



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
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 10, 2010 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *regular session*. Supervisors Botelho, Loe, Barrios, De La Cruz and Monaco were present. Also present was County Administrative Officer Susan Thompson, County Counsel Matthew Granger and Assistant Clerk of the Board Janet Slibsager. Chairman Reb Monaco presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor De La Cruz led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** No one from the public addressed the Board.
- d) **Department Head Announcements:** County Administrative Officer Susan Thompson reported that on August 3, 2010 the State Joint Conference Budget Committee delivered a budget that they called the California Jobs Budget. Ms. Thompson said per California State Association of Counties (CSAC) staff they are expecting this budget to blow up and perhaps open the opportunity for big five discussions to commence, so it looks like we are not going have any budget from the state by the time we start our budget hearings.

Ms. Thompson reported that she attended the statewide working group meeting in regards to the Williamson Act and that there was a proposal that had been presented by the Farm Bureau and it was discussed with legislative council. Ms. Thompson said that it appears that they cannot find a way to make it legally work, but no one is giving up and the working committee is still very active and would continue to work on this.

Chairman Monaco announced that our local Cattleman's Association was meeting on Thursday, August 12th at the 19th Hole to discuss the Williamson Act.

Public Works Administrator Steve Wittry mentioned that Item Number 8 on the consent calendar, pertaining to the Bengal Engineering contract, was going to have an amendment for modifications coming at a later date but he would like to proceed at this time with this contract to continue the work.

f) **Board Announcements, Introductions and Presentations:** Supervisor Loe announced that she attended an Intergovernmental Committee meeting and that they are in the first steps of looking at a tax sharing agreement that she would bring back and share with the Board of Supervisors soon.

Supervisor Loe said she also attended a meeting put on by the YMCA Board, Gavilan College the City of Hollister in regards to a discussion on the feasibility in locating the Gavilan College and the YMCA at the old Leatherback site.

Supervisor Loe announced that she participated in Kids in the Park and that it was a very fun day.

Supervisor Barrios announced that she also attended the Intergovernmental Committee meeting with Supervisor Loe and said that they would be reporting back more in regards to the tax sharing agreement.

Supervisor Barrios announced that she attended the Kids in the Park Day and that it was another successful event. Supervisor Barrios said that she would like to thank all the agencies and staff from San Benito County who put forth so much effort in making this a successful event and a special thanks to Maryann Hughes for putting this together.

Supervisor Barrios said that she would like to thank the San Benito County Office of Education along with the Hollister School District and San Benito High School for putting on an incredible presentation at San Juan Oaks last Saturday which was all centered on programs and education in San Benito County.

CONSENT AGENDA:

Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, approved Consent Agenda Items 1 through 11 with the exception of Items 1, 7, 9 and 10 which was pulled for discussion. (Unanimous)

ADMINISTRATION – S. Thompson:

1) **Instruct staff to develop a report template and submission requirements to be completed by builders detailing the local employment generated and material purchased through local businesses in each construction project during the interim period of Traffic Impact Fee reduction.**

Item pulled for discussion by Marvin Jones, Hollister resident. Mr. Jones commended Board of Supervisors for this.

BOARD ACTION: *Upon motion made by Supervisor Loe and seconded by Supervisor De La Cruz, **instructed** staff to develop a report template and submission requirements to be completed by builders detailing the local employment generated and material purchased through local businesses in each construction project during the interim period of traffic impact fee reduction. (Unanimous) File #790*

ASSESSOR – T. Slavich:

2) **Adopted** the following eight (8) resolutions for Land Conservation Act (LCA) Compatible Use and Division Applications heard on June 1, 2010:

- 1) Resolution approving Compatible Use Request on Agricultural Preserve under Contract Number 91-902 to drill and operate three (3) oil wells. **(Res. No. 2010-93)**
- 2) Resolution approving a Compatible Use Request on Agricultural Preserve under Contract Number 87-13 to drill six (6) oil wells. **(Res. No. 2010-94)**

- 3) Resolution approving a Compatible Use Request on Agricultural Preserve under Contract Number 87-12 to drill eight (8) oil wells. **(Res. No. 2010-95)**
- 4) Resolution approving a Compatible Use Request on Agricultural Preserve under Contract Number 71-77 to drill two (2) oil wells. **(Res. No. 2010-96)**
- 5) Resolution approving a Compatible Use Request on Agricultural Preserve under Contract Number 72-42 to drill Two (2) oil wells. **(Res. No. 2010-97)**
- 6) Resolution approving a Compatible Use Request on Agricultural Preserve under Contract Number 69-27 to drill two (2) oil wells. **(Res. No. 2010-98)**
- 7) Resolution approving the division of two Agricultural Preserves under Contract Numbers 89-914 and 00-001. **(Res. No. 2010-99)**
- 8) Resolution approving the division of an Agricultural Preserve under Contract Number 68-121. **(Res. No. 2010-100)** *(Unanimous) File #7.1*

BEHAVIORAL HEALTH – A. Yamamoto:

- 3) **Approved** FY 2010-11 contract renewal with Monterey County Behavioral Health Services for mental health services in an amount not to exceed \$25,000. *File #810*

HEALTH & HUMAN SERVICES – K. Flores:

