



# 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 OCTOBER 26, 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 Loe.
- b) Acknowledge Certificate of Posting.
- c) **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.
- d) **Department Head Announcements:** Information only.
- e) **Board Announcements, Introductions and Presentations:** Information only.

### **PRESENTATIONS & RECOGNITIONS:**

- 1) Present Certificate of Recognition to Robert Shingai, Environmental Health Manager who is retiring on November 6, 2010 from over 35 years of public service.
- 2) Presentation of a 2010 California State Association of Counties (CSAC) Challenge Award honoring San Benito County's program "Night Reporting Center".

## **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:**

- 3) Review and approve the Association of Monterey Bay Area Governments (AMBAG) revised By-Laws and direct the Clerk of the Board to forward the record of approval to AMBAG.
- 4) Approve contract renewal with Law Offices of Gregory M. LaForge for public defender services for the period of July 1, 2011 through June 30, 2014 in the amount of \$1,129,122.
- 5) Approve contract renewal with Harry J. Damkar, Attorney at Law, for public defender services for the period of July 1, 2011 through June 30, 2014 in the amount of \$434,758.

### **AGRICULTURAL COMMISSIONER – R. Ross:**

- 6) Approve contract with the California Department of Food & Agriculture for Integrated pest Control/Weed Management for the period of January 1, 2011 through December 31, 2011 in the amount of \$16,758.00.
- 7) Approve contract with the California Department of Food & Agriculture for Nursery Inspections Services for FY 2010/2011 in amount of \$3,484.00.

### **BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 8) Approve contract renewal with Good Samaritan/Mission Oaks Hospital for the period of July 1, 2010 through June 30, 2011 in the amount of \$75,000.

### **CLERK OF THE BOARD – L. Churchill:**

- 9) Approve the action minutes for the September 28, 2010 regular meeting and the October 13, 2010 and October 19, 2010 special meetings.
- 10) Approve amended Conflict of Interest Code for 2010 for the San Benito County Office of Education as required by the Political Reform Act.

### **COUNTY COUNSEL – M. Granger:**

- 11) Approve Addendum C to the Toshiba Business Solutions rental agreement for copier for a three-month extension of the lease for the current copier.

### **HEALTH & HUMAN SERVICES AGENCY – K. Flores:**

- 12) Adopt Resolution approving the Operation and Maintenance contract for Migrant Center Operations with the State Department of Housing and Community Development (HCD) in the amount of \$393,710; and authorize the HHSA

Director to be the signature authority for said contract and subsequent amendments to said contract. (Res. No. 2010-120)

- 13) Approve agreement with State of California, Office of Administrative Hearings, Department of General Services for conducting hearings for action against Emergency Medical Technicians; authorize the Director of HHSA to sign agreement and direct Clerk of the Board to prepare a minute order.
- 14) Re-appoint Mr. Todd Farr to the Workforce Investment Board to represent the public sector for a three year term effective October 26, 2010 through October 25, 2013. (CSWD)
- 15) Re-appoint Mr. David Wright to the Workforce Investment Board to represent the private sector for a three-year term effective October 26, 2010 through October 25, 2013. (CSWD)
- 16) Appoint Ms. Yuko Duckworth to the Workforce Investment Board to represent the public sector for a three-year term effective October 26, 2010 through October 25, 2013. (CSWD)

**FIRST FIVE SAN BENITO – K. Castillo:**

- 17) Adopt resolution recognizing children as priority for First 5 San Benito collaborative planning. (Res. No. 2010-121)

**INTERNAL SERVICES DEPARTMENT- R. Inman:**

- 18) Adopt resolution for Employer Paid Member Contributions (Safety) with the California Public Employees Retirement System and adopt Resolution for Employer Paid Member Contributions (Miscellaneous) with the California Public Employees Retirement System. (Res. No. 2010-122) (Res. No. 2010-123)

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 19) Accept all responsive bids in the bid summary report for fencing at various County Parks project; approve and award contract in the amount of \$57,600.77 to Castlewood Construction Company, Inc. as the lowest responsive, responsible bidder; and authorize the Public Works Administrator to sign change orders in an amount not to exceed \$5,760.
- 20) Approve contract for appraisal services with Overland Pacific & Cutler, Inc. for the Hospital Road Bridge Project for the period of October 26, 2010 through June 30, 2012 for an amount not to exceed \$28,600.
- 21) Approve Specifications and Bid Documents for one (1) Tractor Sweeping Unit Attachment (PWB-1008).
- 22) Approve the Budget Adjustment increasing the Hillcrest Road AC Overlay project by \$52,301 from \$412,000 to \$464,301; accept all bids in the bid summary report for the Hillcrest Road asphalt Overlay Project; approve and award contract with Granite Rock Company, dba Pavex Construction Division as the lowest

responsive/responsible bidder in the amount of \$377,847 and authorize the Public Works Administrator to execute 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 \$37,785.00. (4/5/ Vote)

