



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1

Anthony Botelho
District No. 2
Vice-Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

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

REGULAR MEETING AGENDA NOVEMBER 6, 2012

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.

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.)

- 1) Public Employee Appointment
Title: Interim County Administrative Officer
Authority: California Government Code 54957
- 2) Conference with Legal Counsel-Anticipated Litigation.
Initiation of litigation pursuant to subdivision (c) of Section 54956.9
Number of cases: (1)
- 3) Conference with Legal Counsel-Anticipated Litigation
Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9:
Number of cases: (1)

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 COUNSEL'S OFFICE – M. Granger:

- 4) Appoint Public Employee (Interim County Administrative Officer), effective November 6, 2012, at a salary and upon such terms and conditions as may be specified by the Board of Supervisors.

c) PRESENTATIONS AND RECOGNITIONS:

HUMAN RESOURCES:

Present Certificate of Recognition to Patricia Estrada, CalWorks Supervisor, Health and Human Services Agency, for over 32 years of service.

- 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.

AGRICULTURAL COMMISSIONER – R. Ross:

- 5) Recommend that the Wildlife Services contract with the U.S. Department of Agriculture not be extended for the rest of the Fiscal Year unless other funding is found.

AGRICULTURAL COMMISSIONER – R. Ross:

- 6) Approve contract with the Department of Food & Agriculture to provide Statewide Exotic Pest Detection Trapping services for the period of July 1, 2012 through June 30, 2013, for a total of \$46,321.

BOARD OF SUPERVISORS:

- 7) Approve Proclamation proclaiming Thursday, November 15, 2012 as National Philanthropy Day in San Benito County for presentation at a later date.

BOARD OF SUPERVISORS:

- 8) Approve Certificate of Recognition for the 2012 LULAC Veteran of the Year Honorees Nazhat Parveen Sharma, MD and Ron Sanchez for presentation at the Veteran's Day Breakfast on November 11, 2012.

CLERK OF THE BOARD – D. Thome:

- 9) Approve the action minutes of the September 11, 2012, September 25, 2012 and October 2, 2012 regular meetings and October 11, 2012 and October 23, 2012 special meetings.

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

- 10) Authorize the treatment of this Property Tax Analyst appointment exactly like a reemployment to the particular classification that the laid-off employee held prior to layoff.

COUNTY ADMINISTRATIVE OFFICE – M. Riopel:

- 11) Adopt Resolution authorizing purchasing authority to the CalFire Fire Chief for fire operation (Schedule C) expenses except for Fixed Assets as per the County Code. (Res. No. 2012-66)

COUNTY COUNSEL – M. Granger:

- 12) Approve Settlement Agreement and Release of Claims for County Administrative Officer.

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 13) Appoint Mr. Robert J. Rodriguez to Workforce Investment Board to represent the private sector for a three year term effective November 6, 2012 through November 6, 2015. (CSWD)

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 14) Appoint Ms. Marie Slater to the Workforce Investment Board to represent the public sector for a three year term effective November 6, 2012 through November 6, 2015. (CSWD)

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 15) Appoint Ms. Abby Ortiz-Baldwin to the Workforce Investment Board to represent the public sector for a three year term effective November 6, 2012 through November 6, 2015. (CSWD)

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 16) Re-appoint Kylie Sullivan to the Youth Employment Program (YEP) Council to represent an in school youth member for a term effective August 25, 2012 through August 25, 2015.

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 17) Appoint Rita Lucas to the Youth Employment Program (YEP) Council to represent the optional category for a term effective November 6, 2012 through November 6, 2015.

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 18) Appoint Mr. John Mortensen as the private sector representative for District #2 to the Community Action for a three-year term effective November 6, 2012 through November 6, 2015.

HUMAN RESOURCES – J. Credico:

- 19) Approve (2) Resolutions for 2012 Employer Contributions for CalPERS Health Insurance Premiums for Retirees of San Benito County. (Res. No. 2012-67) (Res. No. 2012-68)

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 20) Approve contract with Ruby Canyon Engineering for green house verification services, on behalf of the Regional Agency, for the period of November 6, 2012 through March 31, 2013, at a cost not to exceed \$13,000.

LOCAL TRANSPORTATION AUTHORITY – L. Rheinheimer:

- 21) Approve Memorandum of Understanding with the San Benito County Local Transportation Authority for a radio tower infrastructure project.

PROBATION DEPARTMENT – B. Cardall:

- 22) Approve contract with the San Benito County Office of Education to provide funding in the amount of \$163.00 per week for nine hours of weekly services to continue the Truancy Reduction Program for the FY 2012-13.

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 23) Approve contract with HMC Group for professional services for the AB900 Jail Expansion project for the period of November 6, 2012 to December 31, 2013, in the amount of \$41,733.

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 24) Approve Change Orders #8, 9 and 10 with Wattis Construction Company for a total amount of \$158,478.75 for the San Juan Hwy Bike Lane project; authorize Public Works Administrator to sign change orders; and restore Public Works change order authority to \$100,000 for the remaining work on the project.

