



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 NOVEMBER 1, 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, De La Cruz, Botelho, Rivas and Muenzer were present. Also present were County Administrative Officer Rich Inman, Assistant County Counsel Barbara Thompson, and Clerk of the Board Denise Thome. Chair Barrios presided.

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 AND RECOGNITIONS:**

BOARD OF SUPERVISORS – M. Barrios:

Assemblyman Luis Alejo gave a presentation including legislative updates.

- d) **Public Comment:** Hollister resident Marty Richman thanked the veterans of San Benito County in recognition of the upcoming Veterans Day.
Tres Pinos resident Joe Thompson expressed concern with the transportation policy and the proposed bullet train.
- e) **Department Head Announcements:** Planning Director Gary Armstrong invited the public to the Environmental Impact Report for the General Plan Update to be held on November 2, 2011 from 6 to 8 p.m. in Board Chambers. In addition he invited the public to a Fairview Corners EIR workshop in Board Chambers on Wednesday, November 9, 2011 at 6 p.m.
Public Works Director Steve Wittry spoke of the FHWA grant for 2.2 million dollars that they had just submitted. He noted that the AB900 process for jails had gone into a second phase.
- f) **Board Announcements, Introductions and Presentations:** Supervisor Botelho spoke of the town hall meeting that he attended.
Chair Barrios reported that she had attended the California Transportation Commission with other members of the mobility partnership and were well received.

CONSENT AGENDA:

*Upon motion made by Supervisor Rivas and seconded by Supervisor Muenzer **approved** Consent Agenda items with the exception of Items 1, 4 and 10 which were pulled for discussion (Unanimous)*

ADMINISTRATION – R. Inman:

- 1) **Approve the extension of the current contract with San Benito Tire, Inc. commencing November 5, 2011 and ending on June 30, 2012.**

Item was pulled for discussion.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Rivas, **approved** the extension of the current contract with San Benito Tire, Inc. commencing November 5, 2011 and ending on June 30, 2012. (Unanimous) File #119*

BOARD OF SUPERVISORS:

- 2) **Approved** Proclamation proclaiming Tuesday, November 15, 2011 as National Philanthropy Day in San Benito County for presentation at a later date. *File #430*

BOARD OF SUPERVISORS:

- 3) **Approved** Certificate of Recognition for the 2011 LULAC Veteran of the Year Honoree Felipe Galvan Jr. for presentation at the Veteran's Day Breakfast on November 11, 2011. *File #156*

CLERK OF THE BOARD – D. Thome:

- 4) **Approve the action minutes of September 27, October 4, 2011 and October 18, 2011 regular meetings.**

Item was pulled for discussion.

Chair Barrios noted that the agenda listed 2 item "e's" on the day's agenda and should be an "e" and "f" instead. She further noted two amendments to the September 27, 2011 minutes and one amendment to the October 18, 2011 minutes.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **approved** the action minutes of September 17, 2011 October 4, 2011 and October 28, 2011 regular meetings, as amended. (Unanimous)*

Upon review it was discovered that the minutes for September 27, 2011 were correct as submitted without amendments. The amendment for the October 18, 2011 minutes, item #12 wherein the meeting date read October 23, 2011 and should read October 25, 2011 stands.

COUNTY COUNSEL – M. Granger:

- 5) **Approved** that display ad be published on November 8, 2011 regarding a proposed ordinance amending Chapters 25.15 and 25.17 of Title 25 of the San Benito County Code, currently scheduled to be presented to the Board of Supervisors on November 15, 2011. *File #160*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 6) **Adopted Resolution No. 2011-99** to close all Public Health Services to include the Health Department on Fourth Street, and the Emergency Medical Services

and Environmental Health Office located on San Felipe Road from 8 a.m. to 5 p.m. on November 8, 2011. *File #130*

HUMAN RESOURCES – J. Credico:

- 7) ***Adopted Resolution No. 2011-100 amending*** Resolution No. 2011-88, authorizing the Closure of County Offices on Certain Days in Fiscal year 2011-2012. *File #630*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 8) ***Approved*** letter to Hollister School District authorizing use of the turnout on the open space parcel adjacent to Hospital Road and Truckee Way as a bus stop location; approve release of liability to Hollister School District for damages caused to the roadway or curbs within the specified area as a result of the District's use of the turnout as a bus stop location. *File #105*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 9) ***Approved*** contract with MNS Engineers, Inc. for resident engineering and construction administration services for San Juan Highway Bike Lane for the period of November 1, 2011 through June 30, 2013, in the amount of \$137,180. *File #105*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 10) **Approve agreement with Tiger, Inc. for purchase of natural gas at a fixed rate to all county service ID location from November 1, 2011 through October 31, 2012, for an anticipated gas utility savings of \$16,000 to \$19,000.**

Item was pulled for discussion.

Hollister resident Marty Richman spoke under public comment.

Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, approved agreement with Tiger, Inc. for purchase of natural gas at a fixed rate to all county service ID location from November 1, 2011 through October 31, 2012, for an anticipated gas utility savings of \$16,000 to \$19,000. (Unanimous) File #105

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

PLANNING DEPARTMENT – G. Armstrong:

- 11) **Held a public hearing to review the project record and Planning Commission Resolution No. 2011-09; read title of ordinance for the record: “An Ordinance Amending Section 25.43.008 of Title 25 of the San Benito County Code pertaining to the Term of Use Permits; make the findings set forth in AIT; and accept introduction and waive further reading of the ordinance an continue to November 15, 2011 for adoption.**

Planning Director Gary Armstrong gave a staff report.

Chair Barrios opened the public hearing.

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

Assistant County Counsel Barbara Thompson indicated that there were revisions to the ordinance and asked that it be tabled and brought back later in the meeting when she could hand out revised copies of the ordinance.

The matter was tabled and brought back later in the meeting.

Assistant County Counsel Thompson handed out copies of the revised ordinance and read the changes into the record, along with the title of the ordinance and findings.

BOARD ACTION: *Upon motion duly made by Supervisor Rivas and seconded by Supervisor De La Cruz, **made** the findings set forth in the AIT and **accepted** introduction and **waived** further reading of the ordinance and **continued** the matter to November 15, 2011 for adoption. (Unanimous) File #790*

REGULAR AGENDA:

ADMINISTRATION – R. Inman:

- 12) **Receive report from Nancy Martin, President/CEO of the Economic Development Corporation.**

Nancy Martin president of the Economic Development Corporation gave a report on what they had been working on. *File #1105.1*

PROBATION DEPARTMENT – Brent Cardall:

- 13) **Approve and adopt 2011 Public Safety Realignment Implementation Plan; authorize Chief Probation Officer to submit Implementation Plan to California Standards Authority (CSA).**

Chief Probation Officer Brent Cardall gave a staff report.

Hollister resident Mary Richman spoke under public comment and thanked Mr. Cardall for embracing the problem and doing the best he could.

BOARD ACTION: *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** and **adopted** 2011 Public Safety Realignment Implementation Plan and **authorized** the Chief Probation Officer to submit Implementation Plan to California Standards Authority (CSA). (Unanimous) File #510*

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

- 14) **Adopt Resolution formally requesting the assistance by our State Legislators in sponsoring legislation that deems correct the Property Tax Apportionment Factors for each Fiscal Year through Fiscal Year 2011-2002.**

Clerk/Auditor/Recorder Joe Paul Gonzalez gave a staff report.

Chair Barrios appointed herself and Supervisor Rivas to meet with State legislators regarding the matter.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, **adopted Resolution No. 2011-101, authorized** the resolution be sent to Assemblyman Luis Alejo and Senator Anthony Cannella with a letter requesting a meeting with Chair Barrios and her appointee, Supervisor Rivas. (Unanimous) File #608*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 15) **Received County Service Area status report encompassing the period of April 1, 2011 through October 31, 2011.**

County Service Area Coordinator Lynette Redman gave a staff report. *File: CSA's*

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 11:18 a.m. to November 15, 2011 at 9:00 a.m.

MARGIE BARRIOS, CHAIR

San Benito County Board of Supervisors

ATTEST:

Denise R. Thome, Clerk of the Board