

# BOARD OF SUPERVISORS

Liz Kniss, District 5, President  
 Ken Yeager, District 4, Vice President  
 Donald F. Gage, District 1  
 George Shirakawa, District 2  
 Dave Cortese, District 3



Gary Graves  
 Acting County Executive

Ann Miller Ravel  
 County Counsel

## SUMMARY OF PROCEEDINGS OF APRIL 7, 2009

BOARD OF SUPERVISORS' CHAMBERS  
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SANTA CLARA COUNTY BOARD OF SUPERVISORS  
 SPECIAL DISTRICTS  
 THE FIRE DISTRICTS  
 FINANCING AUTHORITY  
 PUBLIC AUTHORITY OF SANTA CLARA COUNTY  
 VECTOR CONTROL DISTRICT  
 SANITATION DISTRICT NO. 2-3

### Opening

- . Roll Call - All members present.
- . Recited Pledge of Allegiance.
- . Received invocation by Dr. Koushal Kishor Sharma from Hindu Temple, Sunnyvale.
- . Announced dedication of meeting and adjournment in honor and memory of Donald Francis Imwalle Sr.

**Held to April 21, 2009:** Dedication of meeting and adjournment in honor and memory of Reynaldo Flores.

## Public Issues

1. Received the following comment under Public Comment:

Received comments from Judy Jones, concerned citizen, requesting support for Senate Bill 250 (Florez) relating to the spaying and neutering of dogs and cats.

2. Approved consent calendar and changes to the Board of Supervisors' Agenda. (Items with an asterisk [\*] in front of the number were on the consent calendar and were voted on in one motion at the beginning of the meeting.)
- \* 3. Approved Summary of Proceedings of March 24, 2009, and minutes of February 10, 2009.

## Santa Clara Valley Health and Hospital System

- \* 4. Approved Request for Appropriation Modification No. 160 - \$160,146 increasing revenue and expenditures in the Public Health Department budget relating to Public Health Emergency Preparedness activities.

## Employee Services Agency

- \* 5. Accepted recommendation from the County of Santa Clara Deferred Compensation Plan Committee (Committee) and appointed Linda Castaldi to the vacant position on the Committee.

## Board of Supervisors

- \* 6. Announced travel for members of the Board of Supervisors and other elected officials as follows:
  - a. President Kniss will travel to Sacramento County, California, to attend the 2009 Annual Large Urban County Caucus (LUCC) meeting on April 15-16, 2009.

- b. Dolores Carr, District Attorney, Office of the District Attorney, will travel to Monterey, California, to attend the Santa Clara County Police Chiefs' Association Training/Problem Solving Workshop on April 1-3, 2009.
  - c. Supervisor Yeager will travel to Sacramento to attend the 2009 Annual LUCC meeting on April 15-17, 2009.
- \* 7. Accepted reports from members of the Board of Supervisors relating to meetings attended through April 1, 2009.
8. Considered the following items of concern to refer to Administration for review and report:
- a. **Referred to Administration for report to Finance and Government Operations Committee (FGOC) in May 2009:** Preparation of County Goals for Environmental Stewardship, associated fiscal impacts, and input relating to incorporation of County Goals into draft Climate Action Plan.
  - b. **Referred to Administration for report to Children, Seniors and Families Committee on April 30, 2009:** Update relating to circumstances associated with placement of a ten year-old boy and his 11 and 12 year-old siblings into Juvenile Hall.
  - c. **Referred to Administration and County Counsel for report to FGOC on date uncertain:** Recommendations for moving toward paperless transactions, wherever possible, throughout the County organization.
  - d. **Referred to Administration for report to Health and Hospital Committee in September 2009:** Recommendations for creating and implementing a data-driven, comprehensive health agenda for Santa Clara County.
  - e. **Referred to Administration for report to Housing, Land Use, Environment, and Transportation Committee on date uncertain:** Preparation of policy options to allow the construction of a shed or other accessory structure on property that does not otherwise have a home or other main structure.

