



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1

Anthony Botelho
District No. 2

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5

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

REGULAR MEETING JANUARY 11, 2011 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *regular session*. Supervisors Barrios, Botelho, Rivas, Muenzer and De La Cruz were present. Also present was County Administrative Officer Rich Inman, County Counsel Matthew Granger, and Clerk of the Board Denise Thome. Chair Barrios presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor Barrios led the Pledge of Allegiance. A moment of silence was observed in memory of the victims of the Arizona shooting tragedy.
- b) *Upon motion duly made, seconded and carried, acknowledged the Certificate of Posting.*

BOARD RE-ORGANIZATION:

Acting Chairman Botelho welcomed the two new supervisors, Muenzer and Rivas. He then opened nominations for Chair of the Board of Supervisors for 2011.

1) a) **Open nominations and conduct election for Chair of the Board of Supervisors.**

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Rivas, nominated and elected Supervisor Margie Barrios for Chair of the Board of Supervisors for 2011. (Unanimous)*

Chair Barrios thanked prior supervisors and staff for all that was accomplished in her first two years in office. She spoke of said accomplishments. She welcomed the two new supervisors and gave background on her family's arrival in San Benito County. Chair Barrios expounded on the attributes of San Benito County and further spoke of her vision for the county and areas of concern.

b) **Open nominations and conduct election for Vice-Chair of the Board of Supervisors.**

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Rivas, nominated and elected Supervisor De La Cruz as Vice Chairman of the Board of Supervisors for 2011. (Unanimous) File #156*

2) **Receive Committee appointments from the newly elected Chair of the Board of Supervisors.**

Newly elected Chair Barrios announced the committee assignments for 2011 and a list was provided to Board members and the public.

Supervisor De La Cruz recommended discontinuing membership with NACO.

County Counsel Granger suggested bringing the matter back at a future meeting for discussion.

Chair Barrios directed County Administrative Officer Inman to bring the matter back at the January 25, 2011 meeting. *File #156*

3) **Consider appointment of Planning Commissioners for Supervisorial Districts 3, 4 and 5 as follows:**

a) **Confirm appointment of Richard Vasquez as District 3 Planning Commissioner for a coterminous term with that of Supervisor Rivas.**

BOARD ACTION: *Upon motion made by Supervisor Rivas and seconded by Supervisor De La Cruz, nominated and **appointed** Richard Vasquez as District 3 Planning Commissioner for a coterminous term with that of Supervisor Rivas. (Unanimous)*

b) **Confirm appointment of Ray Pierce as District 4 Planning Commissioner for a coterminous term with that of Supervisor Muenzer.**

BOARD ACTION: *Upon motion made by Supervisor Muenzer and seconded by Supervisor Botelho, nominated and **appointed** Ray Pierce as District 4 Planning Commissioner for a coterminous term with that of Supervisor Muenzer. (Unanimous)*

c) **Confirm appointment of Ignacio Velazquez as District 5 Planning Commissioner for a coterminous term with that of Supervisor De La Cruz.**

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Muenzer, nominated and **appointed** Ignacio Velazquez as District 5 Planning Commissioner for a coterminous term with that of Supervisor De La Cruz. (Unanimous) *File #790.2**

4) **Consider appointments to the Historical Heritage Advisory Committee as follows:**

a) **Confirm re-appointment of Janie Lausten and Joseph McMahon representing Supervisorial District 4 for a coterminous term with that of Supervisor Muenzer.**

BOARD ACTION: *Upon motion made by Supervisor Muenzer and seconded by Supervisor De La Cruz, nominated and **re-appointed** Janie Lausten and Joseph McMahon representing District 4 for a coterminous term with that of Supervisor Muenzer. (Unanimous)*

b) **Confirm appointment of Sean Rico Fisher and Vanessa Rebecchi representing Supervisorial District 3 for a coterminous term with that of Supervisor Rivas.**

BOARD ACTION: *Upon motion made by Supervisor Rivas and seconded by Supervisor Botelho, nominated and **appointed** Sean Rico Fisher and Vanessa Rebecchi representing District 3 for a coterminous term with that of Supervisor Rivas. (Unanimous) *File #91**

Continue Meeting:

5) PRESENTATIONS & RECOGNITIONS:

Present proclamation proclaiming January 2011 as National Blood Donor Month in San Benito County and authorize the Chairman to sign said proclamation.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Rivas, **approved** the proclamation of January 2011 as National Blood Donor Month in San Benito County.*

Chair Barrios presented the proclamation to Patsy Hernandez of the American Red Cross.