- 4) **Appointed** Mr. Orlando Martinez to the Community Action Board as the District #1 private sector representative for a three-year term of August 10, 2010 through July 26, 2013. *(CSWD) File #939*
- 5) **Appointed** Ms. Angela Trujillo to the Workforce Investment Board representing the private sector for a three-year term effective August 10, 2010 through August 13, 2013. *File #939*
- 6) **Rescinded** FY 2010-2011 Memorandum of Understanding (MOU) with Planned Parenthood Mar Monte approved by the Board of Supervisors on May 25, 2010 and approve FY 2010-2011 MOU with Planned Parenthood Mar Monte for Teen Pregnancy Prevention Outreach Services in the amount of \$26,400 for the term July 1, 2010 to June 30, 2011 and authorize the HHS Director to sign. *File #130*

INTERNAL SERVICES – R. Inman:

- 7) **Adopt Resolution declaring support for Get Connected (broadband technology) through California and authorizing the use of the San Benito County Board of Supervisors name as champions of Get Connected. (Res. No. 2010-101)**

Item pulled for discussion.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Loe, **adopted Resolution No. 2010-101**, declaring support for Get Connected (broadband technology), through California and **authorized** the use of the San Benito County Board of Supervisors name as champions of Get Connected. (Unanimous) File #119.2*

PUBLIC WORKS – S. Wittry:

- 8) **Approved** contract with Bengal Engineering, L.P. for engineering, environmental and design services for Hospital Road Bridge Project for the period August 10, 2010 to June 30, 2012 in the amount of \$243,340.29. *File #105*
- 9) **Adopt Resolution adopting California Department of Transportation Right of Way Manual Section 8.01.26.00 titled Payment for Parcels Appraised as**

Nominal which establishes a minimum value estimate of \$2500 for right of way acquisition. (Res. No. 2010-102)

Item pulled for discussion.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Chairman Monaco, **adopted Resolution 2010-102**, adopting California Department of Transportation Right of Way Manual Section 8.01.26.00 titled Payment for Parcels Appraised as Nominal; and **authorized** Chair to sign resolution. (Unanimous) File #105*

- 10) **Approve contract with Marcus Building Systems, Inc. for County Service Area Coordinator services for the period of August 10, 2010 through June 30, 2011 in the amount of \$20,000.**

Item pulled for discussion.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** contract with Marcus Building Systems, Inc. for CSA Coordinator Services, for the period of August 10, 2010 through June 30, 2011 in the amount of \$20,000 and **authorized** the Chair to sign with the amendments to scope of work. (Unanimous) File #105/CSA File*

- 11) **Approved** the specifications and bid documents for pavement striping services.
File #105

REGULAR AGENDA:

PUBLIC WORKS – S. Wittry:

- 12) **Receive status report from Biggs Cardosa Associates, Inc. on Union Road Bridge Project.**

Assistant Director of Public Works Arman Nazemi stated that the item was before them today to provide a status report and the progress on the Union Road Bridge Replacement project with Biggs Cardosa Associates, Inc.

Mahvash Harms, Principal, with Biggs Cardosa Associates, Inc. and Howard Michael, Principal Engineer, with DH Drake Haglan and Associates, provided a PowerPoint presentation on the Union Road Bridge Project status. Items covered in presentation were: Overall project challenges; project goals; constraints analysis; current project conditions;—alternative alignments considered; alignment refinement; right of way ownership; preferred alternative 2B; seismic load challenges; geotechnical challenges; bridge design; hinge design; 1998 Cienega Road lateral erosion; expandable abutment/bridge; project funding; project design status and schedule.

Discussion ensued by Board, staff, Biggs Cardosa Associates, Inc. and DH Drake Haglan and Associates.

Marty Richman, Hollister resident, asked what the traffic plan looked like and would the road be closed for the entire time.

Mr. Nazemi responded that there would be minimal disruption to existing traffic with traffic control.

Discussion ensued by Board and staff. *File #105*

CLOSED SESSION:

Board adjourned into closed session at 10:20 a.m. and reconvened at 10:43 a.m.

**13) Conference with Legal Counsel – Anticipated Litigation
Initiation of litigation pursuant to subdivision (c) of Section 54956.9
Number of Cases: (1)**

Board of Supervisors accepted the settlement agreement between John and Jae Eade and the County of San Benito. In accordance with the Brown Act the provisions of the agreement is as follows: A payment by the Eade's of \$1,000.00 per month for 36 months to the County of San Benito with a balloon payment on the 37th month in the amount of \$52,590.90. The settlement agreement is secured by Confession of Judgment Statement and a Deed of Trust for property located in the County of San Benito, Parcel No. 022-200-009 and 022-200-010.
File #235.6

**14) Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Section 54956.9)**

Name of Case: Association for Equal Information and Governmental Integrity v. County of San Benito, Superior Court of California, County of San Benito, Case No. CU-09-00043.

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: Botelho, Loe, Barrios, De La Cruz, Monaco
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned at 10:46 a.m. to August 10, 2010 at 1:30 p.m. to begin Budget Hearings.

REB MONACO, CHAIRMAN

San Benito County Board of Supervisors

ATTEST:

Janet Slibsager, Asst. Clerk of the Board