



# 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 JULY 12, 2011 ACTION MINUTES

### 9:00 a.m. CALL TO ORDER:

- a) Supervisor Botelho led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

### c) **PRESENTATIONS & RECOGNITIONS:**

#### **BOARD OF SUPERVISORS:**

Supervisor Botelho presented a Certificate of Recognition to Bill Coates who is retiring after 35 Years of Service as San Benito County Farm Advisor. *File #3*

#### **BOARD OF SUPERVISORS:**

Chair Barrios presented the proclamation which proclaimed July as Parks and Recreation Month in San Benito County to Don Kelley of the Parks and Recreation Commission. *File #93*

- d) **Public Comment:** SEIU Organizer Erik Larsen spoke on behalf of the Long Term Care Workers and in support of the critical service that they provide. He expressed frustration with the difficulty in obtaining budget information.
- e) **Department Head Announcements:** Community Services and Workforce Development Deputy Director Enrique Arreola reported that they had received a national emergency grant from the Department of Labor in the amount of \$448,000 to provide training opportunities to dislocated workers.

- f) **Board Announcements, Introductions and Presentations:** Supervisor Botelho reported that the long term future of the Association of Monterey Bay Area Governments (AMBAG) and the possibility of a structure change were discussed at the Council of Governments (COG) meeting.

Chair Barrios reported that the Inter-Governmental Committee had discussed the curfew ordinance and was going to develop a summary for law enforcement to present to other government agencies. She stated that she would like to agendize the Clear Creek issue. She stated that the Regional Council of Rural Counties (RCRC) was moving forward with the mountain lion issue. She added that RCRC was taking the lead on the Megabyte program and

looking at other options. Chair Barrios gave a quick overview of AB 109 and noted that timelines were critical.

## **CONSENT AGENDA:**

*Upon motion made by Supervisor Botelho and seconded by Supervisor Muenzer, approved Consent Agenda Items 1 through 18, with the exception of Items 1, 9, 12 and 18, which were pulled for discussion. (Unanimous)*

### **ADMINISTRATION – R. Inman:**

- 1) **Review and approve the Master Agreement for Tax Transfer upon Annexation between the county of San Benito and the City of Hollister.**

Item pulled for discussion.

**BOARD ACTION:** *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Rivas, reviewed and approved the Master Agreement for Tax Transfer upon Annexation between the County of San Benito and the City of Hollister. (Unanimous) File #675*

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

- 2) **Approved** contract with Department of Food & Agriculture to provide European Grapevine Moth Trapping Services for the period of February 1, 2011 through June 30, 2011. *File #1.1*

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

- 3) **Approved** contract with Department of Food & Agriculture to provide European Grapevine Moth Trapping Services for the period of July 1, 2011 through December 31, 2011 for a total of \$17,242. *File #1.1*

### **ASSESSOR'S OFFICE – T. Slavich:**

- 4) **Adopted Ordinance No. 877, authorizing** the Assessor to cancel low value supplemental assessments, and prohibiting low value escape assessments of any appraisal unit. *File #7*

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

- 5) **Approved** contract renewal with Planned Parenthood for HIV/Aids Testing, Pre and Post Counseling for the FY 2011-12, for an amount not to exceed \$13,500. *File #810*

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

- 6) **Approved** contract renewal with K & R Manor and Salvador Lodge for Board and Care Facilities for FY 2011-12, for a total annual maximum amount not to exceed \$15,000. *File #810*

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

- 7) **Approved** contract renewal with John Muir Behavioral Health Center for psychiatric hospital care for the FY 2011-12, for a maximum total not to exceed \$70,000. *File #810*

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

- 8) **Approved** contract renewal with *Connecting Principles* to facilitate educational groups for the FY 2011-12, for a maximum total amount of \$25,000. *File #810*

**BEHAVIORAL HEALTH DEPARTMENT- A. Yamamoto:**

- 9) **Approve** contract renewal with the Hollister Youth Alliance for prevention and early intervention services for the FY 2011-12, for a maximum amount not to exceed \$192,610, total inclusive of \$31,000 prior year rollover.