**f. Referred to Administration for report to Board on April 21, 2009:**

Preparation of policy granting automatic two-year extension for recent Building Site applications and related approvals and grading permits.

8A. Considered recommendations relating to Major League Baseball's Territorial Rights for Santa Clara County, and took the following actions:

- a. Adopted Resolution requesting that Major League Baseball (MLB) act on the territorial rights in the County of Santa Clara.
- b. Approved letter regarding MLB's Santa Clara County Territorial Rights and directed Clerk of the Board to forward letter to MLB Commissioner Bud Selig.

\* 9. Accepted report from Supervisor Gage, Chairperson, Housing, Land Use, Environment, and Transportation (HLUET) Committee, relating to meeting of March 19, 2009, and took the following actions:

- a. Approved delegation of authority to the Director, Department of Agriculture and Environmental Management, or designee, to negotiate, execute, or amend a Third Amendment to the Household Hazardous Waste Management Agreement with 21st Century Environmental Management, Inc. (Item No. 8)
- b. Approved Request for Appropriation Modification No. 153 - \$400,000 increasing revenue and expenditures in the Department of Environmental Health budget. (Item No. 8)
- c. Approved and adopted revised "Guideline for Commercial Agricultural Use" and "Guideline for Compatible Use Development on Restricted Lands." (Item No. 9)
- d. Waived reading and adopted Ordinance No. NS-1100.106 (preliminary) repealing Chapter VII of Division C12 of the Santa Clara County Ordinance Code and enacting a new Chapter VII relating to updates to floodplain management policies affecting real property located in designated flood hazard areas of the unincorporated territory of Santa Clara County. (Item No. 10)  
**Vote:** Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes
- e. Approved Statement of Exemption from California Environmental Quality Act (CEQA) relating to the Floodplain Ordinance and corresponding Federal

Emergency Management Agency Digital Floodplain Insurance Rate Maps. (Item No. 10)

f. Adopted Resolution adjusting certain fees in the Department of Planning and Development, effective July 1, 2009. (Item No. 11)

g. Accepted items 5-7 and 12-15 as information only.

- \* 10. Accepted report from Supervisor Shirakawa, Chairperson, Public Safety and Justice Committee, relating to meeting of March 5, 2009, and took the following actions:
  - a. Approved recommendations from the Domestic Violence Council on the "Principles of the Conflict Accountability Program of the Conflict Accountability Program Curriculum Task Group Final Report," and "Parenting Without Violence Curriculum Task Group Final Report." (Item 6)
  - b. Accepted Committee agenda items 5 and 7-10 as Board information only.
- \* 11. Accepted report from President Kniss, Chairperson, Health and Hospital Committee, relating to meeting of March 18, 2009, and accepted Committee Agenda items 4-21 as Board information only.
- \* 12. There was no report from Supervisor Yeager, Chairperson, Finance and Government Operations Committee.
- 13. Accepted report from President Kniss, Chairperson, Legislative Committee, relating to meeting of March 19, 2009, and took the following actions:
  - a. Supported California Consensus Principles on Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) reauthorization.
  - b. Accepted Committee agenda items 4, 5, 6, and 8 as Board information.
- \* 14. There was no report from Supervisor Cortese, Chairperson, Children, Seniors and Families Committee.

- \* 15. There was no report from Supervisor Gage and President Kniss, Board Delegates to the Santa Clara Valley Transportation Authority (VTA).
- \* 16. Accepted report from Supervisor Yeager, Board Delegate to the Metropolitan Transportation Commission (MTC), relating to meeting of March 25, 2009.
- \* 17. There was no report from President Kniss and Supervisor Gage, Board Delegates to Local Agency Formation Commission (LAFCo).
- \* 18. Accepted report from Supervisor Yeager, Board Delegate to the Bay Area Air Quality Management District (BAAQMD), relating to meeting of March 4, 2009.
- \* 18A. Appointed Supervisor Yeager as a Director of the Tobacco Securitization Authority.

