



SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS
SANTA CLARA COUNTY

COUNTY GOVERNMENT CENTER
EAST WING
70 WEST HEDDING STREET
SAN JOSE, CALIFORNIA 95110
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<http://www.sccgov.org>

MEMBERS OF THE BOARD

Donald F. Gage	District 1
Blanca Alvarado	District 2
Pete McHugh	District 3
Jim Beall	District 4
Liz Kniss	District 5
Peter Kutras Jr. County Executive	
Phyllis A. Perez Clerk of the Board of Supervisors (408) 299-5001	

James T. Beall, Jr., Chair
Board of Supervisors

February 28, 2006

Convened as the Board of Supervisors of the County of Santa Clara and sitting as the Governing Board of all Special Districts, the Fire Districts, the Financing Authority, the In-Home Supportive Services Public Authority, Vector Control District, and Sanitation District Number 2-3.

Opening

- . Roll Call – All members present.
- . Recited Pledge of Allegiance.
- . Received invocation by Reverend Nancy Palmer Jones from the First Unitarian Church of San Jose.
- . There were no dedications announced.

Public Issues

* 1. Approved Summary of Proceedings of February 24, 2006 and minutes of January 24, 2006.

2. Received the following comment under Public Comment:

Received comments from Deborah Grant, concerned citizen, raising ethical concerns relating to research conducted in the area.

3. Approved consent calendar and changes to the Board of Supervisors' Agenda.

Health & Hospital System

* 4. Considered recommendations relating to Comprehensive Drug Court Implementation Grants, and took the following actions:

- a. Approved delegation of authority to Director, Department of Alcohol and Drug Services, or designee, to execute Grant Award Amendment from State Department of Alcohol and Drug Programs relating to Comprehensive Drug Court Implementation (CDCI), in an amount not to exceed \$561,195, for period December 29, 2004 through December 28, 2006, and to execute any necessary related documents including annual renewals and amendments through December 28, 2010, following approval by County Counsel as to form and legality, and approval by Office of the County Executive. Delegation of authority shall expire on December 28, 2010.
- b. Approved delegation of authority to Director, Department of Alcohol and Drug Services, or designee, to execute Notice of Grant Award from State Department of Alcohol and Drug Programs relating to Comprehensive Drug Court Implementation – Dependency Drug Treatment Court (DDTC), in an amount not to exceed \$282,082, for period October 1, 2005 through June 30, 2006, and to execute any necessary related documents including annual renewals and amendments through June 30, 2006, following approval by County Counsel as to form and legality, and approval by Office of the County Executive. Delegation

of authority shall expire on June 30, 2006.

c. Approved Request for Appropriation Modification No. 116 – \$124,504 increasing revenue and expenditures in Department of Alcohol and Drug Services budget.

- * 5. Approved delegation of authority to Director of Department of Alcohol and Drug Services to submit Grant Application to Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment for Family-Centered Substance Abuse Treatment for Adolescents and their Families, in amount of \$300,000 per year, for period October 1, 2006 through September 30, 2009.
- * 6. Approved delegation of authority to Director of Department of Alcohol and Drug Services, or designee, to negotiate, execute, and amend Agreements with community-based organizations and programs, schools, and school districts, relating to providing on-site Health Realization services, for period March 1, 2006 through June 30, 2008, following approval by County Counsel as to form and legality, and approval by Office of the County Executive. Delegation of authority shall expire on June 30, 2008.
- 7. Considered recommendations relating to Medically Vulnerable Infant Project, and took the following actions:
 - a. Accepted Letter of Award amending Agreement with State Department of Health Services (DHS) relating to Medically Vulnerable Infant Project effective January 1, 2006 extending contract term by six months through June 30, 2006, and increasing total compensation by \$112,500 to \$1,437,500.
 - b. Approved delegation of authority to Director of Public Health, or designee, to execute contract and any subsequent amendments with DHS relating to Medically Vulnerable Infant Project in an amount not to exceed \$1,437,500 for period July 1, 2000 through June 30, 2006 following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on June 30, 2006.
 - c. Approved Request for Appropriation Modification No. 118 – \$12,500 decreasing revenue and expenditures in the Public Health Department budget.

Directed Administration to evaluate opportunities to refer medically vulnerable infants to the Center for Learning and Achievement for assessment.

