



# 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 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 Assistant Clerk of the Board Janet Slibsager. Chair Barrios presided.

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

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

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

- **Present Certificate of Recognition to Robert Scattini for over 30 Years of Dedicated Service to the County of San Benito.**  
Supervisor Botelho presented Certificate of Recognition to Robert Scattini for over 30 years of service with San Benito County.  
Mr. Scattini thanked the Board of Supervisors.

**Public Comment:** There was no one from the public wishing to comment.

**Department Head Announcements:** Administrative Services Manager Nadine DaRoza announced that the Department of Health & Human Services had applied for a grant with the Office of Traffic Safety for the purpose of funding a part-time Health Educator, she said that she was happy to announce that they were awarded the grant and they would be coming back to the board at a future date with the contract.

**Board Announcements, Introductions and Presentations:** Supervisor De La Cruz announced that he attended COG meeting.

Supervisor Muenzer mentioned that he attended the Jazz under the Stars which was a fundraiser for the Homeless Shelter. He said it was a great evening and well presented.

Supervisor Botelho mentioned that he attended the COG meeting and Caltrans presented a status report on the proposed alternatives regarding Hwy 156 project.

Supervisor Botelho mentioned that he attended a function sponsored by the Chamber of Commerce in San Juan Bautista and also attended a Vision San Benito listening session regarding the labor camp at Southside Road. He said it was very informative and he was very impressed as to how well the camp was kept.

Chair Barrios announced that she was also going to be attending a Community Vision meeting.

Chair Barrios announced that Item #18 the abatement hearing would be in the afternoon session at 1:30 p.m.

Chair Barrios said that she received a response from Caltrans on the draft supplemental environmental impact report in regards to the 156 improvement project. She said that Caltrans also sent information in regards to the Pinnacles wanting to reduce the speed limit on Hwy 25 to the entrance of the Pinnacles at Hwy 146.

#### **CONSENT AGENDA:**

*Upon motion made by Supervisor Botelho and seconded by Supervisor Muenzer, **approved** Consent Agenda items with the exception of items 5, 7, 9, 10, 11 and 13, which were pulled for discussion. (Unanimous)*

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

- 1) **Approved** contract with the Department of Food and Agriculture for Nursery Inspection Program for the period of July 1, 2011 through June 30, 2012 for a total amount of \$1,318. *File #1.1*

#### **ASSESSOR – T. Slavich:**

- 2) **Adopted Resolution No. 2011-62** and **Resolution No. 2011-63** approving a compatible use request on an agricultural preserve (Contract Number 68-74, Forge Family LTD Partnership; adopt resolution approving the division of one agricultural preserved (Contract Number 72-22, Kelley Family Trust). *File #7*

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

- 3) **Approved** Out of State Travel to National Harbor, Maryland for two (2) Behavioral Health Staff to attend the “Making the Connection” Grants to Reduce Alcohol Abuse Conference from August 8-10, 2011. *File #810*

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

- 4) **Approved** contract renewal with Merced County for Psychiatric Health Facility and Outpatient Clinic Services for the FY 2011-12 for a maximum annual amount of \$75,000. *File #810*

#### **CLERK OF THE BOARD – D. Thome:**

- 5) **Approve the action minutes of the regular meetings on June 21, 2011 and July 12, 2011.**  
*Item pulled for correction of vote on page 10, Item #27 of the June 21, 2011 meeting, to read De La Cruz and Rivas no.*

**BOARD ACTION:** Upon motion made by Chair Barrios and seconded by Supervisor De La Cruz, **approved** correction of minutes. (Unanimous)

**EMERGENCY MEDICAL SERVICES AGENCY – K. Flores:**

- 6) **Approved** contract Amendment for San Benito County Paramedic Base Station Services to be provided by San Benito Health Care District (Hazel Hawkins Hospital). *File #1068*

**EMERGENCY MEDICAL SERVICES AGENCY – K. Flores:**

- 7) **Approve the Memorandum of Understanding (MOU) with the City of San Juan Bautista for EMS Field Treatment Site (FTS)**

*Item pulled for discussion.*

**BOARD ACTION:** Upon motion made by Chair Barrios and seconded by Supervisor Botelho, for correction of question marks to bullets on the system guidelines. (Unanimous) *File #75.5*

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

- 8) **Approved** the 2011/2012 Workforce Investment Act (WIA) job training local plan modification for submission to the State. *File #130*

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

- 9) **Authorized the San Benito County Health and Human Services Agency to apply for a Health Trust grant; adopted Resolution authorizing application to Health Trust for planning implementing health and safety educational curriculum for seniors; and authorize the Director of Health and Human Services to sign the application.**