### County Executive

- 19. Accepted verbal report from Acting County Executive relating to the opening of the Timpany Center on April 6, 2009; the impact of property tax revenue reductions on local government, schools, and special districts; and, update on County efforts relating to the Federal Stimulus Package.  
  
**Referred to the Administration for report to Board on April 21, 2009:** Update on efforts to obtain Federal Stimulus Package resources on behalf of the County.
- \* 20. Accepted monthly status report on items referred to Administration for action or report back.
- \* 21. Considered recommendations relating to Cisco products and related maintenance, and took the following actions:

- a. Approved Agreement with AT&T Datacomm relating to providing Cisco products and related maintenance, in an amount not to exceed \$10,000,000, for period April 1, 2009 through March 31, 2012, with option to renew for two additional years.
  - b. Approved delegation of authority to the Director, Procurement Department, or designee, to amend, administer, enforce, and terminate Agreement with AT&T Datacomm relating to providing Cisco products and related maintenance, 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 March 31, 2012.
22. **Held to date uncertain:** Consideration of approval of delegation of authority to the Director, Procurement Department, or designee, to issue a solicitation relating to providing fresh produce, vegetables, and related items for a three-year period, with option to extend for two additional years. Delegation of authority shall expire on December 30, 2009.
- \* 23. Approved delegation of authority to the Director, Office of Emergency Services, or designee, to negotiate, execute, amend, and terminate Agreement with the California Department of Rehabilitation relating to providing training for local government staff and community members on the use of an Accessibility Checklist for Disaster Shelters, in an amount not to exceed \$18,000 for period April 7, 2009 through June 30, 2009, including one renewal option, 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 December 31, 2009.
- \* 24. Considered recommendations relating to the creation of a Regional Computer Aided Dispatch (CAD)-to-CAD System by County, and took the following actions:
- a. Approved delegation of authority to the Director, County Communications, and the Chief Information Officer, Information Services Department, or respective designees, to negotiate, execute, amend, and terminate Agreements with the Silicon Valley Regional Interoperability Project (SVRIP) and the City of Mountain View as SVRIP fiscal agent, relating to providing hardware, software, and project management services necessary to establish a countywide interoperable CAD-to-CAD data sharing and display system, in an amount not to

exceed \$2,681,000, 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 April 6, 2014.

- b. Approved delegation of authority to the Director, County Communications, and the Chief Information Officer, Information Services Department, or respective designees, to negotiate, execute, amend, and terminate various Agreements with cities, towns, and public safety special districts in the County and with other entities or individuals that may be involved in the establishment and ongoing maintenance of a County-wide interoperable CAD-to-CAD data sharing and display system, 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 April 6, 2014.

### County Counsel

25. There was no report from County Counsel on legal issues.
- \* 26. Approved Second Amendment to Agreement with Morgan, Franich, Fredkin & Marsh relating to providing legal services, extending the term for two years through June 30, 2011, and increasing the maximum compensation from \$400,000 to \$800,000 for period August 4, 2007 through June 30, 2011.
27. Considered recommendations relating to Board Policy regarding expansion of the County No Smoking Policy, and took the following actions:
  - a. Adopted Board Policy Resolution No. 09-03 adding Board of Supervisors' Policy Manual section 3.47 relating to the County No Smoking Policy.
  - b. Directed Clerk of the Board to include Policy in Board of Supervisors' Policy Manual.

**Referred to Administration for report to Health and Hospital Committee on date uncertain:** Update relating to implementation and fiscal impacts of County No Smoking Policy.

