



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 NOVEMBER 4, 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 Botelho led the Pledge of Allegiance.

Supervisor Loe asked that everyone remain standing for a moment of silence in dedication to our fighting men and women, the people of the past that have given their lives fighting in the armed services and the true sacrifices that their families have made. Supervisor Loe asked that we remember that November 11th is Veteran's Day, a day to honor all the people that have fought for this country.

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

- c) **Public Comment:** Joe Thompson, local resident, spoke in regards to Election Day, our local democracy pertaining to increasing deficit spending and exercising illegal authority through the Council of Governments (COG).

Marty Richman, local resident, thanked Supervisor Loe for mentioning Veterans Day and spoke of an article that was in the paper in regards to Morgan Hills new courthouse being built and the problems that they are having and that before we get into building our new courthouse we can maybe see what we can do to prevent the same problems.

- d) **Department Head Announcements:** There was none.

- d) **Board Announcements, Introductions and Presentations:**

Supervisor Marcus reported that he and Supervisor Botelho sat on an advisory council discussing the potential for the one stop center and some of the items discussed were the different locations they were looking at and the future of the old convalescent hospital as a possible homeless shelter.

Supervisor Monaco announced that on November 1st he went to the Pinnacles National Monument to participate in a condor release, which was postponed because of the weather.

Supervisor Monaco stated that he would like to see a letter or a resolution brought forward and addressed to the Federal Government, through our Congressman Sam Farr, to have the status of the Pinnacles changed from a National Monument to a National Park.

Chairman De La Cruz asked Supervisor Monaco if he was requesting the Board to move forward with a resolution. Supervisor Monaco replied yes.

Supervisor Botelho mentioned that he attended the annual Farm Bureau meeting and would like to extend his congratulations to Greg Swett who was appointed as Farm Bureau president.

Supervisor Botelho mentioned that there was a report in the paper in regards to the 15% water allocations and how this will have a dramatic impact on the crops being grown in San Benito County and our municipal water needs.

Chairman De La Cruz thanked Janelle Cox, Acting Public Works Director and staff for helping out public member Jack Tyler.

Chairman De La Cruz thanked the Community for their donations to the Union 4-H Club who collected for the Community Pantry.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, approved Consent Agenda Items 1 through 16, pulled items 4, 10, 12 and 13 for discussion and action. (Unanimous)

ADMINISTRATION BUSINESS:

- 1) **Approved** contract with San Benito Tire, Inc. for vehicle fleet maintenance and repair service for the period of November 5, 2008 through November 4, 2011. *File #119*

BOARD OF SUPERVISORS:

- 2) **Approved** Certificate of Recognition to Stanley C. Bond for his years of outstanding dedication and service to the Anza Trail, to be presented at a later date. (Supervisor Botelho) *File #156*

CLERK OF THE BOARD – L. Churchill:

- 3) **Approved** the action minutes of the October 7, 2008 meeting.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 4) **Allocate a 1.0 FTE Employment & Training Supervisor position (Range 21.9) to the Human Services Division's Schedule of Authorized Positions for purposes of recruitment.**

Chairman De La Cruz voiced concern that he had received numerous phone calls from the public in regards to possibly not having enough staff to handle the paper work for Go Kids (CaLWORK's).

County Administration Officer Susan Thompson stated that they would discuss this matter with the department and report back at a later time.

BOARD ACTION: *Upon motion made by Chairman De La Cruz and seconded by Supervisor Botelho, moved to allocate a 1.0 FTE Employment & Training Supervisor position (Range 21.9) to the Human Services Division's Schedule of Authorized Positions for purposes of recruitment.*

Training Supervisor position (Range 21.9) to the Human Services Division's Schedule of Authorized Positions for purposes of recruitment. The position shall not be filled until the retirement of an Employment and Training Services Counselor III (Range 17.9), at which time the position will be deleted. (Unanimous) File #130

- 5) **Appointed** Ms. Alice Rivera to the Workforce Investment Board as a representative for Youth Employment Program Council for a three-year term effective November 4, 2008 to November 4, 2011. *File #939*

INTERNAL SERVICES – R. Inman:

