



SAN BENITO COUNTY BOARD OF SUPERVISORS

Don Marcus
District No. 1

Anthony Botelho
District No. 2
Vice-Chair

Pat Loe
District No. 3

Reb Monaco
District No. 4

Jaime De La Cruz
District No. 5
Chair

County Administration Building – Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

REGULAR MEETING FEBRUARY 5, 2008 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date *in regular session*. Supervisors Monaco, Loe, Marcus and De La Cruz were all present. Supervisor Botelho was attending the AMBAG (Association of Monterey Bay Area Governments) Conference in Washington D.C. and was absent from the meeting. Also present was County Administrative Officer Susan Thompson, County Counsel Dennis Le Clere and Clerk of the Board Linda Churchill. Newly elected Chairman Jaime De La Cruz presided.

9:30 a.m. CALL TO ORDER:

- a) Supervisor Marcus led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** Jan McClintock, City Manager, City of San Juan Bautista, handed out a copy of a letter dated May 21, 2007 to Ms. McClintock regarding San Juan Bautista Water System Demand and Capacity Evaluation (Draft). Ms. McClintock stated that it had come to her attention along with the Mayor of the City of San Juan Bautista that there were some questions and discussion last week about the capabilities of the City of San Juan Bautista in providing water and sewer services to the San Juan area. Ms. McClintock stated that the Mayor asked her to make this presentation to the Board of Supervisors so they would have the facts.
Joe Thompson, Tres Pinos resident, expressed his frustration that the small business owners are the backbone of this county and they are finding it harder and harder helping to keep this county going with all of the federal, state, and local taxes and fees that they are required to pay. Mr. Thompson urged the Board to send this message to COG (Council of Governments), through their representatives, and to defend their jurisdiction.
- d) **Department Head Announcements:** County Administrative Officer (CAO) Susan Thompson introduced the new Director of Child Support Services (CSS), Kathy Sokolik. Ms. Sokolik introduced Nancy Velho, Manager and Jeri Grace-Arias, one of the supervisors for CSS. Ms. Sokolik announced that the Regional CSS was recently

recognized by the state as being the most improved program in the area of parent/child support collections for medium counties.

Kathy Flores, Health & Human Services Agency Director, reported that the County partnership with Union 4-H Club received a CSAC (California State Association of Counties) Challenge in November 2007 and she feels it is appropriate to send in an application for the 2008 NACO (National Association of Counties) Achievement Award Program. Ms. Flores provided a copy of the application for signature by the Chairman of the Board of Supervisors for submission to NACO. The Board members agreed to authorize the Chair to sign the application.

Internal Services Director Rich Inman introduced the new Chief Probation Officer Brent Cardall who came to San Benito County from Utah. Mr. Cardall addressed the Board and the public.

CAO Susan Thompson thanked Duane Tanner who served as the Interim Chief Probation Officer for the past few months.

e) **Board Announcements, Introductions and Presentations:**

Supervisor Marcus reported that he and Supervisor Monaco, who serve on the Courthouse Security Task Force, attended a committee meeting last evening on the progress of the security for our existing courthouse. Supervisor Marcus reported that they are over budget with the plan and in light of having the high potential for a new courthouse in the near future the extent of the security design may be altered and that will be further discussed.

Supervisor Marcus also reported that he and Supervisor Botelho met with the Planning and Building Department staff regarding the Agricultural Exempt permit status.

Chairman De La Cruz announced that it was the one-year anniversary of his kidney transplant and he encouraged donations and volunteer work noting it was very worthwhile cause.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, approved Consent Agenda Items 1 through 11 with the exception of Item 9, which was pulled for discussion. (4-0 Vote. Botelho absent.)

ADMINISTRATIVE BUSINESS:

- 1) **Approved** amendment to the Memorandum of Understanding (MOU) with City of Hollister and San Benito County Water District adding Sunnyslope County Water District as an additional party to the MOU; and **approved** Budget Adjustment / Transfer in the amount of \$15,000. *(4/5 vote required.) File #1005.1*

BEHAVIORAL HEALTH – A. Yamamoto:

- 2) **Adopted Resolution No. 2008-12** for contract renewal with the Department of Mental Health for State Hospital Bed Use for the FY 2007/2008 at a bed day rate of \$370.26. *File #810*
- 3) **Approved** reappointment of Sonny Flores as District 5, public interest and family member to the Mental Health Board effective February 5, 2008 through February 5, 2011. *File #810*

- 4) **Approved** reappointment of Judy Cain of District 2, to the Mental Health Board as a Public Interest representative effective February 5, 2008 through February 5, 2011. *File #810*

CLERK OF THE BOARD – L. Churchill:

- 5) **Approved** the action minutes of the December 4, 2007 and the January 8, 2008 meetings.