## Boards & Commissions

28. Announced the following appointments by individual Board members to various Boards and Commissions:

**Supervisor Gage (District 1):**

Appointee Name

Board/Commission Name

Sandra Bohlin

Advisory Commission for Persons with Disabilities

Todd Callow

Consumer Affairs Advisory Commission

Steven Malech

Fish and Game Commission

Andre Chapman

Social Services Advisory Commission

**Supervisor Shirakawa (District 2):**

Appointee Name

Board/Commission Name

Lynda Ramirez Jones

Commission on the Status of Women

**Supervisor Yeager (District 4):**

Appointee Name

Board/Commission Name

Elizabeth LaRosa

Council on Equal Employment Opportunities

Patricia Gardner

Measure A Citizens' Oversight Committee

**Supervisor Kniss (District 5):**

Appointee Name

Board/Commission Name

Chaifen J. Jain

Measure A Citizens' Oversight Committee

29. 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>
William Brill	Gage	Correctional Industries Advisory Board
Rosemary Knox	Shirakawa	Measure A Citizens' Oversight Committee
Harry Hall	Yeager	Measure A Citizens' Oversight Committee

- \* 30. Approved request from the National Guard and Veterans Affairs Commission to purchase two Guardsman of the Year Awards for a total amount not to exceed \$150.
- \* 31. Approved the following recommendations relating to resignations from Boards and Commissions:
  - a. Accepted resignation of Philip H. Pennypacker from the Domestic Violence Council for a three-year term expiring June 30, 2009. Appointee shall be a judge of the Superior Court-Family Court Division. Position is rotating and remains with District 5 until term expiration.
  - b. Accepted resignation of Ron Del Pozzo from the Hsinchu, Taiwan, Republic of China, Sister-County Commission for a three-year term expiring June 30, 2009. Appointee shall have demonstrated interest in matters pertaining to the relationship between China and the U.S. Position is allocated to District 2.

### **Law and Justice**

- \* 32. Approved delegation of authority to the Chief of Correction, Department of Correction, or designee, to negotiate, execute, and amend Revenue Agreements with the Counties of Alameda, Marin, and San Mateo relating to providing housing for mentally ill inmates at the Santa Clara County Department of Correction for period July 1, 2009 through June 30, 2011, 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, 2011.

## Finance Agency

33. Accepted presentation relating to capital appreciation bond issuance, and took the following action:

Adopted Resolution authorizing issuance of Oak Grove School District 2009 General Obligation Bonds, Election of 2008, Series A, in a principal amount not to exceed \$30,000,000 (aggregate for both the current interest bonds and the capital appreciation bonds) relating to financing the acquisition or improvement of property in the District.

34. Accepted presentation relating to current interest bond issuance, and took the following action:

Adopted Resolution authorizing issuance of Oak Grove School District 2009 General Obligation Bonds, Election of 2008, Series A, in a principal amount not to exceed \$30,000,000 (aggregate for both the current interest bonds and the capital appreciation bonds) relating to financing the acquisition or improvement of property in the District.

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Recessed to Board Chambers Conference Room, County Government Center, for a continued closed session from April 6, 2009, to discuss litigation.

## 1:30 p.m. Time Certain

35. Resolutions, Commendations, and Memorials.

- a. Adopted Resolution proclaiming April as "Earthquake Preparedness Month" in Santa Clara County. (Office of the County Executive)
- b. Adopted Resolution commending Nancy Young as she retires after 28 years of service to the County of Santa Clara. (Employee Services Agency)

- c. Adopted and presented Resolution for the "Step Up Silicon Valley Campaign to Cut Poverty" in recognition of its public launch as it takes the first steps toward cutting poverty in Santa Clara County in half by 2020. (Yeager)
- d. Ratified Resolution proclaiming April 6, 2009 as "Tartan Day" in Santa Clara County. (Cortese)
- e. Ratified Resolution, presented on March 31, 2009, commending the Chavez Family Vision, Inc., for furthering the life and legacy of Cesar Chavez and continuing his work in supporting the community and bringing about positive changes in our society. (Cortese)
- f. Ratified Resolution, presented on March 21, 2009, commending Barbara Gomes Bowman for dedication and service to the residents of Milpitas and important efforts to preserve Milpitas' rich history for families of all ages to enjoy, reflect on, and build upon. (Cortese)
- g. Ratified Resolution commending The Health Trust for its outstanding work to promote the health and well-being of older adults in Santa Clara County through the Wellness by Design Conference. (Cortese)
- h. Adopted and presented Resolution proclaiming April as "Children and Nature Awareness Month" in Santa Clara County. (Yeager)
- i. Ratified Resolution, presented March 21, 2009, commending Steve Moore for heartfelt dedication and service to the residents of Milpitas and unwavering commitment to making his community one of compassion, safety, and pride. (Cortese)
- j. Ratified Resolution, presented March 21, 2009, commending Tim Campbell for remendous dedication and service to the residents of Milpitas and unwavering commitment to making his community one of safety and pride. (Cortese)
- k. Ratified Resolution proclaiming March 21, 2009 as "Assyrian National Day, Akitu Festival 6759" in Santa Clara County. (Cortese)

