



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 SEPTEMBER 27, 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 Matthew Granger and Clerk of the Board Denise Thome. 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 AND RECOGNITIONS:**

HUMAN RESOURCES – J. Credico:

Supervisor De La Cruz presented a Certificate of Recognition for over 12 years of service to San Benito County upon his retirement to Victor Leon, custodian of the Public Works Department.

Chair Barrios presented a Certificate of Recognition for over 16 years of service to San Benito County upon her retirement to Mary Macias, Social Worker II at the Health and Human Services Agency.

Chair Barrios noted that the following employees were not in attendance and would be presented with their certificates at a later date.

- 1. Beth Kafer (Sheriff's Office-Communications Manager) - over 5 years
- 2. Thomas Payne (Sheriff's Office-Communications Dispatcher III) – 3 years
- 3. Roberta Russell (Sheriff's Office-Communications Dispatcher III) – 5 years
- 4. Cynthia Silva (Sheriff's Office-Emergency Services Specialist) – over 26 years
- 5. Joyce Swett (First 5-School Resource Coordinator) – 7 years
- 6. Michael Watson (Public Works Department-Road Maintenance – over 22 years *File #630*)

HEALTH & HUMAN SERVICES AGENCY:

Supervisor Muenzer presented the proclamation for the month of September as Childhood Obesity Awareness Month in San Benito County to Health and Human Services Agency Director Kathy Flores.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Botelho, **approved** the proclamation of the month of September as Childhood Obesity Awareness Month in San Benito County. File #430*

BOARD OF SUPERVISORS:

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Botelho, **approved** proclamation of the week of October 1-16, 2011 as Bi-National Health Week in San Benito County.*

Supervisor Rivas presented the proclamation to the San Benito County Health Foundation.

- d) **Public Comment:** Joe Thompson, San Benito County resident, spoke on the subject of Council of Governments (COG). Julie Morris, Executive Director of Community Vision San Benito County (CVSBC), spoke of the organization she represented and of the upcoming 3 day summit they would be holding at the end of October. Janet Brians, Hollister resident, thanked the Public Works Department for the road striping work they did on San Felipe Road to Dunneville.

- e) **Department Head Announcements:** Steve Wittry, Public Works Director, stated there would be delays on Coalinga and Limekiln roads due to work being done.

Mary Gilbert of Council of Governments (COG) reported that they had received a grant from the Community Foundation and were doing a survey to get information about commute patterns and industries they're commuting to. She noted that the survey was online at www.cutthecommute.com.

- f) **Board Announcements, Introductions and Presentations:** Supervisor Botelho stated that he had asked Association of Monterey Bay Area Governments (AMBAG) to work with Council of Governments (COG) to decide whether San Benito County should continue involvement.

Supervisor Rivas stated that the Homeless Coalition in San Benito County needed volunteers to serve and cook and that those interested could call Cindy at 831-801-9531.

Supervisor Muenzer reported that the AB2766 money has been awarded and San Benito County received \$90,000 of the 1.3 million dollars given out.

Chair Barrios reported that she attended the Regional Council of Rural Counties (RCRC) conference in South Lake Tahoe the previous week in Supervisor Botelho's place. She asked that reporting of the conference be agendized for October 4, 2011. Chair Barrios asked that budget discussions be agendized as it was supposed to be done monthly. She noted that item #17 would be heard right after consent and closed session would be heard after lunch.

CONSENT AGENDA:

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

ADMINISTRATION – R. Inman:

- 1) **Approved** contract with Jovenes de Antano to assist with providing meals to the senior citizens of San Benito County for the period of September 1, 2011 through June 30, 2012, in the amount of \$37,150. *File #119*

ADMINISTRATION – R. Inman:

- 2) **Approved** an annexation fee of one hundred and forty-seven dollars (\$147.00) per unit for the Silver Oaks Senior Housing Project. *File #119*

ADMINISTRATION – R. Inman:

- 3) **Adopted Ordinance No. 881 amending** Article III (Supervisory Districts) of Chapter 3.01 of Title 3 of the San Benito County Code, **amending** the boundaries of all Supervisory Districts as a result of 2010 Census Data. *File #119*

ADMINISTRATION – R. Inman:

- 4) **Approved** contract with Senior Council-Area Agency on Aging for the period of September 1, 2011 through June 30, 2012, in the amount of \$26,320. *File #119*

ASSESSOR'S OFFICE – T. Slavich:

- 5) **Approved** contract with Trang Cooper to perform appraisal duties in the Assessor's Office for the period of October 1, 2011 through June 30, 2012, in an amount not to exceed \$5,840. *File #7*