- * 8. Ratified Grant Application submitted by Public Health Department to State Office of Traffic Safety relating to grant funding for traffic safety education for youth, in amount of \$299,439, for period October 1, 2006 through September 30, 2008.

Employee Services Agency

- * 9. Waived reading and adopted Salary Ordinance No. NS-5.05.53 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.05 relating to compensation of employees which provides for an increase of two percent for all classifications represented by Park Rangers Association (PRA).
Vote: Gage: Yes Alvarado: Yes McHugh: Yes Beall: Yes Kniss: Yes
- * 10. Waived reading and adopted Salary Ordinance No. NS-20.06.02 (preliminary) amending Santa Clara County Salary Ordinance NS-20.06 relating to compensation of employees adjusting salary mid-point for position of Chief Financial Officer, Health and Hospital System.
Vote: Gage: Yes Alvarado: Yes McHugh: Yes Beall: Yes Kniss: Yes
- * 11. Considered recommendations from Employee Services Agency relating to Office of Pretrial Services, and took the following actions:
 - a. Approved new Classification Specification for Pretrial Services Technician.
 - b. Waived reading and adopted Salary Ordinance No. NS-5.05.54 (preliminary) amending Salary Ordinance No. NS-5.05 relating to compensation of employees deleting four Community Worker positions and adding four Pretrial Services Technician positions in Office of Pretrial Services.
Vote: Gage: Yes Alvarado: Yes McHugh: Yes Beall: Yes Kniss: Yes

- * 12. Approved Amendment to California State Association of Counties Excess Insurance Authority (CSAC EIA) Joint Powers Agreement to restructure CSAC EIA.

Board of Supervisors

- * 13. Announced travel for the following member of Board of Supervisors and other elected officials as follows:

Lawrence E. Stone, Assessor, will travel to Fresno, California, to attend 2006 Central/Southern Assessors' Association Conference, April 17–20, 2006.

- 14. Considered the following item of concern to refer to Administration for review and report:

Directed Administration and County Counsel to add word "Guardian" to any reference to animal "owners" in Division B31 of County Ordinance Code pertaining to Animals and Fowl, and prepare an amended ordinance for adoption by Board of Supervisors within 60 days.

- 15. Approved \$2,500 allocation from existing General Fund appropriations for the San Jose/Dublin Sister City Program to assist with expenses related to the Program's 20th Anniversary and associated activities throughout the year. (Supervisors Gage and Kniss voted no.)

- 16. Considered recommendation to support and participate in the start–up of the Santa Clara County Health Benefits Coalition, and took the following actions:

- a. Adopted Resolution supporting formation of and participation in the Santa Clara County Health Benefits Coalition.
- b. Authorized Administration to contribute \$2,000 to share in the start–up of the Santa Clara County Health Benefits Coalition. (Supervisor Gage voted no.)

- 17. Accepted verbal report from Supervisor Gage, Chairperson, Housing, Land Use, Environment, and Transportation Committee, relating to meeting of February 14,

2006, regarding modifications to the Disabled Pass Program for parks; amendment to lease with Calero Ranch Equestrian Center to improve water quality; proposed Comprehensive Planning Fee; proposed changes to lot–line adjustment ordinance; and, report on Green Building Program.

Announced next meeting scheduled for March 16, 2006.

18. Accepted report from Supervisor Alvarado, Chairperson, Public Safety and Justice Committee (PSJC) relating to meeting of February 9, 2006, regarding reports from Probation Department relating to implementation of recommendations in May 2005 Court Schools Evaluation Report, and continuum of services within Juvenile Justice System.
 - a. Approved the following recommendations relating to the Inmate Welfare Fund Committee: the addition of two voting members, (Public Defender or designee and Custody Health Director or designee); removal of the DOC Administrative Service Manager as a voting member; elimination of the sponsorship requirement in the funding process; and, posting of meeting dates and agendas on the County web page.
 - b. Approved recommendations regarding the joint Spending Plan for the Edward Byrne Justice Assistance Grant Program (JAG) – Federal Fiscal Year (FFY) 2006; approved delegation of authority to the County Executive, or designee, to negotiate, execute, modify, amend, and terminate a Memorandum of Understanding with the cities of Gilroy, Milpitas, Mountain View, San Jose, Santa Clara, and Sunnyvale relating to the joint award for the Edward Byrne Justice Assistance Program (FFY 2006) in an amount not to exceed \$396,632, following approval by the County Counsel as to form and legality, and approval by the Office of the County Executive, with delegation of authority expiring on December 31, 2009; and, approved delegation of authority to the County Executive, or designee, to submit a joint application and acceptance of the award to the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, relating to the Edward Byrne Justice Assistance in the amount of \$396,632 for FFY 2006.
 - c. Adopted Resolution delegating authority to the Chief Probation Officer, or designee, regarding the Juvenile Probation and Camps Funding Program;

