



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 JULY 7, 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:

- a) Pledge of Allegiance to be led by Supervisor Barrios.
- b) Acknowledge Certificate of Posting.
- c) **PRESENTATIONS / RECOGNITIONS:**
Present proclamation declaring July as “Parks and Recreation Month” in San Benito County. (Public Works)
- d) **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.
- e) **Department Head Announcements:** Information only.
- f) **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 - A. Yamamoto:

- 1) Approve contract renewal with K & R Manor & Salvador Lodge for Board and Care Facilities for FY 2009/10 for a total annual maximum amount not to exceed \$15,000.
- 2) Approve contract renewal with Natividad Medical Center for inpatient acute hospital psychiatric services for the FY 2009-10 for a maximum annual total of \$250,000.
- 3) Approve contract renewal with the Department of Mental Health for State Hospital Bed Use for the FY 2009-10; and authorize the Behavioral Health Director to sign contract; adopt Resolution signifying Board approval to enter into contract. (Res. No. 2009-60)
- 4) Approve contract renewal with Country Villa Merced Behavioral Health Center for sub-acute level skilled nursing services for the FY 2009-10 for a maximum annual amount of \$89,000.
- 5) Approve contract renewal with Kings View Corporation for Telepsychiatry Services for the FY 2009-10 for a maximum total of \$116,000.
- 6) Approve contract renewal with Remi Vista, Inc. for Therapeutic Behavioral Services for FY 2009-10 for a maximum amount of \$70,000.
- 7) Approve contract renewal with 7th Avenue Center for Skilled Nursing Facility for the FY 2009-10 for a maximum amount of \$89,000.
- 8) Approve contract renewal with Charis Youth Center for Mental Health Services for the FY 2009-10 for a maximum amount of \$80,000.
- 9) Approve contract renewal with Rebekah Children's Services, Inc. for Therapeutic Behavioral Services for the FY 2009-10 for a maximum amount of \$40,000.
- 10) Authorize the County Behavioral Health Director to sign and submit to the State ADP the Comprehensive Drug Court Implementation Notice of Grant Award application allowing the acceptance of \$17,502 of State General Funds for the period of January 1, 2010 through December 31, 2010; and authorize the County Behavioral Health Director to sign.

CHILD SUPPORT SERVICES – K. Johnson:

- 11) Approve Memorandum of Understanding with the County of San Mateo Department of Child Support Services for call center services for the period of 6/30/09 through 6/30/10.

CLERK OF THE BOARD – L. Churchill:

- 12) Approve the action minutes of the June 9, 2009 meeting.

COUNCIL OF GOVERNMENTS – L. Rheinheimer:

- 13) Approve contract with Council of Governments for professional and clerical services for FY 09/10.
- 14) Approve contract with Airport Land Use Committee for professional and clerical services for FY 09/10.
- 15) Approve contract with Local Transportation Authority for professional and clerical services for FY 09/10.
- 16) Approve contract with Authority for Freeways and Expressways for professional and clerical services for FY 09/10.
- 17) Approve contract with Measure A Authority for professional and clerical services for FY 09/10.

COUNTY COUNSEL – B. Thompson:

- 18) Approve First Amendment to the legal services agreement with the law firm of Bingham, McCutchen, LLP in an additional amount not to exceed \$75,000 for on-going legal services related to processing the Santana Ranch Specific Plan application.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 19) Approve contract with Dr. Johnson-Schroetlin for psychological services for the period of July 2, 2009 to June 30, 2010 for the amount of \$30,000.
- 20) Approve contract with the Housing Opportunities for Persons with Aids (HOPWA) for the period of July 1, 2009 to June 30, 2010 in the amount of \$27,250 for services rendered by the county; and authorize the H&HSA Director to sign.

INTEGRATED WASTE MANAGEMENT– M. Rose:

- 21) Approve contract renewal with Golder Associates, Inc. at John Smith Road Landfill for Groundwater Monitoring for two-year period of July 7, 2009 to June 30, 2011 in the amount of \$135,000.
- 22) Approve contract with Golder Associates, Inc. for General Services for John Smith Road Landfill for two-year period of July 7, 2009 to June 30, 2011 in the amount of \$20,000.