*Item pulled for discussion.*

**BOARD ACTION:** Upon motion made by Supervisor Muenzer and seconded by Chair Barrios, **adopted Resolution No. 2011-64**, authorizing application to Health Trust for planning implementing health and safety educational curriculum for seniors, and **authorized** the Director of Health and Human Services to sign the application. (Unanimous) *File #130*

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

- 10) **Approved contract with SCS Engineers for Green House Gas Verification Services, on behalf of the Regional Agency, for reporting to climate registry for period of July 26, 2011 through December 31, 2011 in an amount not to exceed \$14,500.**

*Item pulled for discussion.*

*Public speaker: Marvin Jones, Hollister resident.*

**BOARD ACTION:** Upon motion made by Chair Barrios and seconded by Supervisor Rivas, **approved** contract as presented. (4-1 vote), Botelho voted no *File #142*

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

- 11) **Approve contract renewal with Clean Harbors Environmental Services, Inc. for Hazardous Waste Management Services for the period of July 1, 2011 through June 30, 2012 at an amount not to exceed \$135,000.**

*Item pulled for discussion.*

*Public speaker: Marty Richman, Hollister resident.*

**BOARD ACTION:** Upon motion made by Supervisor Botelho and seconded by Supervisor Muenzer, **approved** contract as presented. (Unanimous) File #142

**PROBATION DEPARTMENT – B. Cardall:**

- 12) **Adopted Resolution No. 2011-65** and **designated** the Probation Department as the County of San Benito agency to provide Post-Release Community Supervision pursuant to California's pending adult public safety realignment addressed in AB109. File #510

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

- 13) **Approve agreement with the California Department of Transportation for the Regional Surface Transportation Program (RSTP) Federal Exchange and State Match Program for Fiscal Year 2010-11, in the amount of \$239,849; adopt Resolution approving allocation of the RSTP Federal Apportionment Exchange and State Match Program funds for Fiscal Year 2010-11. (Res. No. 2011-66)**

*Item pulled for discussion.*

**BOARD ACTION:** Upon motion made by Chair Barrios and seconded by Supervisor De La Cruz, **approved** agreement with the California Department of Transportation as presented and **adopted Resolution No. 2011-66**, approving allocation of the RSTP Federal apportionment Exchange and State Match Program funds for Fiscal Year 2010-11, and **authorized** the chair to sign agreement and resolution. (Unanimous) File #105

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

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

- 14) **Hold public hearing to hear all objections, protests, or requested changes or corrections to the written report of service charges for County Service Area #36 (Advanced Life Support and Emergency Medical Services for FY 11/12); and adopt Resolution accepting the annual report for CSA #36 and benefit assessment charges set forth therein. (Res. No. 2011-67)**

EMS Coordinator Marcie Marrow provided information in regards to the annual report for CSA #36 Emergency Medical Services and Advanced Life Support Services and the charges considered for the FY 2011-12.

Chair opened the public hearing.

Chair closed the public hearing.

**BOARD ACTION:** Upon motion made by Supervisor Muenzer and seconded by Supervisor Botelho, **adopted Resolution No. 2011-67**, accepting the annual report for CSA #36 and benefit assessment charges set forth therein and **authorized** Chair to sign. (Unanimous) File #CSA #36

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

- 15) **Hold a public hearing on proposed fee for County Service Area No. 54 (Pacheco Creek Estates); adopt Resolution, imposing a property-related fee in County Service Area No. 54, confirming the Fee Report, Fee Schedule and Fee, providing for the levy of the Fiscal year 2001/12 Property-Related Fees, and making certain related findings. (Res. No. 2011-68)**

CSA Coordinator Lynette Redman provided information in regards to CSA #54, Pacheco Creek Estates fee schedule and fee and asked that the public hearing be opened.

Chair opened the public hearing.

Chair closed the public hearing.

**BOARD ACTION:** *Upon motion made by Supervisor Rivas and seconded by Chair Barrios, **adopted Resolution No. 2011-68**, imposing a property-related fee in County Service Area No. 54, 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. (Unanimous) File #CSA #54*

## REGULAR AGENDA:

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

- 16) **Read title of ordinance for the record: “An Ordinance of the County of San Benito, adopting a New Article XIII (Impact Fee Reimbursement) of Chapter 5.01 of Title 5, of the San Benito County Code”; accept introduction and waive further reading of the ordinance and continue the matter to August 2, 2011 for adoption.**

Planning Director Gary Armstrong provided information and read title of ordinance for the record: Ordinance of San Benito County, adopting a New Article XIII (Impact Fee Reimbursement) of Chapter 5.01 of Title 5, of San Benito County Code. Mr. Armstrong asked the Board to accept introduction and waive further of reading of the ordinance and continue to August 2, 2011 for adoption.