approved delegation of authority to the Chief Probation Officer, or designee of the Probation Department, to submit Grant Application to Corrections Standards Authority (CSA) relating to the grant funding for Juvenile Probation and Camps Funding (JPCF) Program in the amount of \$9,799,213 for Fiscal Year 2006, and to execute any necessary related documents including annual renewals through June 30, 2010, following approval of County Counsel as to form and legality, and approval by the Office of the County Executive, with delegation of authority expiring on June 30, 2010; and, approved JPCF Program 2005–06 Agreement Form, administered by CSA.

19. Accepted report from Supervisor Kniss, Chairperson, Health and Hospital Committee relating to meeting of February 8, 2006, regarding Children's Health Initiative Countywide Outreach Plan; Emergency Medical Services Agency's Trauma System Work Plan; Comprehensive Plan for HIV/AIDS Services for 2006–2008; HIV Prevention Plan for 2006–2008; accepted Committee agenda items 4 through 13, and 15 through 17 for Board information only; and, announced resignation of Robert Sillen, Executive Director, Health and Hospital System, effective March 17, 2006 to accept new position as Receiver of the California Prison Medical System.

Announced next meeting scheduled for March 1, 2006.

20. Accepted report from Supervisor McHugh, Chairperson, Finance and Government Operations Committee (FGOC), relating to the meeting of February 2, 2006.
 - a. Accepted report on Comprehensive Planning Fee (CPF) from the Director, Department of Planning and Development Services, and approved staff recommendations to institute a CPF that would: a) be collected at the time of application for a building plan check at the rate of 0.00074 of the construction value; b) exempt from the fee all utility permits and minor construction valued at less than \$25,000; and, c) be accounted for in a separate revenue account. (Item 4)
 - b. Accepted reports for items 7 through 21 for Board information only, as listed on FGOC agenda, and approved the following Committee direction on the information item:

Directed the Tax Collector to provide an implementation status report on the Internal Audit of rates and changes in August 2006. (Item 10)

21. Accepted report from Supervisor McHugh, Chairperson, Finance and Government Operations Committee (FGOC), relating to the meeting of February 10, 2006.

Approved FGOC recommendations relating to the Management Audit Division's Review and Analysis of Selected Issues for the Fiscal Year (FY) 2006–07 State Budget as outlined in the study matrices. (Item 5)

22. Accepted report from Supervisor Kniss, Chairperson, Legislative Committee relating to meeting of February 9, 2006.

- a. Accepted Committee agenda items 4, and 9 through 12, for Board Information only.
- b. Supported H.R. 4049 (Pombo) relating to Early Pest Detection and Surveillance Improvement Act.
- c. Supported request for increased staffing for San Jose Veterans' Center.
- d. Held consideration of Senate Bill (SB) 1206 (Kehoe) relating to Redevelopment Reform **to date uncertain and referred to Legislative Committee for further review on March 15, 2006.**
- e. Held consideration of recommendation relating to Proposed Redevelopment Reform **to date uncertain and referred to Legislative Committee for further review on March 15, 2006.**

- * 23. Accepted report from Chair Beall, Chairperson, Children, Seniors, and Families Committee, relating to meeting of February 15, 2006, and accepted Committee agenda items 4 through 13 as Board information only.

24. There was no report from Board Delegates to the Santa Clara Valley Transportation Authority (VTA).
25. Accepted verbal report from Supervisor Gage, Board Delegate to Local Agency Formation Commission (LAFCO).
26. Accepted verbal report from Supervisor Kniss, Board Delegate to Bay Area Air Quality Management District (BAAQMD).
- * 27. There was no report on long-term planning and budget strategies.
28. There was no report from Chair Beall.

