



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1

Anthony Botelho
District No. 2

Pat Loe
District No. 3
Vice-Chair

Reb Monaco
District No. 4
Chair

Jaime De La Cruz
District No. 5

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

REGULAR MEETING AGENDA DECEMBER 7, 2010

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 matter which 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 Botelho.

b) Acknowledge Certificate of Posting.

c) PRESENTATIONS & RECOGNITIONS:

Present Certificate of Recognition to Dr. Elizabeth Falade, Public Health Officer, in appreciation for over 18 years of Public Service.

Present Certificate of Recognition to Pauline Garza, Integrated Case Worker, in appreciation for 17 years of service with the County of San Benito.

Present Certificate of Recognition to Karen Shurden, Integrated Case Worker, in appreciation for 17 years of service with the County of San Benito.

Presentations to outgoing Supervisors Loe and Monaco.

REGULAR AGENDA:

ASSESSOR – T. Slavich:

- 1) Approve steps to implement SB 863 (Williamson Act) and set a Public Hearing for December 21, 2010 at 1:30 p.m. to make a final determination regarding implementation.
- d) **Public Comment:** *Opportunity to address the Board on items of interest 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.

ADMINISTRATION:

- 2) Approve 2010 San Benito County Saddle Horse Show, Rodeo & Fair operating budget.
- 3) Add a .8 FTE Sheriff Civil Clerk to the Sheriff's Schedule of authorized positions.

AGRICULTURAL COMMISSIONER – R. Ross:

- 4) Approve contract with the California Department of Food & Agriculture for the Light Brown Apple Moth Regulatory services for the FY 2010/2011 in the amount of \$45,767.19.
- 5) Approve contract with the California Department of Food & Agriculture for Sudden Oak Death program for the FY 2010/2011 in the amount of \$865.00

BEHAVIORAL HEALTH – A. Yamamoto:

- 6) Authorize the Behavioral Health Department to receive a passenger van vehicle donation from the San Benito County Office of Government and Local Transportation Authority; and authorize the amendment of the Behavioral Health Departments schedule of fixed assets to reflect the transfer.

CHILD SUPPORT SERVICES – K. Johnson:

- 7) Adopt Resolution authorizing the closure of the San Benito County Department of Child Support Services on Thursday, December 23, 2010. (Res. No. 2010-135)

CLERK OF THE BOARD – D. Thome:

- 8) Approve the action minutes of the October 26, 2010 and the November 9, 2010 meetings.

CLERK/AUDITOR/RECORDER – J. P. Gonzalez:

- 9) Adopt Resolution accepting the Certified Statement of Election Results for the November 2, 2010 Statewide General Election. (Res. No. 2010-136)

HEALTH & HUMAN SERVICES – K. Flores:

- 10) Approve contract Addendum with National Council on Crime and Delinquency (NCCD) for Internet Access to SafeMeasures® extending the contract for additional period of January 1, 2011 through December 31, 2012 in amount of \$11,550; and authorize Director of HHSA to sign contract addendum.
- 11) Certify statements for Child Health and Disability Prevention (CHDP) and the California Children Services (CCS) Programs for the FY 2010-2011; authorize the Chair to sign the Certification Statements and authorize the Program Director, Health Office and Agency Director to sign the Certification Statements for CHDP and CCS programs.

HUMAN RESOURCES – R. Inman:

- 12) Adopt Resolution for Employer Paid Member Contributions adding the Sheriff as a position required to make employee contributions. (Res. No. 2010-137)
- 13) Approve Certificate of Recognition for Sharon West, Deputy County Clerk-Recorder in appreciation for 10 years of service with the County of San Benito to be presented.

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 14) Approve contract with Environmental Stewardship & Planning, Inc. for additional CEQA compliance at the proposed Resource Recovery Park and for the Site Evaluations at the John Smith Road Landfill Expansion Areas in the amount of \$61,250.00.
- 15) Approve two contracts with Lawrence & Associates for John Smith Road Landfill for engineering design services for expansion in the amount of \$33,485; and for consulting services to prepare and updated Preliminary Closure/Post-closure Plan in the amount of \$16,780.00.

PROBATION DEPARTMENT – B. Cardall:

- 16) Approve Amendment #2 to existing Behavioral Intervention, Inc. (BI) Agreement to include a monitoring service agreement for Transdermal Alcohol Device (TAD) Units and authorize the Chief Probation Officer to sign amendment.