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 25) Approve the 100% grant agreement with Monterey Air Pollution Control District for one electric vehicle and charging station in the amount of \$55,595, identify and add to the schedule of fixed assets and approve budget appropriation; and authorize the Public Works Administrator to sign grant agreement. (4/5 vote)

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 26) Accept all responsive bids in the bid summary report for the Park Hill Fiber Optic Cabling project; approve the contract with Daleo, Inc. as the lowest responsive, responsible bidder, in the amount of \$52,448; authorize the Public Works Administrator to execute the contract upon receipt of documents as required per the project specifications; and authorize the Public Works Administrator to issue change orders, in an amount not to exceed \$5,244.80.

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 27) Adopt the Final Mitigated Negative Declaration in compliance with California Environmental Quality Act (CEQA) for the Union Road Bridge project; and adopt Resolution for the Union Road Bridge project, adopting the required CEQA Findings and mitigation measures. (Res. No. 2012-69)

SAN BENITO RESOURCE CONSERVATION DISTRICT:

- 28) Approve re-appointments of Paul Hain, Michael Halpern and Tim Foley to the San Benito County Resource Conservation District Board for a four year term to expire on the last Friday of November 2016.

SHERIFF'S OFFICE – D. Thompson:

- 29) Rescind layoffs of 1.8 FTE within the Sheriff's Operations Division. (Continued from October 16, 2012 meeting)

PUBLIC HEARINGS – 9:00 A.M. *(Or as soon thereafter as the matter may be heard)*

PLANNING DEPARTMENT – G. Armstrong:

- 30) Hold a public hearing to review the General Plan Housing Element 2011 progress report; and direct staff to submit the report to the State Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR).

REGULAR AGENDA (Continued):

BOARD OF SUPERVISORS:

- 31) Discussion and direction concerning the use of the Board Chambers by other entities.

CLERK OF THE BOARD – D. Thome:

- 32) Approve the 2013 Board of Supervisors Meeting Calendar and Agenda Item Submittal Deadline Listing.

INTERNAL SERVICES DEPARTMENT – M. Riopel:

- 33) Receive Annual Impact Fee Report for fiscal year 2011/2012. (Continued from October 16, 2012 meeting)

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 34) Review the draft John Smith Road Landfill Landscape Entrance and Ridgeline Barrier Plan and direct staff as appropriate.

PLANNING DEPARTMENT – G. Armstrong:

- 35) Discuss and direction regarding General Plan Update options.

PLANNING DEPARTMENT – G. Armstrong:

- 36) Discuss and direct staff accordingly to potentially release to the public the GPU draft EIR document.

PLANNING DEPARTMENT – G. Armstrong:

- 37) Approve Santana Ranch Large Lot Subdivision Final Map.

CLOSED SESSION:

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- 38) Public Employment Recruitment
Title: County Administrative Officer
Authority: California Government Code 54957

AFTERNOON SESSION

1:30

PUBLIC HEARINGS – 1:30 P.M. (Or as soon thereafter as the matter may be heard)**ASSESSOR – T. Slavich:**

- 39) Hold a public hearing to consider authorization to implement AB1265 to establish New Williamson Act contracts including the reduction of property tax benefits and a related reduction of the term of the contracts to nine years, to be effective beginning calendar year 2013.

PLANNING DEPARTMENT – G. Armstrong:

- 40) Hold a public hearing regarding the Environmental Impact Report (EIR), General Plan Amendment No. 08-36, Specific Plan No. 005-10, Zone Change Petition 08-164, and the proposed Development Agreement for the Fairview Corners project; review the administrative record and the Planning Commission's recommendations set forth in the Planning Commission Resolution No. 2012-13; review and consider the Environmental Impact Report (EIR) General Plan Amendment No. 08-36, Specific Plan No. 005-10 Zone Change 08-164 and the proposed Development Agreement; potentially adopt a Resolution certifying the EIR, adopting findings required by the California Environmental Quality Act (CEQA), adopting mitigation measures to reduce any significant environmental impacts where feasible, as recommended in the EIR, and adopting a Mitigation Monitoring and Reporting Program; potentially adopt a Resolution to amend the San Benito County General Plan Land Use Element to create a Fairview Corners-Specific Plan General Plan designation and to amend the existing General Plan Map to show the project site's designation being changed from rural to Fairview Corners Specific Plan; potentially adopt a Resolution adopting the Fairview corners Specific Plan; potentially adopt an Ordinance adopting County Code Zoning text amendments to create a Fairview Corners-Specific Plan zoning designation and amending the existing zoning map to show the project site rezoned from rural to Fairview Corners-Specific Plan; and potentially adopt an Ordinance approving the Fairview Corners Development Agreement.

ADJOURN TO TUESDAY, NOVEMBER 20, 2012 AT 9:00 A.M.

NOTE: A copy of this Agenda is published, along with supportive documents, on the County's Web site on the Friday preceding each Board meeting and may be viewed at www.cosb.us/government/meetings-agendas/. All proposed agenda items with supportive documents are also 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.