County Executive

29. There was no report from County Executive.
30. Accepted report from Registrar of Voters relating to School Board Candidates' Fees.
31. Accepted report relating to evaluation of impacts of the Fiscal Year (FY) 2006 Approved Budget regarding hospital financing and Federal proposal to charge \$25 to individuals seeking child support services.

Directed Chair to forward correspondence to State Legislators regarding the issues relating to lack of funding for Valley Medical Center.
- * 32. Considered recommendations relating to public information and outreach services for Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP), and took the following actions:
 - a. Approved delegation of authority to County Executive, or designee, to execute a Professional Services Agreement, and subsequent amendments that do not

increase total contract amount, with Jones & Stokes Associates relating to providing public information and outreach services for HCP/NCCP, in an amount not to exceed \$336,029, for period February 28, 2006 through June 30, 2010, following approval by County Counsel as to form and legality, and approval by Office of the County Executive. Delegation of authority shall expire on June 30, 2010.

- b. Approved delegation of authority to County Executive, or designee, to execute Annual Project Agreement, and subsequent amendments that do not increase time period or total contract amount, with Jones & Stokes Associates relating to providing HCP/NCCP public information and outreach services, for period February 28, 2006 through June 30, 2007, following approval by County Counsel as to form and legality, and approval by Office of the County Executive. Delegation of authority shall expire on June 30, 2007.

- * 33. Ratified Grant Application submitted to State of California, Department of Fish and Game, for Federal Fiscal Year (FFY) 2006 under Cooperative Endangered Species Conservation Fund (Section 6) Grant Program, United States Fish and Wildlife Service, relating to grant funding for assistance in preparation of a Habitat Conservation Plan/Natural Community Conservation Plan Program, in amount of \$315,000 for Fiscal Year 2006.
- 34. Accepted report relating to updated General Fund projection for Fiscal Year 2007.
- 35. Accepted the Santa Clara Valley Medical Center General Fund Grant Target Report.
- 36. Adopted support position on Proposition 82, the "Preschool for All Act." (Supervisors Gage and Kniss voted no.)
- 37. Approved the series of proposals made by the four Tax Equity Allocation (TEA) cities of Los Altos Hills, Cupertino, Saratoga, and Monte Sereno designed to offset their request to increase their allocation of TEA funding from 55 percent to 100 percent; and, not maintain the current allocation of 55 percent to these cities with the remaining amount allocated to Santa Clara County. (Supervisor McHugh voted no.)

Directed the Administration to advise Delegation of Board support of Assembly Bill (AB) 117 (Cohn) relating to TEA formula for the County.

38. Approved project description for Fuel Cell Demonstration Project. (Supervisors Gage and Kniss voted no.)

Directed Administration to provide updates regarding matching funds and utilization of litigation funds **for report on date uncertain.**

39. Considered recommendations relating to Santa Clara Valley Transportation Authority's (VTA) recommended quarter-cent sales tax scenario.

Directed Board delegates to VTA to request VTA Board of Directors take no action prior to the Board of Supervisors' review of expenditure plan.

County Counsel

40. There was no report from County Counsel on legal issues.
- * 41. Approved amendment to Conflict of Interest Code for Sunnyvale School District.
- * 42. Adopted Resolution delegating authority to County Counsel, or designee, to execute, amend, and terminate agreements with outside counsel relating to legal services where services are provided on a contingency fee basis or in an amount not to exceed \$200,000 per fiscal year, following approval by Office of the County Executive. Delegation of authority shall be ongoing.

Boards & Commissions

- * 43. Announced the following appointments by individual Board members to various Boards and Commissions:

Supervisor Gage (District 1):

Appointee Name

Serg Palanov

Board/Commission Name

Region of Moscow, Russia,
Sister-County Commission

Supervisor Kniss (District 5):

Appointee Name

Miles Ito

Board/Commission Name

Province of Florence, Italy,
Sister-County Commission

- * 44. Approved the following Board As-a-Whole appointments to various Boards and Commissions:

<u>Appointee Name</u>	<u>Recommended By</u>	<u>Board/Commission</u>
Tony Estremera	Gage	Santa Clara Valley Water District
Barry Goldman-Hall	McHugh	Child Abuse Council
Karl Sveinsson	McHugh	Coyote Flood Control and Watershed – East Zone

