



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1

Anthony Botelho
District No. 2
Chair

Pat Loe
District No. 3

Reb Monaco
District No. 4
Vice-Chair

Jaime De La Cruz
District No. 5

County Administration Building – Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

REGULAR MEETING AGENDA JANUARY 13, 2009

Mission Statement

The County Board of Supervisors will recognize the public trust it holds, will on all occasions conduct business with honesty, integrity, and respect for the individual, and will hold the organization of County government to that same standard.

The San Benito County Board of Supervisors welcomes you to this meeting and encourages your participation.

- If you wish to speak on a subject matter within the jurisdiction of the Board of Supervisors and does not appear on the agenda, you may do so during the Public Comment period at the beginning of the meeting. Please complete a Speaker Card and provide it to the Clerk of the Board prior to the meeting. Except as otherwise provided by law, no action shall be taken on any item not appearing on the agenda. When addressing the Board, please state your name for the record. Please address the Board as a whole through the Chair.*
- If you wish to speak on an item contained in the agenda please complete a Speaker Card identifying the item(s) and provide it to the Clerk of the Board prior to consideration of the item.*

Each individual speaker will be limited to a presentation total of three (3) minutes.

9:00 a.m. CALL TO ORDER:

- Pledge of Allegiance to be led by Supervisor Loe.
- Acknowledge Certificate of Posting.
- Public Comment:** *Opportunity to address the Board on items of interest on a subject matter within the jurisdiction of the Board of Supervisors and not appearing on the agenda. No action may be taken unless provided by Govt. Code Section 54954.2.*
- Department Head Announcements:** Information only.
- Board Announcements, Introductions and Presentations:** Information only.

CONSENT AGENDA:

These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified on the Agenda Item Transmittal.

If any member of the public wishes to comment on a Consent Agenda Item, please fill out a speaker card, present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 1) Approve the consolidation of the Local Mental Health and Substance Abuse Boards as one Behavioral Health Board; approve the appointment terms of the current Mental Health Board and Substance Abuse members to remain intact.
- 2) Approve request for the Behavioral Health Department's Substance Abuse Program Manager to attend the New Project Director's meeting in Washington, D.C. from February 5-6, 2009 sponsored by the United States Education Department.

BOARD OF SUPERVISORS:

- 3) Confirm appointments to the Historical Heritage Advisory Committee as follows:
 - a) Confirm appointment of Janet Brians and Jack O'Donnell representing Supervisorial District 1 for a coterminous term with that of Supervisor Barrios.
 - b) Confirm appointment of Georgana Gularte and Ted Thoeny representing Supervisorial District 2 for a coterminous term with that of Supervisor Botelho.
 - c) Confirm appointment of Marvin Jones representing Supervisorial District 5 for a coterminous term with that of Supervisor De La Cruz.
- 4) Direct Clerk of the Board to prepare certificates of recognition for the Chamber of Commerce Man and Woman of the Year, Businesses of the Year and Ambassador of the year for 2009 for presentation on January 17, 2009. (Chairman Botelho)

CLERK OF THE BOARD – L. Churchill:

- 5) Approve the action minutes of the November 4, 2008 and December 16, 2008 meetings.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 6) Adopt Resolution authorizing the Health & Human Services Director to execute and sign the Low Income Home Energy assistance Program Grant contract in the amount of \$80,725 and amendments to such grant. (CSWD) (Res. No. 2009-3)

INTEGRATED WASTE MANAGEMENT DEPARTMENT – M. Rose:

- 7) Approve fund transfer from out/capital projects to closure/post-closure accounts in the amount of \$40,424.

INTERNAL SERVICES – R. Inman:

- 8) Approve contract with Bob Murray and Associates for executive recruitment services for the period of January 13, 2009 through June 30, 2009.

PUBLIC WORKS DEPARTMENT – J. Cox:

- 9) Approve agreement with San Benito County Water District for the purchase commitment of a Drought Water Bank for CSA No. 31, effective January 26, 2009 for the water year 2009, in the amount of \$4,500; and authorize the Acting Public Works Administrator to sign said contract.

- 10) Acknowledge the Lone Tree Road Bridge construction project completion and authorize the Acting Public Works Administrator to record a Notice of Completion for the project with the San Benito County Recorder's Office.

9:00 A.M. PUBLIC HEARING <i>(Or as soon thereafter as the matter may be heard:</i>

PUBLIC WORKS DEPARTMENT – J. Cox:

- 11) Hold a public hearing to consider and adopt a Resolution Modifying the Traffic Improvement Projects and Fees pursuant to the Traffic Impact Fee Ordinance. The proposed modification would raise the fees from \$20,400.00 to \$23,853.00 per residential building permit. The proposed Traffic Mitigation Fee schedule concerns public infrastructure improvements and is based upon the analysis presented in the 2007 Traffic Impact Fee Update Study prepared by Hexagon Transportation Consultants.

REGULAR AGENDA:

For each regular agenda item, the following schedule shall occur:

- a) Staff report.
- b) Public opportunity to address the Board on a particular agenda item. Please fill out a speaker card and present it to the Clerk prior to consideration of the item.
- c) Consideration by the Board.