HEALTH & HUMAN SERVICES – K. Flores:

- 6) **Approved** contract with Reflectxion Resources, Inc. d.b.a. Reflectx Services for occupational and physical therapy services in the amount not to exceed \$65,000 for the term February 6, 2008 through July 31, 2008 and **authorized** the Director of Health & Human Services Agency to sign contract. *File #130*
- 7) **Approved** contract with Jennifer Hossain for physical therapy services in an amount not to exceed \$40,400 for the term February 6, 2008 through June 30, 2008; and **authorized** the Director of Health & Human Services Agency to sign the contract. *File #130*

INTERNAL SERVICES – R. Inman:

- 8) **Approved** Certificate of Recognition for Christine Armer who is retiring after nearly 19 years of service with the San Benito County Probation Department for presentation at a later date. *File #510*

PROBATION DEPARTMENT – D. Tanner:

- 9) **Adopt Resolution approving the Juvenile Justice Department Plan and acceptances of the Youthful Offender Block Grant (YOBG) funds; and authorize the Probation Department to expend the YOBG funds. (Res. No. 2008-13)**

Supervisor Marcus asked for an explanation of the use of YOBG funds.

Interim Chief Probation Officer Duane Tanner explained the process and use of the funds and the services provided.

Mr. Tanner answered questions posed by the Board.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor Monaco, adopted **Resolution No. 2008-13** approving the Juvenile Justice Development Plan and acceptance of the Youthful Offender Block Grant (YOBG) funds; authorized the Probation Department to expend the YOBG funds; and, approved modification as set forth in the budget transfer to include the increase of Professional Services. (4-0 Vote. Botelho absent.) File #510*

- 10) **Approved** contract with Connecting Principles to teach Health Realization to minors and their parents in an amount not to exceed \$15,000 effective February 5, 2008 through June 30, 2008. *File #510*

PUBLIC WORKS – J. Lo:

- 11) **Approved** reimbursement agreement with Standard Pacific Corporation for improving the intersection of Enterprise Road and Airline Hwy, in the amount of approximately \$96,749 effective February 5, 2008. *File #105*

REGULAR AGENDA:

ADMINISTRATIVE BUSINESS:

- 12) **Consider the request of the Economic Development Corporation (EDC) and designate the County Administrative Officer or her designee to represent the County by serving as a voting member of the EDC Board of Directors.**

CAO Susan Thompson provided background information stating that the EDC Board of Directors has recommended that the Board of Supervisors appoint the CAO and/or her designee to serve on the EDC Board of Directors.

Discussion was held with regards to having a member of the Board of Supervisors attend the EDC Board of Directors meetings as a non-voting member.

George Lewis, EDC, addressed the Board stating they would be happy to have any supervisor attend the meetings.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, designated the County Administrative Officer (CAO), or her designee, to represent the County of San Benito as a voting member of the EDC Board of Directors. (4-0 Vote. Botelho absent.)*

Supervisor Marcus suggested that an item be placed on the next agenda, February 12, 2008, to discuss the attendance by the Chairman of the Board of Supervisors and a possible rotation of supervisors to attend the EDC meetings. File #119

INTEGRATED WASTE MANAGEMENT - M. Rose:

- 13) Receive presentation by Nancy Whalen of the California Climate Action Registry.
Item was re-scheduled for February 12, 2008.

PLANNING DEPARTMENT – A. Henriques:

- 14) **Approve contract with Pacific Municipal Consultants (PMC) for planning and environmental services for the Santana Ranch project.**

Planning Director Art Henriques handed out a summary entitled “Santana Ranch Project Consultant Review Process for Planning and Environmental Services” and described the item.

Question and answer period ensued.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor Monaco, approved the contract for planning and environmental services with Pacific Municipal Consultants (PMC) and authorized the Planning Director to sign said contract. (4-0 Vote. Botelho absent.) File #790*

SHERIFF’S DEPARTMENT – C. Hill:

- 15) **Receive Status Report on the AB 900, Corrections Standards Authority, Construction Funding Program and County’s grant application for jail expansion funding.**
(Item was moved to 1:30 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.)

The Board adjourned into Closed Session and reconvened into Regular Session re:

- 16) **Conference with Legal Counsel – Two cases of existing Litigation – (Subdivision (a) of Government Code Section 54956.9)**
1. Name of case: *Guerrero v. County of San Benito, et al*; U. S. District Ct, San Jose; Case No. C08 00307PVT
County Counsel Dennis Le Clere reported that Board of Supervisors made a decision to provide defense counsel to the Sheriff of San Benito County and former Deputy Rodrigues.
 2. Name of Case: *Friends of Tres Pinos v. County of San Benito, et al*; Superior Court, San Benito County; Case No. CU-07-00186
No reportable action. File #235.6

1:30 p.m. - REGULAR AGENDA: (Continued from the morning session.)

