



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 AGENDA AUGUST 14, 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 Monaco led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **PRESENTATIONS / RECOGNITIONS:**
Chairman Marcus presented a certificate of recognition, on behalf of the County of San Benito, to Cathie Jones who is leaving after more than 20 years of dedication and service to the San Benito County Probation Department.
- d) **Public Comment:** There was no public comment.
- e) **Department Head Announcements:** County Administrative Officer Susan Thompson stated that last weeks budget hearings went very well and reported the major highlights from those hearings.
- f) **Board Announcements, Introductions and Presentations:** Supervisor Botelho stated that at the meeting of July 24, 2007 he expressed concerns with water issues in his district and requested that a water supply assessment be done in fractured rock areas noting that applications and splits were still be considered.
Chairman Marcus directed that this item be placed on a future agenda and have the Water District present to provide input.
Chairman Marcus commended County Staff for their hard work leading up to the three days of budget hearings.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved Consent Items 2, 3, 4, 5, 7, 8 and 10. Items 1 and 6 were withdrawn from the agenda. Item 9 was pulled due to an abstention by Chairman Marcus.

AG COMMISSIONER – P. Matulich:

- 1) Approve revenue agreement with the California Department of Food & Agriculture for seed services for FY 2007/2008.
This item was withdrawn from the agenda.

CLERK OF THE BOARD – L. Churchill:

- 2) **Approved** the minutes of the July 24, 2007 meeting.

HEALTH & HUMAN SERVICES – K. Flores:

- 3) **Approved** contract with Plan A. Solutions, Inc. for Pandemic Flu Exercise for San Benito County on August 29, 2007 at the Veterans Hall in Hollister at an amount not to exceed \$17,225 and **authorized** the H & HSA Director to sign said contract. *File #130*
- 4) **Adopted Resolution No. 2007-69** approving the operation and maintenance contract for the Migrant Center with the State Housing Community Development (HCD) in the amount of \$334,826 for FY 2007/2008 and **authorized** the H & HSA director to sign the contract. (CSWD) *File #939*

INTERNAL SERVICES:

- 5) **Approved** new class specifications for Executive Officer, Local Agency Formation Commission; **approved** modification of class specifications for Health Education Program Supervisor (title change from Health Education Coordinator); **approved** modifications to class specifications for Mental Health Nurse I and Mental Health Nurse II. *File #630*

PLANNING DEPARTMENT – A. Henriques

- 6) Authorize the chair to sign and send the attached comment letter to Caltrans on the notice of preparation for the Highway 25 widening project west of San Felipe Road.
This item was withdrawn from the agenda.

PROBATION DEPARTMENT – M. Covell:

- 7) **Approved** expenditure of funds for out-of-state training not to exceed \$1,500 for Probation Officer, Adam Sanders who attended the “Best Practice” Moral Revocation Therapy (MRT) training in west coast, Oregon from August 7, 2007 to August 10, 2007. *File #510*
- 8) **Approved** renewal agreement for Truancy Reduction Program with the San Benito County Office of Education for FY 2007-2008. *File #510*

PUBLIC WORKS – J. Lo:

- 9) Approve plans, specifications and bid documents for the Lone Tree Road Bridge at Arroyo Dos Picachos Creek and authorize the vice chair to sign bid documents and authorize staff to solicit bids for the Lone Tree Road Bridge replacement project.

Board Action: Supervisor Monaco made a motion to approve this item as recommended. Supervisor Loe seconded the motion. (4-0 vote. Marcus abstained)
File #105

SHERIFFS DEPARTMENT – C. Hill:

- 10) **Adopted Resolution No. 2007-70** designating the specific signature authority for FY 07 Homeland Security Grant Program. File #75.5

REGULAR AGENDA:

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 11) **Approve Emergency Medical Services (EMS) plan for 2006/2007 and direct staff to submit to the California Emergency Medical Services Authority.**

H & HSA Director Kathy Flores introduced Jim Clark, EMS Coordinator, who presented the 2006/2007 Emergency Medical Plan.