- * 45. Approved recommendation from Animal Advisory Commission to direct Administration to coordinate with Office of Emergency Services to include procedures for surrendering and temporarily housing pets and other domestic animals in Emergency Preparedness Plan.
- * 46. Approved request from National Guard and Veterans Affairs Commission (NGVA) for funding in an amount not to exceed \$150 (\$75 each) to purchase awards which will be presented to Air Guardsperson of the Year and Army Guardsperson of the Year.
- * 47. Approved the following recommendations relating to resignations from Boards and Commissions:

- a. Accepted resignation of Kathleen Bridget Flynn from Advisory Commission for Persons with Disabilities for a four-year term expiring June 30, 2007. Appointee shall be selected from list of three nominees submitted by Commission. Position is allocated to District 3.
- b. Accepted resignation of Aliko V. Helman from Santa Clara County/Region of Moscow, Russia, Sister-County Commission for a three-year term expiring June 30, 2006. Appointee shall have previously demonstrated an interest or participation in matters pertaining to relationship between Russia and United States. Position is allocated to District 3.
- c. Accepted resignation of Frank V. Serrano from Social Services Advisory Commission for a three-year term expiring June 30, 2006. Appointee shall represent public at large. Position is allocated to District 1.

Law & Justice

48. Considered recommendation from the Public Safety and Justice Committee to approve a request from the Office of the Sheriff and the Probation Department relating to the establishment of the Santa Clara County Justice Training Center, and took the following actions:
 - a. Adopted Resolution delegating authority to the County Executive, the Sheriff, and the Chief Probation Officer, or respective designees, to negotiate, execute, amend, and terminate Agreement with Gavilan Community College District relating to the provision of training services to the Santa Clara County Justice Training Center, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on November 30, 2010.
 - b. Adopted Resolution delegating authority to the Sheriff and the Chief Probation Officer, or respective designees, to negotiate, execute, amend, and terminate agreements with various instructors/trainers, evaluators, and role players to provide academic curriculum for the Santa Clara County Justice Training Center, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on November 30, 2010.

- * 49. Considered recommendations relating to purchase of a digital x-ray machine for Medical Examiner–Coroner's Office, and took the following actions:
- a. Approved Request for Appropriation Modification No. 119 – for \$60,000 increasing revenue and expenditures in Medical Examiner–Coroner's Office budget.
 - b. Approved delegation of authority to Director of Procurement, or designee, to purchase a digital x-ray machine for Medical Examiner–Coroner's Office.

Finance Agency

- * 50. Approved County of Santa Clara Treasury Investment Policy.

1:30 p.m. Time Certain

51. Resolutions, Commendations and Memorials:

- a. Adopted and presented Resolution commending Veterans Affairs Palo Alto Health Care System for work in treatment and restorative health care for veterans. (Kniss)
- b. Adopted and presented Resolution commending Santa Clara County Office of Veterans' Services for service to the military community. (Kniss)
- c. Adopted Resolution commending Carroll Harrington for environmental leadership and community activism. (Kniss)
- d. Adopted Resolution commending Deputy Hugh Murphy for service and commitment to the safety of the citizens in Santa Clara County. (Kniss)
- e. Adopted Resolution commending Dilia Rubio–Silva as she retires after 32 years of service to the County of Santa Clara. (Department of Child Support Services)

- f. Adopted Resolution commending the Santa Clara County Sheriff's Office Tactical Medical Team as it is awarded the top Challenge Award this year by the California State Association of Counties. (Beall)
- g. Adopted Resolution proclaiming the month of February 2006 as "African American History Month" in Santa Clara County. (Beall)
- h. Adopted Resolution commending Anthony Orozco for leadership and service to fellow Americans on the Gulf Coast after "Hurricane Katrina." (Beall)
- i. Adopted Resolution commending Orchard Supply Hardware as it celebrates its 75th Anniversary. (Alvarado)
- j. Adopted Resolution proclaiming March 11, 2006 as "Cambrian Park Little League Day" in Santa Clara County. (Beall)

2:00 p.m. Time Certain

- 52. Accepted presentation by the City of San Jose Planning Department on the Coyote Valley Specific Plan.

Referred to Administration: Preparation of a letter to City of San Jose conveying annexation, transportation impacts and associated concerns of Board members.