- 6) **Approved Resolutions No. 2008-109 & No. 2008-110** for 2009 Employer Contributions for CalPERS Health Insurance Premiums for Retirees of San Benito County. *File #630*
- 7) **Approved** two amendments to Memorandum of Understanding with the Deputy Sheriff's Association and SEIU Local 521, for county contributions for employee health insurance. *File #630*

COUNTY LIBRARIAN – N. Conte:

- 8) **Approved** change in Library Holiday Schedule effecting closure of the County Library on Saturday, November 29th and Wednesday, December 24th at 1:00 p.m. *File #80*

PUBLIC WORKS DEPARTMENT – J. Cox:

- 9) **Awarded** contract to Coastwide Environmental Technologies and G & G Builders Inc. as the lowest responsive, responsible bidders for abatement and construction of the Migrant Childcare Playground Improvements; and make the necessary budget transfers. (4/5 Vote) *File #105.3*
- 10) **Approve Amendment #1 to the agreement with NBS, dba Government Finance Group for Proposition 218 related services for County Service Areas, for an amount not to exceed amount of \$11,900 from \$148,050 to \$159,950.**

Supervisor Botelho voiced concern in regards to increasing the amount of the contract and additional costs to the CSA's.

Janelle Cox, Acting Public Works Administrator, explained the process of the public outreach services.

Supervisor Marcus voiced concern about contracts that state not to exceed a certain amount.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, approved Amendment #1 to the agreement with NBS, dba Government Finance Group, for Proposition 218 related services for County Service Areas, for a not-to-exceed amount of \$11,900, from \$148,050 to \$159,950 and no change to the contract term and authorized the chair to sign. (Unanimous) File #CSA/105*

- 11) **Approved** contract with AC Louie Acquisition Services for Right-of-Way Acquisition Services for the period of July 1, 2007 through June 30, 2010, in an amount not to exceed \$15,000. *File #105*

- 12) **Adopt the plans and specifications for the Farmworker Kitchen and Dorms.**
Supervisor Botelho excused himself as he is on the San Benito County Labor Association Board.
BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, moved to adopt the plans and specifications for the Farmworker Kitchen and Dorms. (4-0 Vote) File #750*
- 13) **Adopt Resolution approving the application for grant funds for the California River Parkways Grant Program. (Res. No. 2008-111)**
Supervisor Monaco questioned if this was for a previous grant application or was it a new one?
Janelle Cox, Acting Public Works Administrator, replied that this is a new application noting that the prior application was for Proposition 50 grant dollars and this one is for Proposition 84.
BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, **adopted Resolution No. 2008-111**, approving the application for grant funds for the California River Parkways Grant Program. (Unanimous) File #93*

SHERIFF'S DEPARTMENT – C. Hill:

- 14) **Approved** contract Amendment #1 with Justice Benefits, Inc. (JBI) modifying the scope of service to include administration of the Southwest Border Prosecution Initiative claim applications on behalf of the County. *File #110*
- 15) **Approved** application with Ford Motor Credit Company for the lease of two (2) Crown Victoria Police Interceptors; **authorized** the Sheriff to sign the application. *File #110*
- 16) **Accepted** the FY08 Homeland Security Grant Program funding and approve the augmentation of \$218,484 in revenues and expenses; and **awarded** the bid to OBS Inc. as the lowest responsive responsible bidder and **approved** the purchase of the Mobile Command Vehicle in an amount not to exceed \$142,506. *File #110*

9:30 A.M. - PUBLIC HEARING (or as soon thereafter as the matter may be heard)

PLANNING & BUILDING DEPT. – A. Henriques:

- 17) **Hold a public hearing to consider an increase in Planning Division application fees and adoption of an amended planning fee ordinance. (Request for continuance to December 2, 2008 has been requested by Planning Dept.)**
Planning Director Art Henriques asked for a continuance of this item to the December 2, 2008 meeting as the County Code would be coming to the Board on November 25th for codification and approval and they would not have to do an amendment to the code if approved after the new code is adopted.
BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, moved to continue the public hearing to December 2, 2008 at 9:30 a.m. (Unanimous) File #790*

REGULAR AGENDA:

COUNCIL OF GOVERNMENTS – M. Dinkuhn:

18) **Receive an update on Highway 25 Bypass Project.**

Mary Dinkuhn, Council of Governments, provided an update on the Highway 25 Bypass construction reporting that the project completion date of November has been delayed and the completion date is unknown at this time. They have had an issue come up with some cracks in the pavement that was placed by the Contractor and have had to do a series of tests to determine what has caused the cracking. Ms. Dinkuhn said the tests show it was due to a construction error on the part of the Contractor where the treatment done to the soil in those areas were not properly placed. Council of Governments have and will continue to work with the Contractor, City of Hollister and Cal Trans to fix this problem to give us the roadway that we paid for and will be structurally sound. Ms. Dinkuhn said they have asked the Contractor to work on the areas that are more critical to traffic.