Mr. Clark answered questions from the Board of Supervisors.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Loe approved the EMS Plan for 2006/2007 and directed staff to submit said plan to the California EMS Authority. (Unanimous) File #1068

PLANNING DEPARTMENT – A. Henriques:

- 12) **Introduce ordinance revising 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) ordinance; waive reading of said ordinance; and continue to August 28, 2007 Board of Supervisors meeting for final adoption.**

Planning Director Art Henriques provided background information stating that as directed by the Board of Supervisors at the August 7, 2007 meeting the ordinance was amended to remove the advisory vote language.

Marty Richman, Hollister resident, supported the ordinance as amended stating that he did not think the advisory vote is necessary.

Susanna Langstaff, Hollister resident, felt that people have the right to have the opportunity to decide at the beginning of a planned project.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, moved to introduce the ordinance revising Chapter 30 (Growth Management Ordinance) of the San Benito County Code, waived the reading of said ordinance; and continued the item to August 28, 2007 for final adoption. (4-1 Vote. Loe voted no.) File #790

- 13) **ADMINISTRATIVE BUSINESS- S. Thompson:**

Presentation by Carl Guardino, California Transportation Commission.

Received presentation by Carl Guardino of the California Transportation who stated that he was visiting all counties. Mr. Guardino asked what are the highest priorities in terms of traffic improvements, safety improvements and the transit area and what is San Benito County continuing to do to help leverage the state dollars.

Mr. Guardino listened to concerns and answered questions from the Board of Supervisors and from Council of Governments Director Lisa Rheinheimer.

It was the consensus of the Board that Ms. Rheinheimer work with the County Administrative Officer and keep them apprised of Ellen Corbett's Senate Bill 748 (Transportation: state-local partnerships) and to agendize the item for Board's discussion and possible response if necessary.

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.)

The Board adjourned into Closed Session and reconvened into Regular Session re:

14) **Conference with Labor Negotiators**

Agency Designated Representatives: Linzie Daniel
Employee Organization: SEIU. Local 521 – General Unit Employees
Authority: California Government Code Section 54957.6
No reportable action. File #235.6

15) **Public Employee Performance Annual Evaluation**

Title: County Administrative Officer
Authority: California Government Code Section 54957
Chairman Marcus reported that a merit increase to salary will be discussed and established after negotiations and they will be establishing a new three-year contract with the County Administrative Officer, which will begin at the conclusion of her existing contract. File #235.6

16) **Public Employee Performance Evaluation**

Title: County Counsel
Authority: California Government Code Section 54957
Chairman Marcus reported that a merit increase to salary would be discussed and established after negotiations. File #235.6

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

PLANNING DEPARTMENT – A. Henriques:

17) **Held a public hearing to further consider an appeal of the San Benito County Planning Commission's approval of Use Permit No. 858-02(A), an amendment to allow an increase in quarry production, which appeal was initially heard April 5, 2005. Applicant: Robert Enz. Location: Limekiln Road. Appellant: James Ryan. (Proposed resolution)**

Byron Turner, Principle Planner, provided staff's report, stating that on April 5, 2006 the Board of Supervisors held a public hearing regarding this appeal and the Board directed that the applicant prepare a traffic study. After discussion with a new mining consultant and discussion with all parties involved, it was determined that additional environmental review should have been done for the project prior to the Planning Commission's approval. Mr. Turner stated that all involved were in agreement that the additional environmental review needs to be done and therefore Staff recommended that at this time the Board adopt the resolution granting the appeal

of James Ryan and remand the project back to the Planning Commission for further review and/or modifications.

Supervisor Monaco referred to the letter from Michael W. Stamp, attorney representing the appellant, James Ryan, that stated that the words "in part" in the staff report should be stricken.

Mr. Turner answered that yes the recommendation in the staff report should *not* include the "in part" language.

The Chair opened the public hearing. There being no comment from the public, applicant, or appellant the Chair closed the public hearing.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, adopted **Resolution No. 2007-71** granting the appeal and remanding the project back to the Planning Commission for further review and/or modification. (Unanimous) Appeal File*

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 August 28, 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