they had a more definitive scope of work for after the project was completed.

Public Works Administrator Wittry stated that if they were able to supplement with our work force, the cost would come down and they could watch costs closely to try to bring them down.

Supervisor Botelho asked if they were going to recycle some of the wood.

Public Works Administrator Wittry replied affirmatively.

The Chairman opened the matter up for public comment and there was none.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **approved** the contract Amendment #1 for environmental services for San Juan Highway Bike Lane project with LSA Associates, Inc. in the amount of \$25,385 for a total contract amount value of \$30,185. (Unanimous) File #105*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 8) **Approve contract Amendment #1 with Parikh Consultants, Inc., for material testing services for the San Juan Bike Lane project, in an amount not to exceed \$25,362.52 for a total contract amount value of \$45,704.76.**

Supervisor Botelho indicated that they were coming in with additional costs and the project had not grown.

Public Works Administrator Steve Wittry explained that there were issues with soils testing. He added that when a soils contractor estimates they estimate a certain amount and they have to figure the speed of the contractor's work. He further explained that the fact that the contractor was not working as quickly as say another contractor, was causing the issue. He summarized that the number of days was taking longer than the industry norm.

Supervisor Botelho stated that he was not happy with the way the whole project was proceeding.

Public Works Administrator Wittry indicated that they could do weekly expenditure reports on the project.

Supervisor Botelho commented that he did not trust them and they messed up, not the county.

Chairman De La Cruz asked if they could create a black list.

County Counsel Matt Granger explained that in the bidding process those that historically continue to fail can be excluded.

Public Works Administrator Wittry explained that there were not many soils firms that meet the criteria which was changing in the future and would open up the competition. He thought the problem with the upcoming change order of about \$100,000 was in the plans and specifications documents that they were bidding off of had errors.

Supervisor Muenzer asked where the money was coming from.

Public Works Administrator Wittry indicated that it was coming from six different grants being pooled together and there would be no general fund money.

Supervisor Muenzer asked if there was enough grant money to cover.

Public Works Administrator Wittry replied that they were at the limit with the not to exceed.

Supervisor Barrios noted that it was more than double the amount of the original bid and no breakdown.

Public Works Administrator Wittry stated that he could provide itemized billing. He added that the bills were extensive if they wanted that information in the future or they could come to his office.

Supervisor Barrios stated that the project superintendent was to confirm what was done.

Public Works Administrator Wittry indicated that was the next item on the agenda.

The Chair opened the matter up for public comment.

Marty Richman stated that if they put themselves in the middle of the contract, the public will be stuck with the bill. He suggested contracting with one and letting them get sub-contractors and that way any delays are their problem. He felt they should change the way they do contracting.

Supervisor Botelho stated that the project was at least 75 – 80% done and the amount for the change order was too high. He felt they should direct staff to go back to the consultant and sharpen their pencil as government was an easy target.

Supervisor Botelho moved to deny the change order and direct staff to go back and work with the consultant to come up with a better number.

Supervisor Muenzer seconded the motion.

Public Works Administrator Wittry understood their frustration but was concerned on how they were to move forward in the immediate future. He suggested cutting the amount in half to get the project moving and direct the CAO or Public Works to sign for a lesser amount.

Supervisor Botelho amended his motion accordingly.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Muenzer, **approved** the contract Amendment #1 with Parikh Consultants, Inc., for material testing services for the San Juan Bike Lane project, in an amount not to exceed \$13,000 and **authorized** the Public Works Administrator to sign. (Unanimous) File #105*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 9) **Approve contract Amendment #1 for resident engineering and construction administration services for San Juan Highway Bike Lane project with MNS Engineers, Inc., in the amount of \$79,992 for a total contract amount value of \$217,172.**

Supervisor Botelho asked if the contractor was to be held accountable for the delay.

Public Works Administrator Wittry replied no and went on to explain the situation.

Further discussion ensued between Board members and staff.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios, **approved** contract Amendment #1 for resident engineering and construction administration services for San Juan Highway Bike Lane project with MNS Engineers, Inc., in the amount of \$79,992 for a total contract amount value of \$217,172 and directed staff to let the contractor know this was the last amendment. (Unanimous) File #105*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 10) **Approved** contract with ACCO Engineered Systems, Inc. for the heating ventilation air conditioning (HVAC) service and repair for the period of October 1, 2012 through September 30, 2013, in an amount not to exceed \$7,283.00. *File #105.3*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 11) **Approved** contract with Edward R. Bacon, Inc. for generator maintenance services for the period of October 2, 2012 through September 30, 2013, in an amount not to exceed \$16,237.53. *File #105.3*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 12) **Adopted Resolution No. 2012-6 establishing** Multi-way Stop controls on Nash Road at the intersections of Monterey Street and West Street. *File #105*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 13) **Adopted** plans and specifications for the Park Hill Fiber Optic Cabling project. *File #105.3*

REGULAR AGENDA:

COUNCIL OF GOVERNMENTS – L. Rheinheimer:

- 14) **Receive report on Highway 25 Bypass Route Transfer and recommend a preferred option to the Council of San Benito County Governments.**

Council of Governments (COG) Executive Director Lisa Rheinheimer gave a staff report and indicated that she was seeking a recommendation from the Board on the preferred option for the Highway 25 Bypass Route transfer. She explained the options.