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

- 6) **Adopted Resolution No. 2011-84 approving** the FY 2011-2012 Final Budget. *File #865*

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

- 7) **Adopted Resolution No. 2001-85 establishing** the Proposition 4 Appropriation Limit for the Fiscal Year July 1, 2011 to June 30, 2012 at \$26,992,047. *File #608*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 8) **Approved** agreement with California Department of Public Health for Public Health Emergency Preparedness activities for the period of July 1, 2011 through August 9, 2012; in the amount of \$359,216; and **authorized** the H&HSA Director to sign said agreement. *File #130*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 9) **Authorize the submission of the Continuum of Care (COC) Notice of Funding Availability application in the amount of \$207,966 to provide permanent housing to homeless individuals and families; and authorize the HHSA Director signing authority.**

Item was pulled for discussion.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, **authorized** the submission of the Continuum of Care (COC) Notice of Funding Availability application in the amount of \$207,966 to provide permanent housing to homeless individuals and families; and **authorized** the HHSA Director signing authority. File #130*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 10) **Adopt Resolution authorizing Grant Application with the California Environmental Protection Agency; authorize the Director or authorized representative of the Health & Human Services Agency to submit application for a UST Grant in the amount of \$35,987. (Res. No. 2011-86)**

Item was pulled for discussion.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Botelho, **adopted Resolution No. 2011-86 authorizing** Grant Application with the California Environmental Protection Agency; **authorized** the Director or authorized representative of the Health & Human Services Agency to submit application for a UST Grant in the amount of \$35,987. File #130*

HUMAN RESOURCES – J. Credico:

- 11) **Adopt Resolution regarding office hours and days of operation of County Offices. (Res. No. 2011-87)**

Item was pulled for discussion.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios, **adopted Resolution No. 2011-87** regarding office hours and days of operation of County Offices. File #630*

HUMAN RESOURCES – J. Credico:

- 12) *Upon motion duly made, seconded and carried, **adopted Resolution No. 2011-88 authorizing** the closure of County Offices on certain days for Fiscal year 2011/2012. File #630*

HUMAN RESOURCES / INTERNAL SERVICES – J. Credico / M. Riopel:

- 13) **Approve the extension of the layoff of 1.0 FTE 911 Systems Coordinator in Budget Unit #1001212 until December 17, 2011.**

Item was pulled for discussion.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** the extension of the layoff of 1.0 FTE 911 Systems Coordinator in Budget Unit #1001212 until December 17, 2011. File #630*

SAN BENITO COUNTY LONG TERM CARE COMMISSION – P. Valdivia:

- 14) **Appointed** Mr. Mitchell Matthews to the Long Term Care Commission for a three year term effective September 13, 2011 through September 13, 2014; **appointed** Rumi Saikia to the Long Term Care Commission for a three year term effective September 13, 2011 through September 13, 2014. *File #156*

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

PLANNING DEPARTMENT – G. Armstrong:

- 15) **Held a Public Hearing for Commercial District Review 67-10 for JMK Golf LLC (Ridgemark Golf and Country Club) consider the merits of the appeal and direct staff to prepare a Resolution to either grant the appeal, deny the appeal, or other action including modification of the project or returning the project to the Planning Commission.**

Planning Director Gary Armstrong gave a PowerPoint presentation and went over the recommendations.

Chair Barrios opened the public hearing.

Those speaking under public comment were Hollister residents Herman Fehl, Bill Healy, David Tomlinson, Charles Schallhorn, Tarasa Bettencourt, Mike Kolko, Jack Biersdorff, Chuck Kayser, M.J. Broman, Jolee Andrews, John Hayes, Richard Rupprecht, Ed Ford, Helen Fisher, Sue Dillon, Susan Fixesen, Ellen Zehna, Stephen Rosati, Valerie Filice, Sandy Gabe, Rick Rhodes, Rod Smith, Nancy Bravo, Ron Wallace, April Mackie, Jeanne Melius, Marty Richman, Jack Murphy, Ray Pierce and Richard Ferreira.

Alex Kheriotis, president of JMK Golf, LLC, gave a PowerPoint presentation on the project and answered questions of the Board.

Speaking under public comment was Hollister resident Gene Van Den Heuvind.

There being no further public comment, the Chair closed the public hearing. She then announced that they would adjourn for lunch and upon reconvening at 1:30 p.m. they would hear the closed session matter and continue with item #15 after that.

The Board adjourned at 12:14 p.m. for lunch and reconvened at 1:30 p.m. At this time the Board adjourned into Closed Session (item #26) at 1:31 p.m. and reconvened into regular session at 2:14 p.m. to continue with item #15.

