



# 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 OCTOBER 14, 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, Botelho and De La Cruz were present. Also present was County Administrative Officer Susan Thompson, County Counsel Dennis Le Clere and Assistant Clerk Janet Slibsager. Chairman Jaime De La Cruz presided.

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

- a) Supervisor Loe led the Pledge of Allegiance.

There was a moment of silence in memory of Ray Becker of DMB/EI Rancho San Benito. Chairman De La Cruz paid tribute to Mr. Becker.

- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

- c) **Public Comment:** There was none.

- d) **Department Head Announcements:** County Administrative Officer Susan Thompson reported that there was an Emergency Response Training that took place in the board chambers on Thursday, October 9<sup>th</sup> and Friday, October 10<sup>th</sup>, with approximately 40 officials from this community in attendance. Ms. Thompson stated that the focus of the training was to improve incident command activities and how to manage emergency disasters.

Health & Human Services Director Kathy Flores announced that the San Benito County Job Fair would be held on Wednesday, October 15<sup>th</sup> at 1111 San Felipe Road from 10:00 a.m to 2:00 p.m. Ms. Flores also announced that on Thursday, November 6<sup>th</sup> there would be a Free Flu Clinic at the Veterans Memorial Building from 1:30 p.m. to 7:30 p.m. and it would be free to the public.

- e) **Board Announcements, Introductions and Presentations:** Supervisor Monaco stated that he attended the Condor Classic (cycling event) on Saturday, October 11<sup>th</sup> and that there were about 500 to 600 people that participated stating it was a very successful event.

Supervisor Marcus reported that he and Supervisor Botelho met with Susan Thompson, Janelle Cox and staff to discuss the plans and design for the new One Stop Center that they would bring to the board in the near future.

Supervisor Botelho also reported that he was very pleased to see so many participants for a first time event (Condor Classic) but mentioned that he was very concerned about their safety on the stretch by the Bolado Park Golf Course.

Chairman De La Cruz reported that he attended the Latino Association of Elected and Appointed Officials on October 10, 11 & 12 in Houston and that there were a lot of good topics discussed; mortgages, foreclosures, businesses, etc.

Chairman De La Cruz mentioned that he would like to have an item put on the agenda for the next Board Retreat pertaining to the roles of elected officials during an emergency crisis.

## **CONSENT AGENDA:**

*Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, approved Consent Agenda Items 1 through 12, pulled items 8, 10, 11 for discussion and action. (Unanimous)*

### **ADMINISTRATIVE BUSINESS – S. Thompson:**

- 1) **Approved** 2009 San Benito County Saddle Horse Show, Rodeo & Fair operating budget. *File #55*

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

- 2) **Approved** proclamation declaring October 20-27, 2008 as Red Ribbon Week. *File #430*
- 3) **Approved** request to hire a Behavioral Health Clinical Supervisor at Range 26.9, Step D. *File #810*

### **CHILD SUPPORT SERVICES: K. Sokolik:**

- 4) **Approved** the addition of 1.0 FTE to the Schedule of Authorized Positions for the Department of Child Support Services. *File #22*

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

- 5) **Approved** the deletion of a 1.0 FTE Account Clerk II and the addition of a 1.0 FTE Office Assistant I/II to the Health & Human Services Schedule of Authorized Positions. *File #130*
- 6) **Approved** Amendment No. 1 to the contract between Janette Simin and the County Health and Human Services Agency (HHSA), Public Health Division, extending the term to January 23, 2009 and increasing contract total from \$13,000 to \$26,000 and **authorized** the HHSA Director to sign said amendment. *File #420*
- 7) **Approved** 60-month copier lease agreement with US Bancorp in the annual amount of \$2,994 plus tax and the maintenance agreement with Monterey Bay Office Products for an annual base fee of \$643 for a photocopy machine at the

**PROBATION DEPARTMENT – B. Cardall:**

- 8) **Authorize the Chief Probation Officer to accept donations on behalf of the new Abuelos Program on an ongoing basis.**

Chief Probation Officer Brent Cardall provided information in regards to the new Abuelos program started by the Probation Department. Mr. Cardall stated that this program teaches children about their families, national origin, and setting goals. Mr. Cardall asked the board to accept donations on behalf of the Abuelos program. Mr. Cardall mentioned that Mr. Frank Ledesma would like to donate \$200.00 to this program as well as the Juvenile Justice Commission who would like to donate \$325.00.

