



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1
Chair

Anthony Botelho
District No. 2

Robert Rivas
District No. 3

Jerry Muenzer
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 APRIL 26, 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 were County Administrative Officer Rich Inman, County Counsel Matt Granger, and Clerk of the Board Denise Thome. Chair Barrios presided

9:00 a.m. CALL TO ORDER:

- a) Supervisor De La Cruz led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **PRESENTATIONS & RECOGNITIONS:**

ADMINISTRATION – R. Inman:

Gene Herndon of Trindel Insurance presented the Trindel Safety Award to Karen Rogers, Probation Department and recognized nominees Larry Gourley, Auditor; Lupe Eclarin, Public Health; Ron Terry, Ag. Commission Beth Kafer, Communications and Melisa Leonardo, Juvenile Hall who have demonstrated an outstanding effort toward a safe and healthy workplace for the County of San Benito employees. *File #119*

BOARD OF SUPERVISORS:

There being no one to accept the proclamation, Chair Barrios read the proclamation to the Visiting Nurse Association (VNA) & Hospice proclaiming 2011 as VNA Year in San Benito County and for their 60 years of service and explained that it would be presented in May. *File #430*

BOARD OF SUPERVISORS:

Adopted Resolution No. 2011-31 in support of the YMCA Healthy Youth Partnership to be presented at a later date. *File #156*

BOARD OF SUPERVISORS:

Approved the proclamation declaring the Month of May 2011 as Fire Safety Month. A presentation was made by the San Benito Fire Safe Council in regards to creating defensible space clearance. *File #156*

WATER RESOURCES ASSOCIATION OF SAN BENITO COUNTY:

Shawn Novack representing the Water Resources Association of San Benito County made a presentation on ways to be conscious of and to preserve water usage.

Approved the proclamation of May as "Water Awareness Month" and **authorized** the Chair to sign. *File #430*

- d) **Public Comment:** Brad Sullivan of Solargen introduced Norman Villarina and John Pimentel of Industry Capital and PV2 Energy. They explained that they were a private equity firm based in San Francisco and would be taking an equity position with Solargen.
- e) **Department Head Announcements:**
Brent Cardall, Probation Director, showed a video that California State Association of Counties (CSAC) made that highlighted San Benito County Probation Departments program.
Marty Richman, Hollister resident, congratulated Mr. Cardall on the recognition.
Janelle Cox, Management Analyst, spoke of the Parks and Recreation hosted public outreach workshops to be held on May 3rd and 7th to provide public outreach as to what types of parks and recreation the public wants.
- f) **Board Announcements, Introductions and Presentations:** Information only.
Clerk-Auditor-Recorder Joe Paul Gonzalez introduced the new Assistant Clerk-Recorder, Angela Curro.
Supervisor De La Cruz reported that he attended the Council of Governments (COG) meeting the previous week.
Supervisor Botelho indicated that Supervisor De La Cruz had summarized the COG meeting.
Supervisor Muenzer reported that he had finished new supervisor training at CSAC. He further spoke of the workshop held on the Resource Recovery Park.
Chair Barrios thanked staff for making themselves available at the Resource Recovery Park workshop.

CONSENT AGENDA:

Upon motion duly made by Supervisor Botelho and seconded by Supervisor Muenzer, approved Consent Agenda items with the exception of items 3, 5, 7 and 9 which were pulled for discussion. (Unanimous)

AGRICULTURAL COMMISSIONER – R. Ross:

- 1) **Re-appointed** members Robert Frusetta, Ed Strohn and Jim Hawkins to the Taylor Act Grazing Advisory Board for a three-year term effective July 1, 2011 through June 30, 2014. *File #1.1*

AGRICULTURAL COMMISSIONER – R. Ross:

- 2) **Approved** contract with the Department of Food & Agriculture to provide Asian Citrus Psyllid detection services for the period of October 1, 2010 through September 30, 2011, for a total of \$24,101. *File #1.1*

AGRICULTURAL COMMISSIONER – R. Ross:

- 3) **Approve contract with the US Department of Agriculture for Wildlife Services for the period of July 1, 2011 through June 30, 2012, for an amount not to exceed \$73,285 and authorize the Agricultural Commissioner to sign said contract.**

Item pulled for discussion.