Discussion ensued between Board members and staff.

The Chair opened up the public comment period.

Gordon Machado felt that option 3 was the only option from Cal Trans. He spoke in regards to road speed percentiles and the liability. He noted that the Hollister Downtown Association voted for option 3.

Marty Richman felt the only reasonable answer was option 3 and that commercially it was much better to not have access off the Highway 25 bypass. He commented that we can't even maintain the roads we have and do not have the money. He felt they should do option 3 as quickly as possible.

There was no further public comment so the Chair closed the public comment section.

Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Rivas, recommended option 3 to COG. (The motion passed 4 to 1 with Supervisor Botelho voting no) File #1035

The Board adjourned into break at 10:45 a.m. and reconvened into regular session at 10:53 a.m.

COUNTY ADMINISTRATIVE OFFICE – R. Inman:

- 15) **Receive report from the Bureau of Land Management (BLM) regarding resource management plan (RMP) for the Panoche-Coalinga area of critical environmental concern.**

Bureau of Land Management (BLM) Field Manager Rick Cooper gave a PowerPoint presentation.

Discussion ensued between Board members and Mr. Cooper.

Brad Sullivan displayed a map depicting the Area of Critical Environmental Concern (ACEC) noting the redline area has grown. He felt it could put a potential burden on the people. *File #755*

COUNTY ADMINISTRATIVE OFFICE – R. Inman:

- 16) **Discussion and/or direction concerning a Board Retreat focused on county budget issues.**

County Administrative Officer Rich Inman spoke of several issues to be discussed at the Board retreat.

Supervisor Botelho felt they needed to be proactive rather than reactive and that should be the strategy going into next year's budget.

Supervisor Muenzer did not lay blame on the ad hoc budget committee but felt they needed full Board participation.

Supervisor Barrios felt the ad hoc budget committee brought good ideas and were able to have small, intimate meetings with conversations that would be difficult publicly. She indicated that she would like to continue the efforts to

approach the State to erase the ERAF debt or perhaps negotiate the amount. She stated that she would like to discuss that at the retreat as well as pension reform.

Supervisor Rivas welcomed the retreat and did not feel they should get rid of the ad hoc committee. He felt they should develop some goals and principals as there was no structure to the budget. He further felt that goals and principals should be at the top of the agenda along with some guidance from the CAO.

The Chair opened the matter up for public comment.

Marty Richman stated that he had met with Assemblyman Alejo regarding the City of Hollister and the Assemblyman regretted that he could not get ERAF accomplished. He noted that it would be great to get it back but it was one time money and not a steady stream. He agreed they needed policies and to develop a debt limit and to work more on revenue. He felt they needed to figure a way for recurring costs to live within recurring revenue. Mr. Richman concurred with Supervisor Rivas that they needed to establish a budget policy and guidelines.

There was no other public comment.

Supervisor Muenzer felt they should wait until County Counsel came back from vacation.

CAO Inman stated that he would invite at least all general fund department heads.

Chairman De La Cruz set the Board retreat for November 13, 2012 at 9:00 a.m. in the conference room at the new building on Technology Way and invite department heads. *File #119*

COUNTY ADMINISTRATIVE OFFICE – R. Inman:

17) Chairman to dissolve the FY 2012-2013 Budget Ad Hoc Committee.

Chairman De La Cruz dissolved the Budget Ad Hoc Committee effective that day. *File #197*

The Board adjourned into Closed Session at 12:37 p.m. and reconvened into regular session at 1:12 p.m.

CLOSED SESSION:

18) Conference with Legal Counsel-Anticipated Litigation.

Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9; Number of Cases: (1)

Closed session is authorized by section 54956.9(b)(3)(C).

No reportable action. File #235.6

19) Conference with Legal Counsel-Existing Litigation. (Subdivision (a) of Section 54956.9)

Name of Case: *Purple Cross Rx, et.al. v. County of San Benito*, Superior Court of California, County of San Benito, Case No. CU-12-00060.

No reportable action. File #235.6

20) Public Employee Evaluation

Government Code Section 54957

Title: County Administrative Officer

No reportable action. File #235.6

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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:	De La Cruz, Botelho, Rivas, Muenzer, Barrios
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	None

There being no further business the Board adjourned at 1:14 p.m. to October 16, 2012 at 9:00 a.m.

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

ATTEST:
Denise R. Thome, Clerk of the Board