Supervisor Loe mentioned that Mr. Cardall came before the Community Action Board and gave a report and that it seems to be an extremely exciting program. Supervisor Loe stated that she would like to see a report back to the Board of Supervisors within the next six months reporting on the successes of this program.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, **authorized** the Chief Probation Officer to accept donations on behalf of the Abuelos Program on an ongoing basis. (Unanimous) File #510*

**PUBLIC WORKS DEPARTMENT- J. Cox:**

- 9) *Found that no bids were received in response to the invitation for bids (IFB) issued on August 12, 2008 for the Roof County Administration Building Project and elected to proceed under Public Contract Code Section 20150.9; **awarded** the contract to Stevenson’s Roofing Company for said project in an amount not to exceed \$16,548; and, **authorized** Acting Public Works Administrator to issue change orders, when needed, not to exceed 10% of the contract amount, or \$1,654. (Unanimous) File #119*

- 10) **Direct staff to terminate Johnson Controls Inc. contract for repairs to the Juvenile Hall evaporative cooler and installation of a heat pump system, in accordance with Invitation for Bid General Conditions Section 47.**

Supervisor De La Cruz stated that he had a question in regards to the termination of the contract and payment of contract.

Acting Public Works Director Janelle Cox stated that they are terminating the contract because the specifications do not meet the needs of the project based on the scope of work. Ms. Cox stated the contractor would only get paid for the work that they performed.

**BOARD ACTION:** *Upon motion made by Chairman De La Cruz and seconded by Supervisor Marcus, moved to terminate Johnson Controls Inc. contract for repairs to the Juvenile Hall evaporative cooler and installation of a heat pump system, in accordance with Invitation for bid general conditions §47, “Termination of Contractor’s Control Over the Work”. (Unanimous) File #120.5*

- 11) **Approve the addition of the Fallon Road Drainage Improvement Project to Roads Capital Improvement Project Budget; approve reimbursement agreement with Michael Dunn to replace the existing drainage structure at the Fallon Road creek crossing; approve contingency transfer in the**

**amount of \$281,744 from General Fund Contribution Budget Unit. (4/5 votes required.)**

Supervisor Botelho stated he had a question regarding the cost shown for cement.

Assistant Director of Public Works Arman Nazemi replied that the cost is for structural cement specialized for certain forms and includes the expertise.

Acting Public Works Director Janelle Cox noted that a correction needed to be made on the agenda to read \$280,344 coming from the General Fund Budget Unit not \$281,744.

**BOARD ACTION:** Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus for Item #3, **approved** the contingency transfer in the amount of \$280,344 from General Fund Contribution Budget Unit 1001-180.

**Roll Call:** Supervisor Monaco - Yes  
Supervisor Loe – Yes  
Supervisor Marcus – Yes  
Supervisor Botelho – Yes  
Chairman De La Cruz – Yes  
(Motion passed 5-0)

Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus for Item #1, **approved** the addition of the Fallon Road Drainage Improvement Project to Roads Capital Improvement Project Budget Unit 2102. (Unanimous)

Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus for Item #2, **approved** reimbursement agreement with Michael E. Dunn and **authorized** the Chair to sign the agreement. (Unanimous) File #105

**SHERIFF DEPARTMENT – C. Hill:**

- 12) **Authorized** Chairman to sign a letter of intent to the Corrections Standards Authority to pursue the Phase I funding program for siting a re-entry facility for jail construction. File #110