Richard Bettencourt, Hollister resident, spoke about the possibility of using Habitat Conservation Ordinance funds.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** contract with the US Department of Agriculture for Wildlife Services for the period of July 1, 2011 through June 30, 2012, for an amount not to exceed \$73,285 and **authorized** the Agricultural Commissioner to sign said contract. (Unanimous) File #1.1*

BEHAVIORAL HEALTH – A. Yamamoto:

- 4) **Approved** request for the Behavioral Health Department's Substance Abuse Program Manager and one (1) Substance Abuse counselor to attend the National Technical Assistance Grants to Reduce Alcohol Abuse Conference scheduled for June 1-2, 2011 in Denver, Colorado; **authorized** the San Benito County Administrative Officer to approve and sign travel/meeting expense form. *File #810*

BEHAVIORAL HEALTH – A. Yamamoto:

- 5) **Receive 2009-10-11 Annual Behavioral Health Board Report on County Mental Health Services, for information only.**

Item pulled for discussion.

Received 2009-10-11 Annual Behavioral Health Board Report on County Mental Health Services, for information only. File #810

BEHAVIORAL HEALTH – A. Yamamoto:

- 6) **Adopted Resolution No. 2011-32** recognizing the month of May 2011 as Mental Health Month in San Benito County. *File #810*

CLERK OF THE BOARD – D. Thome:

- 7) **Approve the action minutes of the March 22, 2011, April 5, 2011, April 12, 2011 regular meetings and April 5, 2011 Special Joint Meeting.**

Item pulled for discussion.

Chair Barrios stated that CAO Inman led the Pledge of Allegiance at the April 5, 2011 special meeting and asked that the minutes be changed to reflect that.

BOARD ACTION: *Upon motion made by Chair Barrios and seconded by Supervisor De La Cruz, **approved** the action minutes of the March 22, 2011, April 5, 2011, April 12, 2011 regular meetings and April 5, 2011 Special Joint Meeting with the correction being made to the April 5, 2011 Special Joint Meeting minutes. (Unanimous)*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 8) **Found** that competitive bidding would not be in the public interest because utilizing San Benito County Ordinance No. 863, local vendor, Tiffany Ford, can provide an equivalent vehicle at a price lower than the price the state received

with through its competitive bid process; **approved** purchase of Ford Fusion from Tiffany Motors for the base price of \$15,772.24, plus applicable taxes; and **authorized** Health & Human Services Agency Director to sign purchase contract.
File #130

INTERNAL SERVICES – M. Riopel:

- 9) **Approve contract amendment with the California Department of Forestry and Fire Protection for the period of July 1, 2009 through June 30, 2012 with specifics for year two FY 2010-2011 “Schedule A” services; and adopt Resolution to reflect an amount not to exceed \$964,421 in “Schedule A” services for Fiscal Year 2010-2011.**

Item pulled for discussion.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios **approved** contract amendment with the California Department of Forestry and Fire Protection for the period of July 1, 2009 through June 30, 2012 with specifics for year two FY 2010-2011 “Schedule A” services; and **adopted Resolution No. 2011-33** to reflect an amount not to exceed \$964,421 in “Schedule A” services for Fiscal Year 2010-2011. (Unanimous) File #60*

PLANNING DEPARTMENT – G. Armstrong:

- 10) **Approved** First Amendment to reimbursement agreement with Santana Ranch Owners Group for the Santana Ranch Development project, reducing the deposit amount from \$100,000 to \$50,000. *File #790*

PROBATION DEPARTMENT – B. Cardall:

- 11) **Authorized** the Chief Probation Officer to submit an application for the FY 2011-2012 Youthful Offender Block Grant (YOBG) funding for the Juvenile Justice Development Plan in the amount of \$117,000. *File # 510*

PROBATION DEPARTMENT – B. Cardall:

- 12) **Authorized** the Chief Probation Officer to submit the Juvenile Justice Crime Prevention Act's (JJCPA) application for FY 2011-2012 to California Standard's Authority (CSA) in the amount of \$134,747. *File #510*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 13) **Declared** equipment listed on attachment to be surplus and direct staff to remove surplus from Inventory per County practice. *File #105.3*

REGULAR AGENDA:

BOARD OF SUPERVISORS:

- 14) **Approved and authorized letter of support for the San Benito County Fairgrounds 33rd Agricultural District in regards to possible loss of funding by the State of California.**

Kelly Ferreira of the 33rd District Agricultural Association, explained the possibility of the State pulling their funding and the subsequent closure of Bolado Park.

Supervisor Rivas suggested changing the third paragraph to add “local businesses” to those being affected.

Phil Barrett, owner of Flapjack's Restaurant in Tres Pinos, expressed his concern as a business owner but the overall effect on the county. He felt they couldn't stop with just a letter but needed the supervisors to talk to people in Sacramento for support.

Marty Richman, Hollister resident, asked how much money Bolado Park received from the State.

Mr. Ferreira stated that it was \$200,000 a year.