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- l. Adopted Resolution commending Abilities United for providing almost 60 years of innovative programs and services to people with developmental and other disabilities, allowing them to continue to thrive and be valued members of the community. (Kniss)
  - m. Adopted Resolution commending Congresswoman Anna G. Eshoo for continuing leadership and commitment to the environment, energy and water conservation, and recent recognition as the "Greenest" Congressional District in 2009. (Kniss)
  - n. Adopted Resolution commending Carolyn Tucher for steadfast commitment as a citizen and volunteer in the Palo Alto community. (Kniss)
  - o. Adopted Resolution commending Ming's Villa for its many contributions in supported of the Palo Alto community. (Kniss)
  - p. Adopted and presented Resolution proclaiming April 8, 2009 as "National Start! Walking Day" and urging all citizens to become more physically active by walking, thereby reducing the risk for cardiovascular disease and improving the lives of children, adolescents, and adults. (President)
  - q. Adopted Resolution commending Carroll Harrington for steadfast contributions to the Palo Alto community and dedication to environmental sustainability in the Palo Alto community and beyond. (Kniss)
  - r. Adopted and presented Resolution proclaiming the week of April 12-18, 2009 as "Communications Dispatchers Week" in Santa Clara County. (President)
  - s. Adopted and presented Resolution proclaiming the month of April 2009 as "Santa Clara County Garden & Green Month." (Cortese)
36. Approved and presented Certificates of Appreciation to the following Employees of the Month for April 2009.

Ron Johnson  
Capital Projects Manager III

Facilities and Fleet Department  
Capital Programs Division

Sandy Lima Executive Assistant	Finance Agency Controller-Treasurer Department
Steve Dippert Senior Paralegal	Office of the District Attorney Restitution
Arturo Garcia Management Aide	Social Services Agency Department of Employment and Benefit Services General Assistance Services
Rosario Sandoval-Galvan Public Health Nutrition Associate	Santa Clara Valley Health and Hospital System Public Health Department WIC Supplemental Nutrition Program
Daniel Bours Physical Therapist II	Santa Clara Valley Health and Hospital System, Valley Medical Center Valley Therapy Services, Outpatient Unit
Angel Macatiag Senior Park Antennae Worker	Parks and Recreation Department Maintenance - Ed Levin Park

**Closed Session Report:**

Ann Miller Ravel, County Counsel, Office of the County Counsel, announced actions taken during the closed session held in the Board Chambers Conference Room, this date, relating to the Redevelopment Agency of the City of San Jose's proposal.

**2:00 p.m. Time Certain**

37. Considered recommendations relating to the Stanford University Sustainable Development Study, and took the following actions:

Approved the Stanford University Sustainable Development Study (SDS), including the following two findings reflected in the SDS: that the SDS shows that even a 36 percent growth of the campus can be accommodated without any development in the foothills beyond the Academic Growth Boundary (AGB); and, that the SDS shows, as depicted in Figure 3.26 of the SDS, page 49, that future development even beyond the five million square feet scenario can be accommodated without any development beyond the AGB. (Supervisors Gage and Shirakawa voted no.)

Approved the following recommendations regarding future General Use Permit (GUP) processes:

Approved that a future GUP must include proposed splits of academic and housing square footage in its growth scenarios. (Supervisors Gage and Shirakawa voted no.)