Item pulled for discussion.

**BOARD ACTION:** Upon motion duly made by Supervisor Botelho and seconded by Supervisor Muenzer, **approved** contract renewal with the Hollister Youth Alliance for prevention and early intervention services for the FY 2011-12, for a maximum amount not to exceed \$192,610, total inclusive of \$31,000 prior year rollover. (Unanimous) *File #810*

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

- 10) **Authorized** the County Behavioral Health Director to sign and submit to the State ADP the Annual Renewal of Drug Court Multi-Agency Plan and Notice of Grant Award for the period of January 1, 2012 through December 31, 2012 in the amount of \$17,518. *File #810*

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

- 11) **Adopt Resolution No. 2011-58** authorizing the County Behavioral Health Director to sign and submit the San Benito County Drug Medi-Cal Certification application to the State Department of Alcohol and Drug Programs. *File #810*

**CLERK OF THE BOARD – D. Thome:**

- 12) **Approve** the action minutes of the Board of Supervisors regular meetings on May 24, 2011 and June 7, 2011 and special meeting on June 28, 2011.

Item pulled for discussion.

**BOARD ACTION:** Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **approved** the action minutes of the Board of Supervisors regular meetings on May 24, 2011(as corrected) and June 7, 2011 and special meeting on June 28, 2011. (Unanimous)

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

- 13) **Adopted Resolution No. 2011-59** accepting the certified Statement of Election Results for the June 7, 2011 Special Election. *File #285*

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

- 14) **Re-appointed** Ms. Soila Rojas to the Workforce Investment Board to represent the private sector, for a three year term effective July 31, 2011 through July 31, 2014. *File #939*

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

- 15) **Appointed** Ms. Elvia Gonzalez-Lozano to the Youth Employment Program (YEP) Council for a three year term effective July 12, 2011 through July 12, 2014. *File #939*

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

- 16) **Appointed** Mr. Julian Toro Solis to the Youth Employment Program (YEP) Council for a three year term effective July 12, 2011 through July 12, 2014.  
File #939

**SHERIFF'S DEPARTMENT – D. Thompson:**

- 17) **Approved** Memorandum of Agreement with the City of Hollister agreeing that the \$16,605 allocation of JAG award funds be distributed to the City of Hollister.  
File #110

**SHERIFF'S DEPARTMENT – D. Thompson:**

- 18) **Approve contract with the County of Monterey for use of the Monterey County Coroner's facilities for autopsies/external examinations.**  
Item pulled for discussion.  
**BOARD ACTION:** Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **approved** contract with the County of Monterey for use of the Monterey County Coroner's facilities for autopsies/external examinations.  
(Unanimous) File #110

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

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

- 19) **Held a public hearing on proposed fee for County Service Area Nos. 16 (Holiday Estates), 21 (Long Acres), 22 (Cielo Vista), 23 (Rancho San Joaquin), 24 (Santa Ana Acres), 28 Heatherwood/Foxhill), 31 (Stonegate), 34 (Ausaymas Estates), 35 (Union Heights), 42 (Lemmon Acres), 46 (Quail Hollow), 47 (Oak Creek), 48 (Dry Creek), 50 (Dunneville), 51 (Comstock), 53 (Riverview), and continue Public Hearing with respect to CSA No. 54 (Pacheco Creek Estates) to July 26, 2011 at 9:00 a.m. or soon thereafter; adopt Resolution imposing a property-related fee for County Service Areas Nos. 16, 21, 22, 23, 24, 28, 31, 34, 35, 42 46, 47, 48, 50, 51 and 53, confirming the Fee Report, fee Schedule and Fee, providing for the levy of the Fiscal Year 2011/12 Property-Related Fees, and making certain related findings.**

Lynette Redman gave a staff report noting that they wanted to continue the hearing for C.S.A. 54 to July 26, 2011.