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.

Candice Hooper, representing the Hollister Ag Boosters along with Hollister FFA Vice president Kelly Mancino and Hollister FFA President Marshall Hoffman appeared before the Board. Ms. Hooper indicated that every year Hollister FFA hosts the Chapter Officer Leadership Conference at San Benito High School each October. She further explained that during the opening parade every county brings their county flag and San Benito County does not have a flag. She stated that Hollister Ag Boosters would like to create a county flag and have one for the Ag Boosters and give one to the county. She asked what they would like on their flag.

Chair Barrios directed the item to be agendaized.

d) Department Head Announcements:

County Administrative Officer Inman reported that the Governor had released his proposed plan for the balanced budget the previous day. He added that CAOs would be having a conference call on Thursday and hoped to have more information for the Board on January 25, 2011.

Public Works Administrator Steve Wittry noted that Union Pacific Railroad would be doing extensive work starting January 19, 2011 from Gilroy to downtown Hollister. He stated that Hudner Lane and Wright Road would be effected approximately the first week of February.

Supervisor De La Cruz asked if they could move the hours of operation for repairs on First Street away from peak traffic hours.

Mr. Wittry stated that it was not in the county's control.

Supervisor De La Cruz asked Mr. Wittry to make a courtesy call to ask them to do so.

Health and Human Services Agency Director Kathy Flores spoke of the governor's proposed budget and noted that many of the cuts were directed at social services programs. Ms. Flores introduced new deputy director, Cindy Singh, who will be overseeing eligibility services.

e) Board Announcements, Introductions and Presentations:

Supervisor De La Cruz stated that he worked for West Coast Rubber Recycling and that every 2 years the State of California Integrated Waste Management offers a grant for up to \$157,000 and is available to school districts, non-profit organizations,

and churches. He added that if anyone was interested they could call his boss at 831-634-2800 and he would help them write up a grant, free of charge. He welcomed new supervisors Rivas and Muenzer and expressed that he looked forward to working with them.

Supervisor Rivas proposed the creation of a Board of Supervisors Budget Committee and requested that the matter be agendaized for January 25, 2011.

Chair Barrios stated that they do have a Finance Committee and perhaps they could discuss making the Finance Committee a Budget Committee.

Supervisor Muenzer thanked the community for their support and expressed that he would like to help the Chair bring about the goals she set for the year.

Chair Barrios spoke of the Pajaro River Watershed Flood Protection Authority's move forward with the elevated plans for the lower levee repairs. She spoke of the governor's budget with plans to cut 12.5 billion, including 8 – 10% cuts in take home pay for most of the state. Chair Barrios further spoke of some of the proposed cuts.

CONSENT AGENDA:

*Upon motion made by Supervisor De La Cruz and seconded by Supervisor Rivas, **approved** Consent Agenda items with the exception of Items 7, 8, and 17 which were pulled for discussion. (Unanimous)*

BOARD OF SUPERVISORS:

6) **Approved** Certificates of Recognition for Chamber of Commerce Man and Woman of the Year and Businesses of the Year for 2011, to be presented at a later date.

7) **Approve the action minutes of the December 7, 2010 regular meeting.**
Item was pulled for discussion.

*Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, **approved** the action minutes of the December 7, 2010 regular meeting. Supervisors Muenzer and Rivas abstained. File #156*

8) **Approve Cal Fire's proposal to purchase two County SUV vehicles.**
The item was pulled for discussion.

*Upon motion made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** Cal Fire's proposal to purchase two County SUV vehicles. File #60*

HEALTH & HUMAN SERVICES:

9) **Appointed** Gregory Rivera to the Community Action Board to represent District #5 Representative of the Board of Supervisors for a three-year term effective January 11, 2011 to January 11, 2014. (CSWD) **File #939**

10) **Appointed** Robert Rivas to the Community Action Board to represent District #3 representing himself as a member of the San Benito County Board of Supervisors for a three-year term effective January 11, 2011 to January 11, 2014. (CSWD) **File #939**

11) **Appointed** Anthony Evans to the Workforce Investment Board for a three-year term effective January 4, 2011 through January 3, 2014. (CSWD) **File #939**

- 12) **Appointed** Gary L. McIntire as a public sector representative for the Workforce Investment Board for a three-year term effective January 4, 2011 through January 3, 2014. (CSWD) *File #939*
- 13) **Approved** the deletion of a 1.0 FTE Employment Training Services Counselor II; and approve the addition of a 1.0 FTE Vocational Assistant to the CSWD Schedule of Authorized Positions. *File #130*