SHERIFF'S DEPARTMENT – C. Hill:

- 15) **Receive Status Report on the AB 900, Corrections Standards Authority, Construction Funding Program and County's grant application for jail expansion funding.**
- Sheriff Curtis Hill introduced Harry Munyon, Managing Principal, TRG Consulting, who handed out the San Benito County Jail AB 900 Grant Application Status Report. Mr. Munyon described the AB 900 Phase 1 jail construction funding program process. Sheriff Hill and Mr. Munyon answered questions posed by the Board.
Staff was directed to further report on the AB 900 funding at the next Board of Supervisors meeting on February 12, 2008. File #110

PUBLIC HEARING: 1:30 P.M. - (or as soon thereafter as the mater may be heard)

PLANNING DEPARTMENT – A. Henriques:

- 17) **Hold a public hearing to consider an ordinance amending San Benito County Ordinance No. 501, Chapter 5, Article VII of the San Benito County Code, Sections 5-32, 5-33, 5-34, 5-35, 5-36, 5-37, 5-37.1, 5-37.2 establishing Agricultural Building Exemption, revising exemption definitions and requirements and qualifications. CEQA Determination: Categorically Exempt. (Continued from Dec. 18, 2007) (Request for continuance to March 4, 2008)**
- Planning Director Art Henriques reported that they have met with the San Benito County Farm Bureau and now would like more time to meet with the Cattlemen's Association and the Grower / Shipper Association and come back in early March with further input.*
- Chairman De La Cruz asked if there was anyone from the public who wished to address the Board. There was no one from the public who came forward. Chairman De La Cruz closed the public hearing.*
- BOARD ACTION:** *Continued public hearing to the March 4, 2008 at 1:30 p.m. File #790*
- 18) **Hold a public hearing to consider repealing Ordinance No. 820 in its entirety, which allowed the zoning designation of Assessor's Parcel Numbers 22-20-09 and 22-20-10 zoning to be changed from R-1 (Single-Family Residential) to C-1 (Commercial Thoroughfare District) as long as certain conditions were met. Location: Northwest corner of State Highway**

25 and Southside Road in the unincorporated area of Tres Pinos, San Benito County, CA. General Plan: Rural/Urban. CEQA Determination: Categorically Exempt.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, continued public hearing to March 4, 2008 at 1:30 p.m. when a full Board is present. (4-0 vote. Botelho absent.)*

Chairman De La Cruz asked if there was anyone from the public who wished to comment on the continuance. There was no one wishing to address the Board. *File #790*

- 19) ***Held a public hearing to consider an appeal of the December 5, 2007 Planning Commission decision re: Fiscal-Year 2007-2008 Preliminary Allocations. Request: Overrule the Planning Commission's denial of Preliminary Allocations #08-08 and #08-09. Applicant/Appellant: Larry Anderson. Location: North end of Cypress Street and Southeast corner of Los Altos and Hillcrest Road, Hollister, CA. APN's: 20-12-127 & 20-58-18. Zoning: Rural Residential. CEQA Determination: Categorically Exempt. (Continued from January 22, 2008)***

Planning Director Art Henriques provided background information stating that on January 22, 2008 staff was directed to return to the Board with a further analysis regarding the three lowest ranking applications that were awarded by the Planning Commission and also an accurate inventory of allocations that have lapsed and also allocations that potentially could lapse and a proposed resolution that would allow allocations for the proposed projects. Mr. Henriques noted that staff has also put together several options for the review that talk about different ways for approaching this matter.

Principle Planner Byron Turner provided a Power Point Presentation detailing the options as to how to proceed in this matter while granting the appeal of the applicant.

Mr. Turner answered questions posed by the Board.

Chairman De La Cruz opened the public hearing.

Brian Curtis, speaking on behalf of the appellant, stated he was in agreement with the staff report and the only concern he would have is with Option 1.

Jim Weaver, representing Segrado Ridge, came forward stating they had no problem and agree with staff on Option 2 and they would be willing to give up some of their allocations pursuant to the way it is laid out in the staff report. Mr. Weaver further indicated that Segrado Ridge has a can and will serve letter from the City of San Juan Bautista for sewer and the development has all of their own water and would not need any from the City of San Juan Bautista. Mr. Weaver recommended approving Option 2.

Lloyd Bracewell, Bracewell Engineering, Consultant for the City of San Juan Bautista for their wastewater and water systems stated that the City of San Juan is very interested in having the Segrado project connected to the City's sewer system and the City has the capacity available.

Barton Hechtman, Land Use Lawyer for Segrado Development, Inc., came forward expressing legal concerns regarding Option 4. Mr. Hechtman stated that Segrado is agreeable with Option 2 and is willing to contribute to that result by deferring four of its allotments to next year.

There being no further testimony from the public, the Chairman closed the public hearing.

Supervisor Marcus stated that it's apparent that Option 2 seems to suit the appellant and the applicant for moving forward with this project and the fact that Option 2 has been performed in the past in a successful fashion and with the assurance from

staff that deferring of these does not interfere with any existing project he would like to move forward.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor Monaco, directed staff to bring back the appropriate resolution on February 26, 2008 at 1:30 p.m. to pursue Option 2 as recommended by Planning staff. (4-0 Vote. Botelho absent.) Appeal File*

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: Monaco, Loe, Marcus, De La Cruz
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: Botelho

There being no further business the Board adjourned at 2.25 p.m. to February 12, 2008 at 9:30 a.m. for a regular meeting.

JAIME DE LA CRUZ, CHAIRMAN
San Benito County Board of Supervisors

Attest:
Linda Churchill, Clerk of the Board