**REGULAR AGENDA:**

**PUBLIC WORKS DEPARTMENT – J. Cox:**

- 13) **Approve contract with Schaaf and Wheeler for professional engineering and project management services for County Service Area (CSA) No. 31 for the period of October 14, 2008 through January 31, 2009 in amount of \$50,000.**

Acting Public Works Director Janelle Cox provided background information stating the agreement that was negotiated with Schaaf and Wheeler was to be project manager for the CSA No. 31 Stonegate Homeowners Association regarding handling the water shortage emergency. Ms. Cox mentioned that Mike Randall with the Homeowners Association was on the sub-committee when interviewing the candidates and he has been very involved with the development of the contract. Ms. Cox stated that she had also gone to the Homeowners Association and presented the proposed contract to them.

Supervisor Monaco stated that he was glad that they are working closely with the Homeowners Association. Supervisor Monaco asked if this was not to exceed \$50,000?

Ms. Cox replied that was correct.

Supervisor Loe asked on task #4 where it indicated two presentations would be presented to the board, when would those reports be coming forth?

Ms. Cox replied the first one should be when they have gone to the Homeowners Association with the recommended long-term solution, and the next one at the end of the of the Proposition 218 process for this county service area.

Supervisor Marcus asked for clarification in regards to the money flow?

Ms. Cox replied when they developed the CSA budget in August 2008 they took all their contingency dollars and allocated them for use by the county service area for the water meter replacement. There are adequate dollars to cover the \$50,000, as they are not going forward at this time with the water meters. Ms. Cox stated no county money would be used towards this project.

Supervisor Botelho had a question in regards to the scope of service in regards to annexation with the Tres Pinos Water District and Sunnyslope Water alternatives.

Ms. Cox replied after talking with the consultant they are focusing more on the Granite Rock well option. Ms. Cox stated for all fairness they need to do the analysis.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, **approved** contract with Schaaf and Wheeler for professional engineering and project management services for County Service Area (CSA) No. 31 for the period of October 14, 2008 through January 31, 2009, in an amount not to exceed \$50,000; and authorized the chair to sign contract. (Unanimous) File #CSA 31/105.3*

#### **PLANNING & BUILDING DEPARTMENT – A. Henriques:**

- 14) Adopt resolution requesting the California Department of Housing and Community Development to give highest priority in grant awards to non-entitlement communities through the Housing and Economic Recovery Act of 2008.**

Planning Director Art Henriques provided background information in regards to this request.

Supervisor Loe stated that the Resolution was very good and thanked Art and his staff.

Supervisor Marcus stated he was in favor of sending this Resolution out to other viable sources, such as our local congressman.

Supervisor Loe stated she would like to see it go to our State Representatives, Mayor of Hollister and City of San Juan Bautista and anyone on the housing committee.

**BOARD ACTION:** *Upon motion made by Supervisor Loe and seconded by Supervisor Monaco, **approved** Resolution No. 2008-106 requesting the California Department of Housing and Community Development give highest priority in grant awards to non-entitlement communities through the Housing and Economic Recovery Act of 2008 and send out copies to list suggested by the Board of Supervisors; and authorized the chair to sign. (Unanimous) File #790*

- 15) Receive report on the Gavilan College DEIR, consider public comments and authorize Chairman to sign final comment letter to the Gavilan Joint Community College District Superintendent.**

Planning Director Art Henriques provided a report in regards to the Gavilan College Fairview Corners draft DEIR and possible final draft DEIR letter.

Supervisor Monaco asked if this site was the final decision as to where the college is going to be?

Art Henriques replied that he believes that the Gavilan College Board of Trustees is headed in that direction and that it will be their decision.