- 23) Accept all responsive bids in the bid summary report for the Vehicle Storage Shed-Public Works Yard project; approve and award contract to Apco-Ettner, Inc. as the lowest responsive, responsible bidder in the amount of \$57,759.00; and authorize the Public Works Administrator to execute the contract and issue change orders in an amount not to exceed \$5,775.
- 24) Accept all responsive bids in the bid summary report for the Playgrounds at Veterans Memorial Park and McCarthy Park project; and award and approve contract in the amount of \$62,821.66 to Playcraft Direct, Inc. as the lowest responsive, responsible bidder; and authorize the Public Works Administrator to execute the contract and issue change orders in an amount not to exceed \$6,282.

**9:30 A.M. PUBLIC HEARING (Or as soon thereafter as the matter may be heard)**

**INTEGRATED WASTE MANAGEMENT – M. Rose:**

- 25) Hold a public hearing to consider adopting rates at John Smith Road Landfill for Regulated Wastes, adjusting the Special Handling Fee and establishing a Temporary Fee for Agricultural Plastic; adopt resolution revising the rate schedule at John Smith Road Landfill.

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 26) Hold a public hearing to consider the adoption of the San Benito County Bikeway and Pedestrian Master Plan Update, and adopt Resolution adopting the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and the 2009 San Benito County Bikeway and Pedestrian Master Plan update.

**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 SUPERINTENDENT OF SCHOOLS – M. Sanchez:**

- 27) Receive County Superintendent's Report.

**HEALTH & HUMAN SERVICES AGENCY – K. Flores:**

- 28) Accept the HHS Director's report; approve acceleration of layoffs of 3.0 Full Time Equivalent (FTEs) as follows: 2.0 FTEs Employment Training Services Counselors II (Range 15.9) and 1.0 FTE Vocational Assistant (Range 10.9 B)

from the CSWD Schedule of Authorized Positions effective on or about December 1, 2010.

**INTERNAL SERVICES – R. Inman:**

- 29) Adopt Resolutions for 2011 Employer Contributions for CalPERS Health Insurance Premiums for Retirees of San Benito County.

**PLANNING DEPARTMENT – G. Armstrong:**

- 30) Receive update and progress report on the Draft Transfer of Development Credit (TDC) Ordinance and provide comment and direction to staff.

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 31) Introduce an ordinance amending Chapter 3.05 of Title 3 of the San Benito County Code relating to the San Benito County Parks and Recreation Commission changing monthly meetings to quarterly; waive the reading of said ordinance, and continue to November 2, 2010 for adoption of said ordinance.

**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) Conference with Legal Counsel-Existing Litigation.  
(Subdivision (a) of Section 54956.9)  
Name of Case: *John L. Sarsfield v. County of San Benito, et.al.*, United States District Court for the Northern District of California, San Jose Division, Case No. C 07-2528 JF
- 33) Public Employee Appointment  
Title: County Administrative Officer  
Authority: California Government Code Section 54957
- 34) Public Employee Appointment  
Title: Clerk of the Board  
Authority: California Government Code Section 54957

**AFTERNOON SESSION**

**1:30 P.M.**

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

**PLANNING DEPARTMENT – G. Armstrong:**

- 35) Hold a public hearing to consider the approval of the Santana Ranch Project ("Project") and associated land use approvals, to include adoption of amendments to the San Benito County General Plan text and map (General Plan Amendment No. 10-45), adoption of the Santana Ranch Specific Plan (Specific

Plan No. 003-06), adoption of amendments to the San Benito County Zoning Ordinance text and map (Zone Change Petition No. 10-172), adoption of conforming amendments to the San Benito County Code and consider a proposed development agreement.

**ADJOURN TO TUESDAY, NOVEMBER 2, 2010 AT 9:00 A.M.**

**AGENDA DEADLINE IS MONDAY, OCTOBER 25, 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](http://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.***