2:00 p.m. Hearing

- 53. Convened hearing to consider existence of public nuisance relating to 14865 Story Road, San Jose. (APN 601-31-005)
 - a. Opened public hearing and received testimony relating to whether a public nuisance exists as defined in Ordinance No. NS-300.735, Section 1, 10-19-04.
 - b. Closed public hearing.

- c. Found, based on substantial evidence in record, that a public nuisance exists on the property, and approved Issuance of a Public Nuisance Abatement Order effective in 30 days.

Directed Administration to review progress relating to preliminary work conducted to abate the public nuisance **for report on March 28, 2006** .

Referred to Administration for report on date uncertain: Review of feasibility of creating a revolving fund to be utilized for public nuisance abatements.

2:00 p.m. Land Use Hearing

54. Convened hearing to consider appeal of Friends of the Bracewell Observatory Association (Bob Lash, M.D.) from the decision of Department of Planning and Development to issue a building permit for demolition of five 60-foot dish antennas for property located at 3185 Alpine Road. Property of Stanford University. (Building Permit No. 25631) (File No. 9311-05-77-05APL)
 - a. Opened public hearing and received testimony.
 - b. Closed public hearing.
 - c. Denied appeal and approved the issuance of a building permit for demolition of five 60-foot dish antennas for property located at 3185 Alpine Road. **Referred to County Counsel for preparation of findings.**
55. Convened hearing to consider appeal of Preston Avery from decision of Planning Commission to amend Use Permit for recreational vehicle sales and service, solar system and farm equipment and greenhouse supply sales, general contracting, wholesale nursery including warehousing for processing and distribution of flower operation, outside storage of vehicles and materials, and commercial antenna for wireless telecommunications for property located at 150 Kirby Avenue (20000 Monterey Road), Morgan Hill, property of Preston and Lois Avery. (File No. 2288-63-42-93P-03P-05APL) (Supervisory District 1)

- a. Opened public hearing and received testimony.
- b. Closed public hearing.
- c. Denied appeal and reaffirmed amended Use Permit, exempting cell tower from ten-year timeline, and **referred to County Counsel for preparation of findings.**

Department of Planning and Development Services

56. Considered recommendations relating to request of interpretation of Zoning Ordinance and General Plan to allow for a lot-line adjustment, and took the following actions:
 - a. Allowed the representative of the Pierce Estate to file for and obtain a lot-line adjustment to adjust the property lines between two existing lots contained within the existing Assessor's Parcels of 24.85 and 113.75 acres to result in two parcels of 41 and 97.5 acres.
 - b. Requested that Planning Office include further analysis of the issue of lot-line adjustments and minimum lot size for conforming lots in Hillside (HS) Zoning Districts to the Planning Office Work Plan as a medium priority for calendar year 2006.

Department of Agriculture and Environmental Management

57. Considered recommendations relating to Board Policy relating to procurement, use and disposal of electronic products purchased by the County, and Best Management Practices for disposal of e-waste collected and/or generated by the County, and took the following actions:
 - a. Adopted Board Policy Resolution No. 06-02 adding Board of Supervisors' Policy Manual Section 7.13, relating to procurement, use, and disposal of electronic products purchased by the County, and Best Management Practices for disposal of e-waste collected and/or generated by the County.

- b. Directed Clerk of the Board to include Policy in Board of Supervisors' Policy Manual.
- * 58. Considered recommendations relating to Spay/Neuter Program, and took the following actions:
- a. Accepted report from Department of Agriculture and Environmental Management, Division of Animal Care and Control, on Spay/Neuter Program.
 - b. Approved request from Animal Advisory Commission to allocate funding in amount of \$25,000 for Trap/Spay/Return Program.
- * 59. Considered recommendations relating to feasibility of establishing after-hours emergency veterinary services at San Martin Animal Shelter, and took the following actions:
- a. Accepted report relating to establishing after-hours emergency veterinary services at San Martin Animal Shelter.
 - b. Authorized Department of Agriculture and Environmental Management to proceed with a Request for Information (RFI) to existing emergency veterinary clinics in Bay Area to assess interest in leasing an emergency veterinary services facility located at San Martin Animal Shelter.