Supervisor Botelho stated that he supports the college no matter where it is and supports any site that is selected. Supervisor Botelho mentioned that he would like to see the college participate in their pro rated share as far as the impacts that they are going to face with traffic, sewer, water, etc. Supervisor Botelho mentioned he was concerned about fire protection and could see this as an opportunity to solve our staffing problem.

Supervisor Marcus stated he agreed with everything that was said except for the college being anywhere. Supervisor Marcus stated that the board should take the position to support that project and mentioned that he believed the site is an ideal location.

Supervisor Loe thanked Planning staff for an excellent job on the draft letter. Supervisor Loe stated that she would like to see the whole community stand up and give their opinion before the College Board makes the final decision so that they could weigh the opinions of the community and then move forward. Supervisor Loe stated she supports the college 100 percent.

Diana Cooley, Hollister resident, asked if the letter that was drafted available to the public?

Chairman De La Cruz replied that the letter would be available to the public after today's meeting.

Chairman De La Cruz stated that we need to provide all the input that we can to the College Board. Chairman De La Cruz stated that he supports the college and wants to see it built as soon as possible.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus; moved to send DEIR letter to Gavilan College Board and authorized the Chair to sign letter. (Unanimous) File #790*

### **ADMINISTRATIVE BUSINESS:**

**16) Receive preliminary report on the state budget and economic impacts on countywide revenue.**

Management Analyst Kellie Kennedy provided information in regards to the State Budget and Economic Impacts on Countywide Revenue.

Supervisor Loe mentioned that there was nothing that was shocking. Supervisor Loe, Botelho, Monaco and Chairman De La Cruz commended the staff and administration for their hard work and stated that the board supports what they are doing. *File #865*

**17) Consider draft multi-agency Memorandum of Understanding (MOU) establishing principles and objectives, financial sharing formulas and governance structure for a Gang Coordinator position and direct staff to finalize an MOU for execution by the Chairman; appoint one member of the Board of Supervisors to serve on the Gang Coordination Policy Committee; and direct staff to participate in the Management Committee and Advisory Committee as appropriate.**

County Administrative Officer Susan Thompson spoke in regards to the proposed Memorandum of Understanding establishing principles and objectives,

financial sharing formulas and governance structure for a Gang Coordinator position and appointing one member of the Board to serve on the committee.

Ms. Thompson stated they are recommending a cost sharing formula where the City, County, two School Districts and Superintendents Office share in the costs on an annual basis and authorize the CAO and her staff to be involved in the management committee overseeing work of this activity. Ms. Thompson mentioned that the day-to-day management needs to be under one person and that they recommend the Chief Probation Officer. The Probation Department has a global and overall perspective and works with the courts.

Lengthy discussion ensued by Board members.

It was the consensus of the Board that they supported the committee and coordinator and would like it to see it under the Chief Probation Officer at the Probation Department.

Margie Barrios, Supervisor Elect, stated that she was glad to see something being done at this level to correct the gang activity that we have in this county because it is growing.

Chairman De La Cruz mentioned that he would like to have the Board of Supervisor appoint him to the committee.

***BOARD ACTION:*** *Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus; moved to consider draft multi agency MOU establishing principles and objectives, financial sharing formulas and governance structure for a Gang Coordinator position and directed staff to finalize an MOU for execution by the Chairman and appointed Supervisor De La Cruz to serve on the Gang Coordination Policy Committee and directed staff to participate in the Management Committee and Advisory committee as appropriate. (Unanimous) File #119*

<b>CLOSED SESSION:</b>
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The Board adjourned into Closed Session at 10:55 a.m. and reconvened into Regular Session at 1:30 p.m. re:

**18) Public Employee Performance Annual Evaluation**

Title: County Administrative Officer

Authority: California Government Code Section 54957.

***No reportable action. File #235.6***

**19) Authority: California Government Code Section 54957**

Consider Discipline/Dismissal/Release of a Public Employee.

