



SAN BENITO COUNTY BOARD OF SUPERVISORS

Don Marcus
District No. 1
Chair

Anthony Botelho
District No. 2

Pat Loe
District No. 3

Reb Monaco
District No. 4

Jaime De La Cruz
District No. 5
Vice-Chair

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

REGULAR MEETING JULY 3, 2007 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date *in regular session*. Supervisors Monaco, Loe, Botelho, De La Cruz and Marcus were all present. Also present was County Administrative Officer Susan Thompson, County Counsel Dennis Le Clere and Clerk of the Board Linda Churchill. Chairman Don Marcus presided.

9:30 a.m. CALL TO ORDER:

- a) Supervisor Loe led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** Marty Richman, local resident, read from the Declaration of Independence in celebration of 231 years of independence and noting that this should be a start of a tradition each year at this time. Mr. Richman stated that government belongs to the people.
- d) **Department Head Announcements:** County Administrative Officer Susan Thompson reported that she attended the Hollister Business Council meeting along with Supervisors De La Cruz and Loe where economic development objectives were the main topic.
- e) **Board Announcements, Introductions and Presentations:** Supervisor Monaco reported that he attended the San Benito County Sheriff's Mounted Search & Rescue annual barbeque the past weekend stating it was very successful.
Supervisor Loe announced that she just found out recently that Congressman Barr has introduced a bill that will bring up the doctors in Santa Cruz and Monterey County to a higher rate of pay than San Benito County relative to Medicare and she will keep the Board and the public apprised of the status of this situation as this is not an accurate accounting and could cause a medical crisis if not addressed.
Chairman Marcus reported that the consideration of the proposed Fire Sprinkler Ordinance is being postponed due to the new State Uniform Code that is coming out in 2008.

CONSENT AGENDA:

Upon motion made by Supervisor Loe and seconded by Supervisor Monaco, approved Consent Agenda Items 1 through 20 with the exception of Items 14 & 19, which were pulled for discussion. (Unanimous)

BEHAVIORAL HEALTH – A. Yamamoto:

- 1) **Approved** contract with First 5 (San Benito Children and Families Commission) to deliver parent child interactive therapy (PCIT) for a maximum total of \$40,000 for the FY 2007/2008 and **authorized** the Behavioral Health Director to sign. *File #810*
- 2) **Approved** contract renewal with Changing Echoes, Inc. for residential substance abuse treatment and recovery services for a maximum total of \$25,499.60 for the FY 2007/2008. *File #810*

COUNCIL OF GOVERNMENTS – L. Rheinheimer:

- 3) **Approved** contract with Local Transportation Authority for professional and clerical services for FY 07/08. *File #1035*
- 4) **Approved** contract with Council of San Benito County Governments for professional and clerical services for FY 07/08. *File #1035*
- 5) **Approved** contract with Measure A Authority for professional and clerical services for FY 07/08. *File #1035*
- 6) **Approved** contract with Airport Land Use Commission for professional and clerical services for FY 07/08. *File #1035*
- 7) **Approved** contract with Service Authority for Freeways & Expressways for professional and clerical services for FY 07/08. *File #1035*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 8) **Approved** contract with Chamberlain's Children Center for respite care services in the amount of \$25,598.30 for the period of July 1, 2007 through June 30, 2008 and **authorized** the Director of H & HSA to sign. *File #1035*
- 9) **Approved** contract with Dr. Johnson-Schroetlin for psychological services in the amount of \$24,000 for the period of July 3, 2007 through June 30, 2008 and **authorized** the Director of H & HSA to sign. *File #1035*
- 10) **Approved** contract with Janette Simin for Public Health Nurse for nursing services in the amount not to exceed \$25,000 for the period of July 3, 2007 through December 31, 2007. *File #1035*

INTERNAL SERVICES – R. Inman:

- 11) **Approved** appointment at Step D of Range 15.2 (\$3,568.) for an Information Technology Support Technician I. *File #119.1*

- 12) **Approved** contract with Mike Keller to provide software management of the MAI System at an amount not to exceed \$20,000 for FY 2007/2008. *File #119.1*
- 13) **Approved** job specification for Chief Probation Officer and set annual salary at \$98,500. *File #510*

PROBATION DEPARTMENT – M. Covell:

- 14) **Ratify the award of an emergency purchase to install a replacement water heater at Juvenile Hall in the amount of \$36,593.17. (Requires 4/5 vote)**
Chairman Marcus asked about the 4-5 week delivery time on this water heater.
CAO Thompson answered that was the best we could get due to the specialized type of water heater that it is and noting that this must be done as the liability and risk is too much.
BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, ratified the award of an emergency purchase as recommended. (Unanimous)*

PUBLIC WORKS – J. Lo:

- 15) **Declared** vehicle and equipment surplus as listed for the following departments: Ag Commissioner, Health & Human Services Agency, San Benito County Free Library and District Attorney's Office and **authorized** Public Works department to auction said vehicle and dispose of said equipment. *File #105*
- 16) **Approved** Final Map No. 03-69, Tract No. 299 recently changed to Robert Enz Subdivision and **authorized** chair to sign the final map and **authorized** staff to record said map.

SHERIFF'S DEPT. – C. Hill:

- 17) **Authorized** the OES Manager to submit the FY 07 Homeland Security Grant Program for funding on behalf of the County Operational Area. *File #75.5*

CLERK OF THE BOARD – L. Churchill:

- 18) **Approved** the action minutes of the June 12, 2007 regular meeting.

ADMINISTRATIVE BUSINESS:

- 19) **Approve contract with Lynx Technologies in an amount not to exceed \$83,000 for maintenance services, training and implementation of the County GIS System for FY 2007/2008.**
Chairman Marcus asked if this was the current contract we had with Lynx Technology.
Management Analyst Margie Riopel explained that this is new contract and it is a shared cost with other agencies for implementation of the GIS Project and will be in next years budget.
Discussion ensued about the ongoing costs of a contract with Lynx Technologies.
Marty Richman, local resident, congratulated the Board for over-looking this project and contract.
BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, approved contract with Lynx Technologies as recommended and*

*directed staff to bring back a report on the full cost of this contract at the end of the year.
(Unanimous)*

- 20) **Approved** memorandum of transfer agreement to be recorded in the official records of the County regarding the Courthouse facility and **authorized** chair to sign. *File #595*

REGULAR AGENDA:

CITY OF HOLLISTER – B. Avera:

- 21) **Adopt Resolution accepting 2007 update of the comprehensive economic development strategy for the Economic Development Administration (EDA)**

Bill Avera, City of Hollister, provided background information and explained the requirement by the EDA to submit annual updates on their economic strategy in order to continue receiving Federal funds.

Discussion ensued and Mr. Avera answered questions posed by the Board.

Supervisor Botelho suggested setting up a joint meeting and inviting representatives from Assemblywoman Caballero's office to come to discuss economic strategies for the county.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, adopted **Resolution 2007-61** accepting the 2007 update of the comprehensive economic development strategy for the EDA.*

PLANNING DEPT. – A. Henriques:

- 22) **Introduce Ordinance revising Chapter 30 of the San Benito County Code and General Plan and waive reading of said ordinance and continue to the July 24th, 2007 Board of Supervisors meeting for final adoption.**

Byron Turner, Principle Planner, provided background information stating that a subcommittee of the Board was created earlier this year to review needed changes to Chapter 30 of the San Benito County Code, General Plan and Specific Plan – Local Procedures, also known as the General Plan Potential Residential Growth Increase (PRGI) program.

Lengthy discussion ensued.

The following members of the public addressed the Board: Ray Becker, DMB – El Rancho San Benito; Scott Fuller, San Juan Oaks Golf Club; and, Bill Avera, City of Hollister.

Board members suggested possible changes to the ordinance and expressed concerns with the Transfer of Development Credits (TDC) committee's work on a TDC program and this ordinance's effect on that program.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, introduced ordinance revising Chapter 30, General Plan and Specific Plan – Local Procedures, of the County Code; and waived reading of said ordinance; and continued item to the July 24, 2007 Board of Supervisors meeting for final adoption as presented and address other issues discussed at another time. (4-1 Vote. Loe voted no.) File #790*

PUBLIC WORKS – J. Lo:

23) Hold Workshop on Capital Improvement Program and direct staff accordingly.

Public Works Director Jerry Lo presented a Power Point Presentation and a discussion was held on a proposed County Capital Improvement Program and explaining the planning process, presenting a longer-term view of the projects and the funding sources and discussed road projects, bridge projects and construction management.