INTERNAL SERVICES – R. Inman:

- 23) Approve Third Amendment to the Memorandum of Understanding with SEIU, Local 521 (General Unit Employees).
- 24) Adopt Resolutions opposing the closure of San Juan Bautista State Historic Park and the Fremont Peak State Park. (Res. No. 2009-61)
- 25) Appoint Mr. Steve Wittry as the Public Works Administrator for San Benito County effective July 21, 2009.

PUBLIC WORKS DEPARTMENT – J. Cox:

- 26) Adopt ordinance amending Chapter 17.01 of the San Benito County Code, Motor Vehicles and Traffic, establishing a speed limit of 25 miles per hour on Carr Avenue, from its intersection at Carpenteria Road, to Mile Post 1.275, and 35 miles per hour from Mile Marker 1.275 to 1.63, at the intersection of Anzar and Aromitas Road. (*Continued from June 23, 2009 meeting*) (Ordinance No. 838)
- 27) Adopt the specifications for the Juvenile Hall Maintenance and Improvements HVAC Project.
- 28) Adopt Resolution authorizing Public Works to accept donated materials from Dassel's Petroleum, Inc. for the construction of two Horseshoe pits to be located at the San Benito County Historical Park. (Res. No. 2009-62)
- 29) Roll FY 2008-09 appropriation for the Cienega Road Realignment Project to FY 2009-10 beginning July 1, 2009 until adoption of the FY 2009-10 capital improvement budget; accept all bids in the bid summary report; award contract to Don Chapin Co., Inc. as the lowest responsive, responsible bidder; approve contract in the amount of \$422,160; and authorize the Road Commissioner to issue change orders to the construction contract in an amount not to exceed \$33,611.
- 30) Make a finding authorizing sole source lease with Pitney Bowes for upgrade of current mail processor machine; approve a 60-month lease contract with Pitney Bowes through 2014 in the amount of \$603.00 year for a total lease amount of \$3,015.

SHERIFF'S DEPARTMENT – C. Hill:

- 31) Approve Step F (Range 19.4) of the Communications Dispatcher II position effective July 26, 2009. Funds are budgeted for this position.
- 32) Authorize (OES Manager) to submit the CalEMA FY09 Homeland Security Grant Program on behalf of the County Operational Area; adopt Resolution approving an application for funding from the California Emergency Management Agency – FY09 Homeland Security Grant Program.

PUBLIC HEARING: (9:00 a.m. or as soon thereafter as the matters may be heard)

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 33) Regarding request to authorize submission of the 2009 Community Development Block Grant (CDBG) Application:
 - 1) Receive Health & Human Services Agency (HHSA) Director's report.
 - 2) Hold public hearing to receive public comment on the proposed application.
 - 3) Authorize Chair to sign resolution authorizing submission of the grant application in the amount of \$400,000 and authorize signing authority for the HHSA Director
 - 4) Authorize the County Administrative Officer to sign the "Assurances" pertaining to the grant.

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.

ADMINISTRATION:

- 34) Status update of State Budget.
- 35) Briefing by Bureau of Land Management (BLM) Hollister Field Office on the draft resource management plan/environmental impact statement for managing public lands in Clear Creek Management Area and direct staff as appropriate.
- 36) Consider and approve the funding recommendations for the FY 2009-10 presented by the Community Foundation for San Benito County as follows: a) Advocacy, Inc. \$5,000, b) Area Agency on Aging \$25,000, c) Community Food Bank of San Benito County \$3,126, d) Foster Grandparents Program \$5,476, e) Jovenes de Antano \$40,000, f) Senior Citizens Legal Services \$3,500 for a total of \$82,102.

INTERNAL SERVICES – R. Inman:

- 37) Approve agreement with Coast2Coast RX Card Program.

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- 38) Hold discussion and take possible action regarding the Mosquito Abatement Program Assessment; direct staff to make changes as appropriate to the final Resolution based on the action today, to be presented at the Public Hearing on July 28, 2009. (Supervisor Botelho)

COUNTY SUPERINTENDENT OF SCHOOLS – M. Sanchez:

- 39) Receive the County Superintendent's Report on visits to schools rated at Decile 3 or below in San Benito County.