Parks and Recreation Department

- * 60. Considered recommendations relating to Santa Teresa County Park, and took the following actions:
- a. Adopted Negative Declaration based upon findings that Negative Declaration was prepared in accordance with law and reflects County's independent judgment and analysis; that Board considered Negative Declaration and all comments received during comment period; and, that Project will not have a significant impact on environment.

- b. Approved First Amendment to Santa Teresa County Park Final Master Plan Report of April 1992 (MP) to designate a new neighborhood access.
- * 61. Considered recommendations relating to Funding Agreement with Midpeninsula Regional Open Space District (District) to provide funds to acquire Hall property adjacent to Stevens Creek County Park and Monte Bello and Saratoga Gap Open Space Preserves in an amount not to exceed \$550,000, and took the following actions:
- a. Authorized Chair to execute Funding Agreement with District.
 - b. Authorized Chair to execute Certificate of Acceptance for an Open Space Easement over Hall property.
 - c. Approved Request for Appropriation Modification No. 113 – \$550,000 transferring funds within Parks and Recreation Department Acquisition Budget.
- * 62. Approved Project, adopted plans and specifications, and authorized advertisement of Contract Documents for Construction of Park Office Improvement at Calero County Park.

Opening of Bids: Thursday, March 30, 2006, at 2:00 p.m., in
Office of the Clerk of the Board of Supervisors.

- * 63. Approved Project, adopted plans and specifications, and authorized advertisement of Contract Documents for Construction of Sycamore Group Picnic Area at Stevens Creek County Park.

Opening of Bids: Thursday, March 30, 2006 at 2:00 p.m., in
Office of the Clerk of the Board of Supervisors.

Roads & Airports

64. **Held to April 2006:** Adoption of Resolution requesting use of radar speed enforcement by the California Highway Patrol on Norman Avenue, San Jose.
- * 65. Considered recommendations relating to Construction of Traffic Operations System on Almaden Expressway, Phase I, Contract No. 3-43, and took the following actions:
- a. Approved Contract Change Order No. 1 - Final - Construction of Traffic Operations System on Almaden Expressway, Phase I. Contractor – Rosendin Electric, Inc. Net increase of \$81,023.96 and an increase of 102 working days.
 - b. Accepted Project as complete and authorized Clerk of the Board to execute Notice of Completion of Contract and Acceptance of Work on above.
- * 66. Approved Project, adopted plans and specifications, and authorized advertisement of Contract Documents for Construction of Traffic Operations System on Montague Expressway Between Capitol Ave./Great Mall Pkwy and I-680 Project.
- Opening of Bids: Thursday, March 30, 2006 at 2:00 p.m. in
Office of the Clerk of the Board of Supervisors.
- * 67. Accepted Report on Bids for construction of Montague Expressway Widening Project from Zanker Road to Plumeria Drive.
- a. Awarded contract to O'Grady Paving, Inc. in amount of \$1,190,135, which includes an allowance for Supplemental Work, in accordance with Contract Documents, and a construction time of 70 working days.
 - b. Authorized Director, Roads and Airports Department, to issue Change Orders against allowance for Supplemental Work and to approve modifications to construction time.

c. Ratified Addendum Nos. 1 and 2.

- * 68. Approved Project, adopted plans and specifications, and authorized advertisement of Contract Documents for Seismic Retrofit and Railing Replacement of Los Gatos Creek Bridge at Aldercroft Heights Road Project (Federal Project Number STPLZ-5937[033]).

Opening of Bids: Thursday, March 30, 2006 at 2:00 p.m., in
Office of the Clerk of the Board of Supervisors.

- * 69. Approved Cooperative Agreement for Return of Excess Right-of-Way (ROW) Parcel DK-885004-02-01 located near northeasterly quadrant of State Route 87 and Curtner Avenue, San Jose.
- * 70. Adopted Resolution authorizing execution of Joint Use Agreement with Pacific Gas and Electric Company for Montague Expressway at Capitol Avenue.

Facilities and Fleet

- * 71. Considered recommendations relating to Professional Services Agreements for Fire Protection Engineering Design and Professional Consulting Services, and took the following actions:
 - a. Approved Professional Services Agreement with Hughes Associates, Inc., for Fire Protection Engineering Design and Professional Consulting Services on an "on call" basis, with a Maximum Compensation Limit (MCL) of \$400,000 and a term limit of 36 months, from February 28, 2006 through February 27, 2009.
 - b. Approved Professional Services Agreement with Jerome D. Hall, Fire Protection Engineer, for Fire Protection Engineering Design and Professional Consulting Services on an "on call" basis, with a Maximum Compensation Limit (MCL) of \$400,000 and a term limit of 36 months, from February 28, 2006 through February 27, 2009.