Lengthy discussion was had between Board members, staff and the applicant.

Chair Barrios asked the Planning Director to read the notes back on the conditions of approval.

Planning Director Gary Armstrong read the conditions as follows;

20 foot setback requirement

Landscape buffer requirement

Amendment condition 30 C – removed

Amendment condition 32 - removed

Amendment condition 30 B – removed / asphalt requirement

Revise and maximize parking design on site.

Noise barrier at top of building for air conditioning and heating units

20 foot setback for patios also

No trash or trash containers in back of building

Amend access agreement 34

Add to condition 4 – review parking basis in future and provide additional if necessary

BOARD ACTION: *Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios, **continued** the matter to October 18, 2011 at 1:30 p.m. (Unanimous) File #790*

PLANNING DEPARTMENT – G. Armstrong:

- 16) **Conduct a Public Hearing to review proposed changes to the C-District Review Process, Chapter 25.15 of the County Code, and M-District Review Process, Chapter 25.17 of the County Code; and provide comments to staff.**

Senior Planner Lisette Knight gave a staff report.

Chair Barrios opened the public hearing.

Those speaking under public comment were Hollister residents Richard Bettencourt and Jeanette Langstaff.

There being no further public comment, the Chair closed the public hearing. **File #790**

REGULAR AGENDA:

ADMINISTRATION – R. Inman:

- 17) **Presentation by Steve Samuelian of California Consulting to explain grant writing services.**

Liz Gomez of California Consulting gave a presentation on grant writing services on behalf of Steve Samuelian.

Chair Barrios asked that the matter be put on the Intergovernmental Committee agenda.

Those speaking under public comment were; Hollister resident Marty Richman and Julie Morris of Community Vision San Benito County.

ASSESSOR'S OFFICE – T. Slavich:

- 18) **Accept Assessor's Annual Report for the 2011-12 Tax Year.**

Assessor Tom Slavich gave a staff report.

BOARD ACTION: *Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **accepted** the Assessor's Annual Report for the 2011-12 Tax Year. (Unanimous) File #7*

COUNTY COUNSEL – M. Granger:

- 19) **Approve letter supporting consideration of the most Southern Alignment of the Proposed Highway 152 Trade Corridor.**

Supervisor Botelho stated that he had a conflict of interest as he was a property owner within the study area and recused himself from the matter.

Assistant County Counsel Barbara Thompson gave a staff report.

Chair Barrios asked that the matter be tabled after the Board heard public comment. She noted that she did not have support for a resolution at the last meeting and settled for a letter, which she did not feel would have the same impact. She asked that the matter be put on the Intergovernmental Committee agenda to be discussed at length with the cities.

Those speaking under public comment were; Kristina Wyatt of the San Benito County Chamber of Commerce, Hollister resident Marty Richman and Nancy Martin of the Economic Development Corporation.

BOARD ACTION: *Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **tabled** the letter and **direction** to keep on file to be brought back at a later date. (the motion passed 3 ayes, 1 no (De La Cruz), 1 abstain (Botelho)). File #156*

COUNTY COUNSEL – M. Granger:

- 20) **Discuss SB 226 pertaining to environmental quality CEQA and the permitting of certain types of solar facilities; provide direction to staff; if desired, authorize the Chair to execute and submit a letter to Governor Brown either supporting SB 226 or requesting that it be vetoed.**

Assistant County Counsel Barbara Thompson gave a staff report.

BOARD ACTION: *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios, **directed** staff to draft a letter of opposition to SB226 and **authorized** the Chair to sign. (Unanimous) File #160*

COUNTY COUNSEL – M. Granger:

- 21) **Read title of ordinance for the record: “An ordinance of the County of San Benito amending §§1.03.003 and 1.03.005 and adding §§1.03.015 and 1.03.016 to Chapter 1.03 of Title 1 of the San Benito County Code” (Code Enforcement); accept introduction and waive further reading of the ordinance; and continue to October 4, 2011 for adoption.**

Assistant County Counsel Barbara Thompson gave a staff report.

BOARD ACTION: Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Botelho, read title of ordinance for the record: “An ordinance of the County of San Benito amending §§1.03.003 and 1.03.005 and adding §§1.03.015 and 1.03.016 to Chapter 1.03 of Title 1 of the San Benito County Code” (Code Enforcement); **accepted** introduction and **waived** further reading of the ordinance; and **continued** to October 4, 2011 for adoption. (Unanimous) File #160

PLANNING DEPARTMENT – G. Armstrong:

- 22) **Adopt CEQA findings and negative Declaration, and consider introduction of three ordinances amending the (1) Growth management Ordinance, (2) Potential Residential Growth Increase (PRGI) Ordinance, and (3) Section 19.29.003 regarding General Plan Amendments, and continue to October 4, 2011 for adoption.**

Planning Director Gary Armstrong gave a staff report noting a typographical error on attachment A #5 where it should read SB375 not AB375.