The Board adjourned at 12:25 p.m. for lunch break and reconvened at 1:30 p.m.

Supervisor Botelho was absent for the afternoon session.

1:30 P.M. PUBLIC HEARING:

PLANNING DEPARTMENT – A. Henriques:

24) Continue public hearing from June 26, 2007 regarding an appeal of the San Benito County Planning Commission decision made on April 4, 2007 re: Minor Subdivision No. 1194-06. Request: Modification of Condition Of Approval 14(a), requiring certain roadway improvements on John Smith Road along the property's frontage, to allow deferment of said roadway improvements; and, consider proposed resolution.

Byron Turner, Principle Planner, provided background information, stating that at the June 12, 2007 public hearing the Board of Supervisors directed staff to modify Condition 14(a) to allow deferment of the frontage improvement if the applicant enters into a deferred agreement to install the required frontage improvements on John Smith Road along the entire property frontage upon the occurrence of certain events. Mr. Turner reported that there was also a discussion regarding a further lot split but this cannot be included as part of the deferment referencing any future actions under our current Subdivision Ordinance. Mr. Turner stated that staff recommends that the Board consider the applicable General Plan policies and Subdivision Ordinance requirements and the evidence submitted to the Board, and determine whether deferment of the frontage improvements is consistent with the General Plan and Subdivision Ordinance; and if so grant the applicant's appeal in part and modify the decision of the Planning Commission by modifying Condition 14; and, adopt resolution granting the appeal in part and modifying the Planning Commission's decision by modifying Condition 14.

Alfred (Shorty) Silva, applicant, came forward stating that he would like Item B to state "further subdivision of any of the four parcels by the current owner" otherwise he agreed with staff's recommendation.

Lengthy discussion ensued with legal opinion expressed by County Counsel Dennis LeClere.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco: 1) Considered the applicable General Plan policies and Subdivision Ordinance requirements and the evidence submitted to the Board, and determined whether deferment of the frontage improvements is consistent with the General Plan and Subdivision Ordinance; and 2) granted the applicant's appeal in part and modified the decision of the Planning Commission by modifying Condition 14; and removing Item 14(a)1-b which states "Further subdivision of any of the four parcels",*

and adopted **Resolution No. 2007-62** granting the appeal in part and modifying the Planning Commission's decision by modifying Condition 14. (4-0 vote. Botelho absent) Appeal File.

REGULAR AGENDA (Con't):

PLANNING DEPARTMENT- A. Henriques:

- 25) Review the General Plan Update Community Survey and provide direction for any necessary revisions and approve survey for distribution. (Continued from June 26, 2007)**

Principle Planner Byron Turner reported that staff has received input from the public and informal input from the Planning Commissioners and are now at the point for further input from the Board of Supervisors for changes to the survey.

Supervisor Monaco asked to include a statement dealing with recreation to Item 9 of the survey.

Supervisor Loe asked to include transitional housing to Item #8.

Chairman Marcus expressed concerns with Item #6. Also, include a question relating to cluster development and also downzoning close to the sphere of influence.

Supervisor Loe suggested that it is important that the word gets out to the public that this is a County survey and it is about the County's General Plan.

This item will be brought back at the July 24, 2007 meeting for final approval of the survey. File #790

The Board adjourned into Closed Session at 2:15 p.m. and reconvened into Regular Session at 2:28 p.m. re:

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.)

- 26) Public Employee Performance Annual Evaluation**

Title: County Administrative Officer

Authority: California Government Code Section 54957

Postponed this item to the meeting of July 24, 2007 when a full Board is present.

- 27) Public Employee Performance Evaluation**

Title: County Counsel

Authority: California Government Code Section 54957

Postponed this item to the meeting of July 24, 2007 when a full Board is present.

The vote of each member of the Board of Supervisors upon each matter at the foregoing meeting, unless otherwise stated, was as follows:

AYES: SUPERVISORS: Monaco, Loe, De La Cruz, Marcus, Botelho

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to July 24, 2007 at 9:30 a.m. for a regular meeting.

DON MARCUS, CHAIRMAN
San Benito County Board of Supervisors

Attest:
Linda Churchill, Clerk of the Board