Supervisor Rivas thanked Mr. Armstrong and the Planning staff for their great work.

Chair Barrios had some questions in regards to wording in the resolution.

Discussion ensued by Board and staff in regards to wording on the resolution.

**BOARD ACTION:** *Upon motion made by Supervisor Rivas and seconded by Supervisor Muenzer, **accepted** the introduction and **waived** further reading of the ordinance with the recommended changes made by the Board and staff; and **continued** to August 2, 2011 for adoption. (Unanimous) File #790*

### **SAN BENITO COUNTY AIRPORT LAND USE COMMISSION:**

- 17) **Receive presentation on the draft Hollister Municipal Airport Land Use Compatibility Plan.**

Transportation Planner Veronica Lezama provided a PowerPoint presentation in regards to the draft Hollister Municipal Airport Land Use Compatibility Plan that was prepared in collaboration with the City and County Planning staff in addition with the Airport.

Ms. Lezama announced that the public comment period has been extended to September 30, 2011.

Those speaking from the public were: Robert Rodriguez, Hollister resident; Robert Scattini, Hollister resident; Marty Richman, Hollister resident; Richard Bettencourt, Hollister resident.

Questions directed to Ms. Lezama, Transportation Planner and Planning Director Gary Armstrong.

Supervisor Botelho mentioned that this plan is really important and thanked Ms. Lezama for her presentation. *File #1035*

(Adjourned at 10:25 a.m. and reconvened at 1:30)

**AFTERNOON SESSION  
1:30 P.M.**

**PLANNING DEPARTMENT – G. Armstrong:**

- 18) **Hold Administrative Abatement Hearing regarding the public nuisance at 1980 Bolsa Road, Hollister, California; and direct staff to bring back a resolution finding that a public nuisance does exist and that the nuisance be abated by the county at the expense of the owner and/or the occupier, pursuant to County Code §1.03.005.**

Chair Barrios provided direction as to how the abatement hearing would take place.

Planning Director Gary Armstrong provided information in regards to Administrative Abatement hearing in regards to a public nuisance at 1980 Bolsa Road further identified as parcel number 019-02-0-013 (Purple Cross). Mr. Armstrong provided a handout with additional information in regards to permitted uses, conditional uses, etc.

Those speaking from the public were: Susan Postigo, Hollister resident; Marty Richman, Hollister resident; Michael Scalmanini, Hollister resident; and Michael Thompson, Hollister resident.

Sharmi Shaw, Attorney for Purple Cross and Scott McPhail said that she would like to request a continuance of today's hearing as they are waiting for documents from the County Counsel's Office.

County Counsel Matt Granger said that it was up to the Board to consider the continuance request and either go forward and allow County staff to present their side of the argument and Mr. McPhail and his Attorney can present evidence or request continuance. Mr. Granger said if the Board grants continuance the County will bring back all the witnesses who testified today so that Mr. McPhail and his Attorney have the ability to question them. The other way to proceed is to continue the entire matter to August 16, 2011.

Attorney Sharmi Shah said that she had a problem with the August 16<sup>th</sup> date, as both her and the other partner handling the case would be out of town on that date.

Discussion ensued by Board and staff.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, **continued** this item to August 19, 2011 at 9:00 a.m. (Unanimous) File #790*

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

**ADMINISTRATIVE OFFICE – R. Inman:**

- 19) **Hold a public hearing to discuss and give direction concerning the redistricting options.**

County Administrative Officer Rich Inman provided information in regards to the redistricting and possible options and asked that the Chair open the public hearing.

Chair Barrios opened the public hearing.

Those speaking from the public were: Aurelio Zuniga, Hollister resident; Mickie Luna, Hollister resident

CAO Rich Inman mentioned that he left the redistricting to our GIS person.

Chair Barrios closed the public hearing.

Discussion ensued by Board and staff.

County Counsel Matt Granger provided information in regards to time restraints and the Board needs to have a decision in place by November 1, 2011.

Mr. Granger noted that in order for an ordinance to become effective it takes 30 days, so a decision needs to be made by the end of September to allow the ordinance 30 days.

Discussion ensued in regards to having a special evening meeting.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, scheduled a public hearing for Thursday, August 18, 2011 at 6:00 p.m. (Unanimous) File #119*

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 August 2, 2011 at 9:00 a.m.

*Chair Barrios opened the Budget Hearings at 2:38 p.m. and continued them to Thursday, July 28, 2011 at 9:00 a.m. for staff to compile additional information.*

MARGIE BARRIOS, CHAIR  
San Benito County Board of Supervisors

ATTEST:  
Janet Slibsager, Asst. Clerk of the Board