Those speaking under public comment were Hollister resident Marty Richman, Anne Hall of San Benito Engineering, Hollister resident Ray Pierce, Nancy Martin of the Economic Development Corporation, Hollister resident Jeannette Langstaff and Hollister resident Janet Brians.

BOARD ACTION: Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Botelho, **adopted** CEQA findings set forth in Attachment “A” to the AIT and **adopted** the Negative Declaration. (Unanimous) File #790

BOARD ACTION: Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios, **accepted** introduction and **waived** further reading of the ordinance amending Chapter 21.07 of Title 21 of the San Benito County Code pertaining to the Growth Management System and **continued** the matter to October 4, 2011 for adoption. (The motion passed 4-1 with Supervisor Rivas voting no) File #790

BOARD ACTION: Upon motion duly made by Supervisor Botelho and seconded by Supervisor Muenzer, **accepted** introduction and **waived** further reading of the ordinance amending §19.29.005 of Chapter 19.29 of Title 19 and **continued** the matter to October 4, 2011 for adoption. (Unanimous) File #790

BOARD ACTION: Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, **accepted** introduction and **waived** further reading of the ordinance amending §19.29.003 of Chapter 19.29 of Title 19 and **continued** matter to October 4, 2011 for adoption. (Unanimous) File #790

PROBATION DEPARTMENT – B. Cardall:

- 23) **Request to make modifications to FY 2011/2012 Probation Department and Juvenile Hall Budget units in Revenues and Expenditures. (4/5 vote)**

Chief Probation Officer Brent Cardall gave a staff report.

Management Analyst Catherine Shaw explained the budget transfer sheet.

BOARD ACTION: Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Rivas, **added/reinstated** 1.25 F.T.E. Office Assistant II/II to the Schedule of Authorized Positions in the 1001224 Budget Unit, **added/reinstated** 1.0 F.T.E. Office Services Supervisor and **deleted** one 1.0 F.T.E. Secretary I to the Schedule of Authorized Position in 100224 budget unit, **funded** Probation Officer I/II position in 1001224 budget unit, **approved** reclassification of a 1.0 F.T.E. JIO to a 1.0 F.T.E. Probation Aide, **deleted** 1.0 F.T.E. Juvenile Institution Officer of the scheduled authorized positions in 1001226 budget unit, **added** 1.0 F.T.E. Probation Aide of the scheduled authorized positions in 1001224 budget unit, **transferred** corresponding YOBG Revenues from 1001226 budget unit back to 100224 budget unit, **approved** attached budget augmentation. (Unanimous) File #510

PROBATION DEPARTMENT – B. Cardall:

- 24) **Authorize Probation Department to increase staffing and programming due to the commencement of AB109 funding in San Benito County; and approve Budget Augmentation. (4/5 vote)**

Chief Probation Officer Brent Cardall gave a staff report.

BOARD ACTION: Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios, **authorized** Probation Department to increase staffing and programming due to the commencement of AB109 funding in San Benito County; and **approved** budget augmentation. (Unanimous) File #630

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 25) **Approve the plans, specifications and bid documents for the Sheriff Administration/County Permit Center Building Improvements project (PWB-1102).**

Capital Project Manager Adam Goldstone gave a PowerPoint presentation.

Discussion was had by Board and staff.

BOARD ACTION: Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** the plans, specifications, and bid documents for the Sheriff Administration/County Permit Center Building Improvements project (PWB-1102). (Unanimous) File #105.3

CLOSED SESSION:

The Board adjourned into Closed Session at 1:31 p.m. and reconvened into regular session at 2:14 p.m.

- 26) **Conference with Legal Counsel-Anticipated Litigation.**
Significant Exposure to litigation pursuant to subdivision (b)(3)(B) of Section 54956.9: 1 potential case
The County has received a complaint alleging various violations of State and Federal Law, including that a layoff due to recent budgetary reductions was in retaliation for the employee having made a prior complaint.
No reportable action was taken. File #235.6

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 4:55 p.m. to October 4, 2011 at 9:00 a.m.

MARGIE BARRIOS, CHAIR

San Benito County Board of Supervisors

ATTEST:

Denise R. Thome, Clerk of the Board