CLOSED SESSION:

Matters discussed during Closed Session include existing and pending litigation, personnel matters and real property negotiations. Reportable actions taken by the Board during Closed Session will be announced during open session. (Gov. Code Section 54957.1(a) & (b), Ralph M. Brown Act.)

- 40) Conference with Legal Counsel – Existing litigation (Subdivision (a) of Government Code Section 54956.9) Number of cases: 1
Name of case: Guerrero v. County of San Benito, et al; U.S. District Ct, San Jose; Case No. C08 00307PVT
- 41) Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9
Number of cases: 1
Closed session is authorized by Section 54956.9(b)(3)(A).

- 42) Conference with Legal Counsel – Existing litigation (Subdivision (a) of Government Code Section 54956.9) Number of cases: 1
Name of case: Nuno, et al v. Churchman, et al; Monterey County Superior Court, Case No. M95209

AFTERNOON SESSION
1:30 P.M.

SITTING AS THE PUBLIC AUTHORITY FOR IN HOME SUPPORTIVE SERVICES:

IN HOME SUPPORTIVE PUBLIC AUTHORITY:

- 43) Regarding rescinding of Public Authority In Home Supportive Services (IHSS) provider rate approved on May 26, 2009 take actions as follows:
1. Reinstate the Public Authority rate for IHSS Providers to \$10.50 per hour.
 2. Reinstate the rate for hourly Public Authority Administrative costs of \$.38.
 3. Authorize the Clerk to sign a minute order, in order to provide the California Department of Social Services (CDSS) with verification of the approved rate increase.

PUBLIC HEARINGS: (1:30 p.m. or as soon thereafter as the matters may be heard)

PLANNING DEPARTMENT – A. Henriques:

- 44) Hold a public hearing regarding amendment of the General Plan Land Use Element and Map (GPA's 08-38, 08,39 & 09-40); review and consider said amendment and map; and adopt resolution adopting the Mitigated Negative Declarations and Mitigation Monitoring and Reporting Programs, adopting the recommended findings and conditions of approval, and amending the General Plan Land Use Element and Map, as reflected in General Plan Amendment Nos. 08-38, 08-39 & 09-40 based on the recommended findings and conditions of approval.
- 45) Hold a public hearing regarding Zone Change 08-167, changing the Zoning Designation of a Parcel Located at 11300 Cienega Road from Agricultural Rangeland (AR) to Agricultural Productive (AP), Calera Wine Co.; and adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; adopt the recommended findings and conditions of approval; and adopt ordinance approving the zone change.
- 46) Hold a public hearing regarding Zone Change 08-166; changing the Zoning Designation of Parcel Located at 2200 Santa Ana Valley Road from Agricultural Rangeland (AR) to Agricultural Productive (AP), Darin Del Curto; and adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; adopt the recommended findings and conditions of approval; and adopt ordinance approving the zone change.
- 47) Hold a public hearing regarding Zone Change 06-148; changing the Zoning Designation of Parcel Located at 2321 Fallon Road from Agricultural (AP) To

Heavy Industrial (M-2) Ruben Rodriguez; and adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; adopt the commended findings and conditions of approval; and adopt ordinance approving the zone change.

REGULAR AGENDA:

PLANNING DEPARTMENT – A. Henriques:

- 48) Review draft of the 2007-2014 General Plan Housing Element and authorize submittal to the State Department of Housing and Community Development.
- 49) Review the request by the City of San Juan Bautista to amend their Sphere of Influence; and adopt resolution in order for the City of San Juan Bautista may proceed with their application to LAFCO.
- 50) Approve contract Amendment #1 with Pacific Municipal Consultants for preparation of environmental impact report for Santana Ranch Specific Plan application.

ADJOURN TO TUESDAY, JULY 28, 2009 AT 9:00 A.M.

AGENDA DEADLINE IS MONDAY, JULY 20, 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.