PUBLIC WORKS – S. Wittry:

- 17) Adopt Resolution accepting the grant deed of property on Bluff Drive from Douglas and Marjorie Swarts for Minor Subdivision 1186-06, Bluff court and adopt Resolution accepting the grant deed of property on Bluff Drive from John and Margaret Bluff for Minor Subdivision 1186-06, Bluff Court and authorize the Chair to sign the certificates of acceptance and consent to record. (Res. No. 2010-138)

- 18) Approve the San Benito County Parks and Recreation Commission recommendation of no interest in the purchase of Bear Valley School property and authorize Chair to sign and submit letter to the Jefferson Elementary School.
- 19) Approve the specifications and bid documents for the Chip and Slurry Seal project for twelve (12) County Service Areas (CSA).
- 20) Approve Amendment No. 1 with Schaaf and Wheeler for professional engineering services and project management services for County Service Area (CSA) #31 long-term water solution project, extending the term of the contract from December 31, 2010 to June 30, 2011.
- 21) Approve license agreement with PG & E to install Smartmeter Telemetry Equipment on a County owned streetlight pole at Hollister Ranch Estates.
- 22) Approve contract with ANC Specifications Consultants for specifications writing services for the new Sheriff Administration/County Permit Center for the period of December 7, 2010 through December 7, 2012 in amount not to exceed \$21,625.00.
- 23) Approve specifications (IFB No. PWB-1009) for County Service Area Landscape Maintenance and Services.
- 24) Approve contract with Quincy Engineering, Inc. for engineering services for preparation of plans and specifications for the Panoche Road Bridge at Tres Pinos Creek for the period of December 7, 2010 to June 30, 2013 in an amount not to exceed \$396,995.60.
- 25) Introduce an ordinance amending Chapter 17.01 of the San Benito County Code, Traffic Regulations, establishing a speed limit of 35 miles per hour (mph) on Magladry Road; waive the reading of said ordinance and continue to January 11, 2011 for adoption of said ordinance.

10:00 A.M. - PUBLIC HEARING <i>(Or as soon thereafter as the matter may be heard)</i>
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PLANNING & BUILDING DEPT. – G. Armstrong:

- 26) Hold a public hearing to consider adoption of ordinance amending Article II (California Building Standards Code) of Chapter 21.01 (Building Regulations of Title 29 (Building and Engineering) of the San Benito County Code, and adopting by reference Title 24 of the California Code of Regulations, 2010 edition of the California Building Standards Code and amending certain of those portions of the California Code of Regulations.

REGULAR AGENDA (Continued):

ADMINISTRATION:

- 27) Adopt funding Criteria for Contributions to Community Base Organizations.

COUNTY COUNSEL – M. Granger:

- 28) Approve budget adjustment, increasing County Counsel Budget Unit 1001-109 in the amount of \$300,000 for Fairview Corners legal services agreement, funded by developer reimbursement; and approve legal services agreement with the law firm of Miller Starr Regalia, for legal services related to Fairview Corners Specific Plan application in an amount not to exceed \$300,000. (4/5 vote)

PLANNING DEPARTMENT – G. Armstrong:

- 29) Summary and status update of Affordable Housing activities for the first half of fiscal year 2010-2011 and provide direction to staff.

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 30) Approve Staff's recommendation to ban parking in the County-owned parking lot on the corner of 4th and West Streets from the hours of 11 p.m. to 5:00 a.m. and post that the use of the lot is for "Official Government Business Only".
- 31) Adopt Resolution of Intention to impose a Property Related Fee in County Service Area No. 53, preliminarily approving a Fee Report, and setting a Public Hearing for January 25, 2011.

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.)

- 32) Authority: California Government Code Section 54957
Consider Discipline/Dismissal/Release Matter of a Public Employee
- 33) Conference with Legal Counsel-Existing Litigation. Subdivision (a) of Section 54956.9)
Name of Case: Save Panoche Valley et. al. v. San Benito County, et. al, Superior Court of California, County of San Benito, Case No. CU-10-00220

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

1:30 P.M. - PUBLIC HEARING (Or as soon thereafter as the matter may be heard)

PLANNING & BUILDING DEPT. – G. Armstrong:

- 34) Hold a public hearing to consider a Zone Change (ZC 06-161) Request: A Zone Change from Rural (R) to Rural-Planned Unit Development (R-PUD) for the purpose of subdividing Approximately 200 acres into 17 one-acre lots, a 68-acre open space parcel, and a remainder lot of 115 acres. Applicant/Appellant: Guerra Nut Shelling Location: 500 John Smith Road, Hollister, CA. APN 025-100-007. CEQA Determination: Mitigated Negative Declaration. (*Continued from March 3, 2009 and November 9, 2010*)

PLANNING DEPARTMENT – G. Armstrong:

- 35) Hold a public hearing to consider an appeal of the decision made by the San Benito County Planning Commission on October 6, 2010 to deny Manufacturing

District Review 91-10 for a flea market located at 1771 San Felipe Road, Hollister. APPLICANT: Robert Rodriguez. REQUEST: The applicant is requesting an M-District Review for a year-round flea market with 100 vendor booths. ZONING: Heavy Industrial (M-2). CEQA Determination: Mitigated Negative Declaration.

ADJOURN TO TUESDAY, DECEMBER 21, 2010 AT 9:00 A.M.

AGENDA DEADLINE IS MONDAY, DECEMBER 13, 2010 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.