***Considered. Board approved a termination settlement agreement with the Emergency Dispatcher by 5/0 vote. File #235.6***

**20) Conference with Legal Counsel – Existing Litigation – (Subdivision (a) of Section 54956.9) Name of Case: *Pekin v. Scagliotti, et al;* San Benito County Superior Court, Case No. CU-03-00150.**

***No reportable action. File #235.6***

# AFTERNOON SESSION

## 1:30 P.M.

Chairman De La Cruz noted for the record that Supervisor Botelho was absent for the afternoon session.

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

#### **PLANNING & BUILDING DEPARTMENT – A. Henriques:**

- 21) Hold a public hearing to consider an ordinance for Zone Change 05-146. Applicant: Nader Javid, Marie Mota & DMJ Investments LLC Location: 3588 & 3586 Airline Highway, San Benito County, CA. APN: 020-330-007, 020-330-010 & 020-330-051. Request: to rezone three parcels comprising approximately 20.64 acres to Residential Multiple (RM). Environmental Review:

Byron Turner, Assistant Director of Planning, provided information in regards to the proposed ordinance for zone change and provided a power point presentation.

Mr. Turner stated that the staff recommendation is that the Board review the project record and Planning Commission Resolution 2008-05, review and consider the proposed zone change, adopt the Mitigated Negative Declaration and Mitigation Monitoring and reporting program, adopt the findings reflected in the Board report and in Planning Commission Resolution 2008-05 and adopt ordinance approving zone Change based on the conditions of approval reflected in the Board report as recommended by the Planning Commission.

**BOARD ACTION:** Upon motion made by supervisor Marcus and seconded by Supervisor Monaco, **adopted** Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and **adopted** findings reflected in the Board report and in Planning Commission Resolution 2008-05; and **adopted Ordinance No. 830** approving zone change No. 05-146, based on the conditions of approval reflected in the Board report, as recommended by the Planning Commission. (Unanimous. Botelho absent) File #790

### REGULAR AGENDA:

#### **PLANNING & BUILDING DEPARTMENT – A. Henriques:**

- 22) Hold Affordable Housing Workshop and provide direction to staff.

Planning Director and Housing Program Coordinator C.J. Valenzuela provided a power point presentation in regards to Affordable Housing Workshop and the County's Affordable Housing Program pertaining to Resale Restriction Updates and Inclusionary Model Options and proposed changes to the County's Resale Restriction Agreement.

Lengthy discussion ensued by Board and Staff.

Margie Barrios, Supervisor Elect, voiced concern over the market values and how they are determined asking does a private appraiser or assessor determine them and if so should that be identified?

C. J. replied that the appraiser would be with whatever bank or financial institute that the individual is going through. However it can be set up to go



through an approved appraisal list, lender list, and real estate agent list to try and mainstream.

Michael Roberts, Vice President of El Rancho San Benito, LLC, is gratified that this is being studied. Mr. Roberts mentioned that in regards to down payment we should give consideration to self-help, stating this is a very complicated issue and it is wise to consider a range of options.

Chairman closed the Public Hearing at 2:25 p.m.

Planning Director Art Henriques reported they are asking the Board today if they are comfortable with the draft changes to the Resale Restriction Agreement document and provide direction to staff in regards to the different options for Affordable Housing.

Discussion ensued by Board and staff.

*Chairman De La Cruz provided direction to Planning staff as follows: (1) Board supports changes to the new Resale & Refinance Restriction Agreement and Option to Purchase and bring back to the Board at a future date; (2) Like idea about share equating and finding properties and rentals. Try to spread throughout the community; (3) Bring back options with some different scenarios based on ten-year period; (4) Look at Deed Restrictions. File #790*

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, Botelho, De La Cruz

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to October 28, 2008 at 9:00 a.m. for a regular meeting.

**JAIME DE LA CRUZ, CHAIRMAN**

San Benito County Board of Supervisors

**ATTEST:**

Janet Slibsager

Asst. Board Clerk