County Counsel Granger advised that they could take action on all other C.S.A.s.

Assistant County Counsel Barbara Thompson stated that she could revise the resolution by taking out C.S.A. 54 and bring back C.S.A. 54 at the July 26, 2011 meeting. She noted that the reference in the fee report would definitely have to be changed.

Chair Barrios opened the public hearing.

Hollister resident Marty Richman asked what staff was using for a smoothing proposition.

Ms. Redman replied that there was an annual maximum fee that could be imposed. She further explained the process.

Hollister resident Joe Escamilla expressed his concerns in regards to Riverview Estates, C.S.A. 53 and the lack of a walkway.

Public Works Director Steve Wittry stated that was not part of the C.S.A. but to leave his name with Ms. Redman as they could certainly talk about it.

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

Chair Barrios stated that since they were revising the resolution could they please take out the second "that" in the second sentence on page two.

**BOARD ACTION:** Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, **adopted Resolution No. 2011-60**, as amended by deleting C.S.A. 54 and removing the additional "that", **imposing** a property-related fee for County Service Area Nos. 16 (Holiday Estates), 21 (Long Acres), 22 (Cielo Vista), 23 (Rancho San Joaquin), 24 (Santa Ana Acres), 28 (Heatherwood/Foxhill), 31 (Stonegate), 34 (Ausaymas Estates), 35 (Union Heights), 42 (Lemmon Acres), 46 (Quail Hollow), 47 (Oak Creek), 48 (Dry Creek), 50 (Dunneville), 51 (Comstock), 53 (Riverview), **confirmed** the Fee Report, as amended by deleting C.S.A. 54, fee Schedule and Fee, providing for the levy of the Fiscal Year 2011/12 Property-Related Fees, and **made** certain related findings and **continued** Public Hearing with respect to CSA No. 54 (Pacheco Creek Estates) to July 26, 2011 at 9:00 a.m. or soon thereafter. (Unanimous) C.S.A. File

#### **PLANNING DEPARTMENT – G. Armstrong:**

- 20) **Held a public hearing; make all findings contained in Exhibits "A" and "B" of the attached proposed ordinance; and adopt Ordinance, establishing a permanent ban on the establishment, development, construction, maintenance, or operation of a marijuana dispensary by the addition of Article VI of Chapter 25.29, and amending Article V of Chapter 25.29 and §25.51.006 of Chapter 25.51 of the Benito County Code.**

Planning Director Gary Armstrong gave a staff report.

Chair Barrios opened the public hearing.

Hollister resident and disabled naval veteran Mike Scalmanini spoke in opposition of the proposed ordinance and of the need for a local dispensary.

Attorney James Roberts representing Cannabis Patient Alliance and Purple Cross, spoke in opposition of the proposed ordinance and further spoke of the need in the local community.

Hollister resident Marty Richman thanked Mr. Scalmanini for his service and indicated that he did not have an issue with anything he said. He stated that the problem was that there is a federal law that they needed to comply with.

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

**BOARD ACTION:** Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios, **made** all findings contained in Exhibits "A" and "B" of the attached proposed ordinance; and **adopted Ordinance No. 878, establishing** a permanent ban on the establishment, development, construction, maintenance, or operation of a marijuana dispensary by the addition of Article VI of Chapter 25.29, and **amending** Article V of Chapter 25.29 and §25.51.006 of Chapter 25.51 of the Benito County Code. (Unanimous) File #790

#### **PLANNING DEPARTMENT – G. Armstrong:**

- 21) **Hold a public hearing to review the project record and Planning Commission Resolution #2011-04; review and consider the proposed zone change; adopt ordinance approving Zone change No. 08-162, based on the**

**findings and conditions of approval reflected in Exhibit “B” of the proposed Ordinance.**

Planning Director Gary Armstrong gave a staff report and noted that there was an error on page one of the staff report. He indicated that the report said Cypress Court and it should be Los Altos Drive.