COUNTY FIRE DEPARTMENT – M. Marlow:

- 12) Adopt the San Benito County Fire Department logo as the official seal of the department; adopt the mission, values and vision statement communicating the essence of the department to stakeholders and to the public.

PUBLIC WORKS DEPARTMENT – J. Cox:

- 13) Status report on the County Service Areas initial analysis and recommendations report and provide comment and direction to staff.
- 14) Adopt Resolution establishing procedures for the tabulation of protests submitted in connection with County Service Area rate setting proceedings.
- 15) Adopt Resolution initiating proceedings for the imposition of Property-Related Fees in various County Service Areas, the levy of Annual Fees therein, and ordering the preparation of fee reports.

**AFTERNOON SESSION
1:30 P.M.**

1:30 P.M. PUBLIC HEARINGS (or as soon thereafter as the matter may be heard)

ASSESSOR – T. Slavich:

- 16) Hold public hearings to consider the following Land Conservation Act Requests:
- **Baumgartner 2006 Rev. Tr. Et Al, Timothy-Annette Baumgartner, Michael Baumgartner & Buffalo Gypsum, Inc:** *Compatible Use Request:* APN's: 32 Assessor Parcels in Book 29, Pages 13, 14, 17 & 19 and Book 30, Pages 3 & 8.
 - **George-Maria Matheou:** *Compatible Use Request:* 28 Assessor's Parcels, 014-12-0-058-0; 014-12-0-060-0.
 - **Elizabeth H. Lorenzen:** *Compatible Use Request:* APN's: 023-07-0-052-0; 023-07-0-055-0; 023-07-0-056-0.
 - **Brookhollow Ranch LP Et Al, Peter Schroder & Karen K. Schroder:** *Compatible Use Request::* 8 Assessors Parcels in Book 18, Pages 1 & 3..
 - **Patrick Daugherty:** *Lot Line Adjustment:* 028-26-0-002-0.
 - **McDonald, Daniel Family Tr. Et Al, Patrick McDonald, Janelle McDonald, Anna White, Patricia McDonald, Haldon L. Weatherly, Chiappari 1994 Family Tr., Mary Adams:** *Lot Line Adjustment:* 21 Assessors Parcels in Book 28, Pages 26, 28, 31, & 33 and Book 29, Page 16.
 - **Lavelle, Lee-Laurette Trust:** *Lot Line Adjustment:* APN's: 030-12-0-012-0; 030-12-0-014-0.
 - **Regan Tully:** *Lot Line Adjustment:* APN's: 030-12-0-011-0; 030-07-0-008-0.
 - **Danita A. Brigantino:** *Division Request:* APN's: 7 Assessor Parcels in Book 27, Pages 10 & 12 and 3 Assessor Parcels in Book 27, Page 12.

PLANNING & BUILDING DEPT. – A. Henriques:

- 17) Hold public hearing to consider an appeal of the decisions made by the Planning Commission on December 3, 2008, not to award the following application for Preliminary Allocation for fiscal year 2008/2009: Preliminary Allocation #09-07 (1,092 allocation requests). Location: Fairview Road, east of Sunnyslope and Hillcrest Roads, Hollister, APN 025-370-01, 02, 07,09 & 025-100-01. Zoning: Rural (R). Appellant: Santana Ranch Owners Group. (*Continuance requested by staff.*)

REGULAR AGENDA:

PLANNING & BUILDING DEPT. – A. Henriques:

- 18) Receive update on the Hillside Ordinance; provide comments and direction to staff. Staff recommends this matter be set for a public hearing on January 27, 2009 at 1:30 p.m. for adoption of an ordinance reflecting the Planning Commission's recommendation for the proposed ordinance change.
- 19) Receive El Rancho San Benito Project Update and Description of Notice of Preparation (NOP) Process for the Environmental Impact Report (EIR) and provide direction to staff.

ADJOURN TO TUESDAY, JANUARY 27, 2009 AT 9:00 A.M.

AGENDA DEADLINE IS FRIDAY, JANUARY 16, 2009 AT 1:00 P.M.

NOTE: A copy of this Agenda is published on the County's Web site on the Friday preceding each Board meeting and may be viewed at www.san-benito.ca.us/agendas. All proposed agenda items with supportive documents are available for viewing at the San Benito County Administration Building, 481 Fourth Street, Hollister, CA between the hours of 8:00 a.m. & 5:00 p.m., Monday through Friday (except holidays). This is the same packet that the Board of Supervisors reviews and discusses at each Board meeting.

As required by Gov. Code Section 54957.5 any public record distributed to the Board of Supervisors less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the office of the Clerk of the Board, San Benito County Administration Building, 481 Fourth Street, Hollister, CA 95023. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the office of the Clerk of the Board.

In compliance with the Americans with Disabilities Act (ADA) the Board of Supervisors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 636-4000 at least 48 hours before the meeting to enable the County to make reasonable arrangements to ensure accessibility.