- c. Authorized Manager, Capital Programs Division, Facilities and Fleet Department (FAF), to be Owner's Authorized Representative (OAR) to execute Project Agreements for services during term of Professional Services Agreements, following approval by County Counsel as to form and legality, and approval by Office of the County Executive, and to perform other administrative functions pursuant to Professional Services Agreements.
 - d. Authorized Manager, Capital Programs Division, FAF, to approve amendments to Professional Services Agreements, extending term up to six months beyond February 27, 2009, and to increase each Professional Services Agreement's MCL by up to \$50,000, if necessary, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive.
- * 72. Approved Lease Termination Agreement with 4850 Union Avenue, LLC, a California Limited Liability Company (Landlord) relating to a lease termination and buyout in an amount not to exceed \$425,000.
 - * 73. Approved Project, adopted plans and specifications, and authorized advertisement of Contract Documents for Job Order Contract JOC-FAF-2006-01, including Project Manual Task Catalog and Technical Specifications.

Opening of Bids: Thursday, March 30, 2006 at 2:00 p.m., in
Office of the Clerk of the Board of Supervisors.

Sanitation District

- * 74. Accepted Monthly Financial Report from County Sanitation District No. 2-3 for period ending January 2006 and authorized payment of bills in amount of \$158,746.49.

Final Adoption of Ordinances

- * 75. Adopted Salary Ordinance No. NS-5.05.51 (final) amending Santa Clara County Salary Ordinance No. NS-5.05 relating to compensation of employees adding and deleting various positions in Information Services Department, County

Communications, Social Services Agency, and Health and Hospital System, Valley Medical Center.

Vote: Gage: Yes Alvarado: Yes McHugh: Yes Beall: Yes Kniss:
Yes

- * 76. Adopted Salary Ordinance No. NS-5.05.50 (final) amending Santa Clara County Salary Ordinance No. NS-5.05 relating to compensation of employees adding and deleting various positions in Office of the Public Defender, Probation Department, Department of Planning and Development Services, Social Services Agency, and Health and Hospital System, Valley Medical Center.

Vote: Gage: Yes Alvarado: Yes McHugh: Yes Beall: Yes Kniss:
Yes

- * 77. Adopted Salary Ordinance No. NS-5.05.52 (final) amending Santa Clara County Salary Ordinance No. NS-5.05 relating to compensation of employees represented by County Employees-Management Association (CEMA) providing for realignment of salaries for specified nursing-related classifications, and establishing various shift assignment differentials for specified Administrative Nurse II and Utilization Review Coordinator positions.

Vote: Gage: Yes Alvarado: Yes McHugh: Yes Beall: Yes Kniss:
Yes

6:30 p.m. Time Certain

78. Accepted report on a proposed quarter-cent or half-cent sales tax measure.

Adopted Ordinance No. NS-7.10, as amended to include a 30-year sunset provision and in first sentence of Section 1 of Ordinance, adding the word County after Santa Clara, relating to levy of a one-half cent retail transaction and use (sales) tax in the County of Santa Clara and placing measure on the June 6, 2006 Primary Election ballot for approval.

Vote: Gage: Yes Alvarado: No McHugh: Yes Beall: Yes Kniss:
Yes

Closing

79. Announced Monday, March 13, 2006 at 1:30 p.m. as date and time for closed session to discuss items noticed pursuant to the Brown Act.

Adjourned to Monday, March 13, 2006 at 1:30 p.m., in the Tenth Floor Supervisors' Conference Room, County Government Center, 70 West Hedding Street, San Jose, for an open and public session for the purpose of identifying designated representatives to discuss salaries, salary schedules, or fringe benefits of represented and unrepresented employees, or related to labor negotiations, or to disclose real property negotiations if discussion will take place to purchase, sell, exchange or lease real property; subsequently, adjourning into closed session to discuss items noticed by the County Counsel and Clerk of the Board.

ATTEST: PHYLLIS PEREZ

Clerk of the Board of Supervisors