Approved that a future GUP must include measures to minimize transportation impacts on neighboring communities. (Supervisors Gage and Shirakawa voted no.)

Approved that the County will undertake another Stanford SDS at mid-point of implementation of the next GUP that replicates the 2008 SDS analysis. (Supervisors Gage and Shirakawa voted no.)

Approved that a future GUP must include measurable goals on Energy, Waste, Water, Green Building, and Climate. (Supervisors Gage and Shirakawa voted no.)

**Department of Agriculture and Environmental Management**

38. Accepted report and provided direction to Administration, under advisement from September 9, 2008 (Item No. 17), relating to a funding mechanism for the Defensible Space Fire Prevention Pilot Program and directed Administration to proceed with the voter-approval regulatory fee process.

## Roads and Airports

- \* 39. Approved Agreement for Sale of Real Property and Quitclaim Deed relating to sale of a 3,080 square-foot County-owned parcel (Assessor's Parcel Number 701-01-015) adjacent to 6468 Almaden Road, San Jose, to the adjacent property owner, Colleen Matteis.
- \* 40. Approved delegation of authority to the Director, Roads and Airports Department, to submit Grant Application to Caltrans for Safe Routes to School Program funds for roadway improvements along Main Avenue and Condit Road, Morgan Hill, in the amount of \$270,000, including a ten percent local match commitment of \$30,000 for a total project cost of \$300,000.

## Facilities and Fleet

- \* 41. Accepted Report on Bids for construction of Demolish South County Courthouse, also known as San Martin Courthouse, Project No. 263-CP06008.
  - a. Awarded contract to Randazzo Enterprises, Inc., in the amount of \$355,200, with a construction time of 100 calendar days.
  - b. Approved encumbrance of an additional \$95,000 as Supplemental Work Allowance (SWA) for a total encumbered amount of \$450,200.
  - c. Designated the Manager, Capital Programs Division, Facilities and Fleet Department, as the Owner's Authorized Representative, with authority to issue change orders as necessary against the SWA and to approve modifications to the contract time.
  - d. Ratified Addendum Nos. 1-3.
- \* 42. Approved Request for Appropriation Modification No. 161 - \$100,000 transferring funds within the Facilities and Fleet Department budget for the Elmwood Emergency Water Supply, Project No. 263-CP08001.

### Final Adoption of Ordinances

- \* 43. Adopted Salary Ordinance No. NS-5.09.79 (final) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees adding two Office Specialist III positions and one Data Office Specialist position in the Social Services Agency, Department of Aging and Adult Services, In-Home Supportive Services.  
**Vote:** Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes
- \* 44. Adopted Ordinance No. NS-300.799 (final) amending Section A34-24 of the Santa Clara County Ordinance Code relating to increasing fees and charges collected by the Registrar of Voters.  
**Vote:** Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes
- \* 45. Adopted Salary Ordinance No. NS-5.09.78 (final) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees adding four unclassified Park Maintenance Worker Trainee positions in the Parks and Recreation Department. Positions shall expire on August 23, 2009.  
**Vote:** Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes

### Closing

46. Announced Monday, April 20, 2009, at 2:00 p.m., as the date and time for closed session to discuss items noticed pursuant to the Brown Act.

Adjourned in honor and memory of Donald Francis Imwalle Sr., a long-time Santa Clara Valley resident and compassionate individual who supported the local community; and, authorized that a letter of condolence be forwarded to the family.

Adjourned to Monday, April 20, 2009, at 2:00 p.m., in the Tenth Floor Supervisors' Conference Room, 70 West Hedding Street, San Jose, for an open and public session for the purpose of identifying designated representatives to discuss salaries, or related to labor negotiations, or to disclose real property negotiations; subsequently adjourning into a closed session to discuss items properly noticed.

April 7, 2009

**ATTEST: MARIA MARINOS**  
**Clerk of the Board of Supervisors**