PUBLIC WORKS DEPARTMENT:

- 14) **Approved** Membership Agreement with National Joint Powers Alliance for Cooperative Purchasing, at no cost to the County. *File #105.3*
- 15) **Approved** Budget Adjustment from General Fund Contingency to CSA Nos. 22, 42, 47, 49 and 50 in the total amount of \$126,345.49. (Unanimous) (4/5 vote) **CSA**
File
- 16) **Adopted Ordinance No. 867** 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 from its intersection with Lone Tree Road and continue on Magladry Road in northerly direction to the end of County Maintained Road at mile post 0.415.
File #105

SHERIFF'S DEPARTMENT:

- 17) **Approve Amendment #4 to the Aramark contract originally entered into on December 5, 2006 authorizing the annual CPI increase of 1.06 percent.**
The item was pulled for discussion.
Upon motion made by Chair Barrios and seconded by Supervisor De La Cruz approved amendment #4 to the Aramark contract originally entered into on December 5, 2006 authorizing the annual CPI increase of 1.06 percent. File #120.5

REGULAR AGENDA:

ADMINISTRATION:

- 18) **Receive presentation report and overview of the Communications Center Feasibility Study by Scotty Douglas from Santa Cruz Regional 911 Agency; direct staff as appropriate.**
Scotty Douglas, general manager of Santa Cruz Regional 911 Agency, made a PowerPoint presentation on the Communication Center Feasibility Study.
Mr. Douglas answered questions from the Board of Supervisors after the presentation.
Marty Richman spoke under the public comment section.
County Administrative Officer Rich Inman indicated that no direction was needed and that Mr. Douglas would present the study to his board in February.

The Board adjourned into Closed Session at 10:48 a.m. and reconvened into regular Session at 11:09 a.m.

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.)

- 19) **Conference with Labor Negotiators**
Authority: California Government Code Section 54957.6
Employee Organizations: Unrepresented Employees
No reportable action. File #630

The Board adjourned at 11:11 a.m. for lunch and reconvened at 1:30 p.m.

AFTERNOON SESSION
1:30 P.M.

PLANNING DEPARTMENT:

- 20) **Receive progress report on the Appeal of Planning Commission Denial of M-District Review 91-10 for a flea market located at 1771 San Felipe Road, Hollister; and provide direction to staff.** (Continued from the meeting of 12/7/10).

Chair Barrios explained the procedure for the public hearing that day. She allowed the appellant to speak first.

Matthew Kelly, representing the Rodriguez family, expressed surprise that the public hearing would be re-opened. He stated that it was his understanding that they would have time to iron things out and that Chair Barrios was to meet with the FAA and would ask for a continuance to a future date.

Chair Barrios replied that it had not been possible as of yet to meet with the FAA and Cal Trans.

County Counsel Granger advised that the public hearing was closed but that public comment was possible.

Chair Barrios stated that she would like to hear the public.

The following members of the public addressed the Board: Mike Chambless, Hollister Airport Director; Minh Venator, CEO of Minh Jet; Deane Judd, pilot; Margaret Watt, pilot and flight instructor; Jim Conklin, executive director of San Benito County Business Council; Jesus Rodriguez, employee of Mr. Rodriguez/appellant; Ruth Erickson, Hollister resident; Doug Emerson, City Councilman; Ken Lindsay, Nancy Martin, EDC; Gordon Machado, Hollister resident; Bill Lee, business owner; and Richard Bettencourt, past planning commissioner.

There being no further public comment, Chair Barrios closed the public comment period.

Supervisor De La Cruz suggested extending the matter for another month or so to allow time for discussions with different parties. He asked if Mr. Rodriguez would be in agreement with that.

Robert Rodriguez, appellant, replied affirmatively.

Chair Barrios suggested extending it to the February 22, 2011 meeting.

County Counsel Matt Granger reminded that the evidential portion was closed and that supervisors should be careful not to take on any additional information to influence their decision.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Rivas, moved to **continue** the matter to February 22, 2011 at 1:30 p.m. (Unanimous)*

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:	Barrios, De La Cruz, Botelho, Rivas, Muenzer
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	None

There being no further business the Board adjourned to January 25, 2011 at 9:00 a.m.

MARGIE BARRIOS, CHAIR
San Benito County Board of Supervisors

ATTEST:
Denise R. Thome, Clerk of the Board