BOARD ACTION: Upon motion made by Supervisor Muenzer and seconded by Supervisor De La Cruz, **approved** and **authorized** letter of support for the San Benito County Fairgrounds 33rd Agricultural District in regards to possible loss of funding by the State of California, as amended. (Unanimous) File #156

The Board convened at 10:32 a.m. for a short break and reconvened at 10:41 a.m.

PUBLIC WORKS DEPARTMENT – S. Wittry:

15) **Accept the Park Per Capita Grant Summary Report.**

Capital Projects Manager Adam Goldstone, gave a PowerPoint presentation.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Muenzer, **accepted** the Park Per Capita Grant summary report. (Unanimous) File #105.3

ADMINISTRATION – R. Inman:

16) **Approve comments to the Supplemental EIR for Highway 156 improvements for submittal to Caltrans and authorize the Chair to sign.**

County Administrative Officer Rich Inman spoke of the 3 areas of concern that were addressed in the letter which were; preservation of prime agricultural land, hydrology and noise.

Chair Barrios stated that there was a correction under *Preservation of Prime Agricultural Land*, the second paragraph should be southernmost and not southern furthest. She further felt that the third paragraph should be together for more clarity. She posed a question on the noise paragraph.

Steve Wittry, Public Works Director, answered the question.

Chair Barrios felt it made sense then.

Marty Richman, Hollister resident, spoke of the history of what happened with the Highway 25 Bypass and felt the same thing would happen with this.

Chair Barrios directed that the discussion regarding funding be agendized for the end of May.

BOARD ACTION: Upon motion made by Supervisor Rivas and seconded by Supervisor Botelho, **approved** the comments, as amended and corrected, to the Supplemental EIR for Highway 156 improvements for submittal to Caltrans and authorize the Chair to sign. (Unanimous) File #156

The Board adjourned into closed session at 11:15 a.m. and reconvened into regular session at 12:15 p.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.)

- 17) Conference with Legal Counsel-Anticipated Litigation.
Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9:
Number of Cases: (2)
Closed session is authorized by Section 54956.9 (b)(3)(A).
No reportable action was taken. File #235.6

The Board adjourned for lunch at 12:17 p.m. and reconvened into regular session at 1:30 p.m. Supervisor Muenzer was absent when the Board reconvened at 1:30 p.m.

AFTERNOON SESSION 1:30 P.M.

PLANNING DEPARTMENT – G. Armstrong:

- 18) **Review proposed ordinance adding new Chapter 19.39, Noise Control Regulations, to Title 19 of the San Benito County Code; accept introduction of the ordinance; waive further reading of the ordinance and continue to May 3, 2011 for adoption of said ordinance.** (Continued from April 12, 2011 meeting)

Planning Director Gary Armstrong gave a brief staff report noting the revisions per the Board's direction.

Chair Barrios referred to page eight and pointed out typographical errors.

Supervisor Muenzer was present at 1:36 p.m.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, **reviewed** proposed ordinance adding new Chapter 19.39, Noise Control Regulations, to Title 19 of the San Benito County Code; **accepted** introduction of the ordinance with typographical corrections; **waived** further reading of the ordinance and **continued** to May 3, 2011 for adoption of said ordinance. File #790*

PLANNING DEPARTMENT – G. Armstrong:

- 19) **Receive Planning Commission recommendations for the General Plan Update Preferred Alternative Selection stage, including the Draft 2035 Vision and Guiding Principles, village concept, clustered-residential ordinance, transferable development credits, and the draft Preferred Policy Alternative diagram and provide direction to staff.**

Planning Director Gary Armstrong gave a staff report.

Members of the public speaking on the matter were: John Wilbanks, principal of RRM Design Group; Scott Fuller, General Manager at San Juan Oaks; Ray Pierce, San Benito County Planning Commissioner; Graeme Robertson, representing the Bingham Family/Rocks Ranch; Brad Sullivan, Hollister resident; Paul Rovella of Lombardo & Gilles; Jim West of Graniterock; Marty Richman, Hollister resident; Richard Bettencourt, Hollister resident; and Tom Tobias, Tres Pinos resident.

Larry Mintier and Dan Amsden, planning consultants of Mintier Harnish gave a PowerPoint presentation.

Discussion ensued between Board members, staff and consultants.

The Board adjourned for a break at 3:00 p.m. and reconvened at 3:08 p.m.

Further discussion ensued and direction was given to staff. *File #790*

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 at 3:22 p.m. to May 3, 2011 at 9:00 a.m.

MARGIE BARRIOS, CHAIR
San Benito County Board of Supervisors

ATTEST:
Denise R. Thome, Clerk of the Board