Chair Barrios opened the public hearing.

There being no public comment, Chair Barrios closed the public hearing.

**BOARD ACTION:** *Upon motion duly made by Supervisor Rivas and seconded by Supervisor De La Cruz, **adopted Ordinance No. 879** approving Zone change No. 08-162, based on the findings and conditions of approval reflected in Exhibit “B” of the proposed Ordinance. (Unanimous) File #790*

**PLANNING DEPARTMENT – G. Armstrong:**

- 22) **Hold a public hearing to consider, in accordance with State government Code §65400, the 2010 Annual Progress Report regarding the General Plan’s 2007-2014 Housing Element; 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).**

Assistant Planning Director Byron Turner gave a staff report using a PowerPoint presentation.

Chair Barrios opened the public hearing.

Hollister resident Marty Richman spoke on the matter.

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

**BOARD ACTION:** *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Rivas, **directed** staff to submit the General Plan Housing Element 2010 progress report to the State Department of Housing and Community Development (HCD) and the Governor’s Office of Planning and Research (OPR). (Unanimous) File #790*

The Board adjourned for a short break at 10:30 a.m. and reconvened into regular session at 10:41 a.m.

**REGULAR AGENDA:**

**BOARD OF SUPERVISORS:**

- 23) **Adopt Resolution requesting that the California Department of Transportation incorporate new design concepts into the proposed Highway 156 improvement project.**

Assistant County Counsel Barbara Thompson gave a staff report and noted the spelling correction of “incorporation” on page 1.

**BOARD ACTION:** *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Muenzer, **adopted Resolution No. 2011-61**, as amended, requesting that the California Department of Transportation incorporate new design concepts into the proposed Highway 156 Improvement Project. (Unanimous) File #156*

**BOARD OF SUPERVISORS:**

24) **Discussion and direction to staff concerning the submittal of comments regarding the U.S. Fish and Wildlife Service California Foothills Legacy Area proposal.**

Chair Barrios noted that the U.S. Fish & Wildlife would be at the August 2, 2011 Board meeting to make a presentation.

Planning Director Gary Armstrong reported that the deadline for written comments was Friday, July 15, 2011. He continued by giving an overview of the proposal.

Farm Bureau representative Mindy Sotelo stated that their directors took a position of opposition on the proposal, noting that the area encompasses remote rural areas that are well cared for and too remote for urban threat. She further spoke of the impact on property taxes.

Landowner John Eade displayed maps depicting the proposed areas and felt that it was a scary program. He reminded that the comments needed to be in by July 15, 2011.

Hollister resident Marvin Jones was concerned with comments made at the meeting at the Veterans Memorial Building the previous month and did not believe this plan had been in the works for only five months. He noted that it impacted mineral rights and that the Federal Government wanted to control the land.

Hollister resident Marty Richman noted that the difference between this proposal and the Williamson Act is the ability to get out of the Williamson Act. He felt that if the Federal Government wanted it so bad, they should buy it.

Hollister resident Paul Rovella felt the proposal impacted the Board's job in three ways; Impeding of police power, reduced the land values of participating and non-participating and it was superfluous.

Lengthy discussion ensued between the Board and staff.

Supervisor De La Cruz expressed that he would like to oppose the proposal outright.

*Chair Barrios appointed an ad hoc committee composed of herself and Supervisor Muenzer to compose a letter requesting an extension of the comment period and expressing the Board's concerns.*

**BOARD ACTION:** *Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Rivas, **authorized** the Chair to sign letter to be composed by the ad hoc committee regarding the U.S. Fish and Wildlife Service California Foothills Legacy Area proposal. (Unanimous) File #156*

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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 11:28 a.m. to July 19, 2011 at 9:30 a.m.

**MARGIE BARRIOS, CHAIR**  
San Benito County Board of Supervisors

**ATTEST:**  
Denise R. Thome, Clerk of the Board