Discussion ensued and the Board members asked questions that were addressed by Ms. Dinkuhn.

Joe Thompson, local resident, stated the county should declare Highway 25 a safety corridor and adopt a resolution declaring Highway 25 bypass the Janet Graham memorial bypass.

Paul Wattis, local resident, expressed his frustration in regards to the bypass traffic congestion out by San Felipe Road and Highway 25 coming in from Gilroy. *File #1035*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

19) **Agency Director for the Governor's Gang Reduction Intervention and Prevention In Adopt Resolution authorizing signing authority for the Health & Human Services initiative (CalGRIP) if awarded grant application and subsequent grant agreement.**

Enrique Arreola, Community Service Workforce Development, provided information in regards to the Resolution for the Governor's Gang Reduction Intervention and Prevention program and the grant application and subsequent grant agreement.

Questions posed by the Board of Supervisors were answered by Mr. Arreola and CAO Susan Thompson in regards to the gang intervention program.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, adopted Resolution No. 2008-112 of the County of San Benito authorizing signing authority for the Health & Human Services Agency Director for the Governor's Gang Reduction Intervention and Prevention Initiative (CalGRIP) grant application and subsequent grant agreement if awarded CalGRIP grant. (Unanimous) File #939*

INTEGRATED WASTE MANAGEMENT DEPT. – M. Rose:

20) **Approve the Landfill Fee Waiver under specified conditions for non-profit donation-collection sites.**

Supervisor Loe declared a conflict of interest and excused herself, as she serves on two of the boards that are affected by this.

Integrated Waste Manager Mandy Rose provided information in regards to the fee waiver and illegal dumping at several non-profit locations and her proposal to waive fees for the following list of non-profit organizations: St. Vincent de Paul, Goodwill, Emmaus House, Salvation Army, Hazel Hawkins Hospital Auxiliary and the Homeless Shelter.

Discussion ensued by Board and staff.

Supervisor Marcus mentioned he would like to have this monitored every six months or so.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, **approved** Landfill Fee Waiver after specified conditions have been met for the following non-profit donation-collection sites: St. Vincent de Paul, Goodwill, Emmaus House, Salvation Army, Hazel Hawkins Hospital Auxiliary and the Homeless Shelter and that this program be reviewed in six months and reported back to the Board of Supervisors. (4-0 Vote) File #75.4*

PLANNING & BUILDING DEPARTMENT – A. Henriques:

21) Review staff's initial comment letter on Monterey County's General Plan update and direct staff.

Planning Director Art Henriques provided information on the 2007 Monterey County General Plan #5, the comment letter that was sent to Monterey County in regards to their General Plan update #4 and #5 and how some of the same concerns could impact our County areas.

Discussion and questions ensued by the Board of Supervisors and were answered by Planning Mr. Henriques.

Joe Thompson, local resident, stated that we suffer the adverse consequences from some very bad public policy in Monterey County in regards to transportation. *File #790*

22) Review update on the Blueprint process and provide direction to staff.

Planning Director Art Henriques provided information in regards to the blueprint process that is being led by the Association of Monterey Bay Area Governments (AMBAG) and the County and the Council of Governments (COG) are participating locally. Mr. Henriques said the process seeks to establish a preferred growth scenario, which will become part of the tri-county metropolitan transportation plan and is intended to reduce vehicular emissions and vehicle miles traveled. The regional scenario, foreseeing land-use patterns in 2035 will be developed through consultation with voluntarily participating AMBAG-area jurisdictions and the public but would not be binding for those jurisdictions.

Discussion ensued by Board of Supervisors and staff.

Joe Thompson, local resident, stated that we have too much government right now and we can't afford multiple layers of government.

Marty Richman, local resident, stated that this is impossible for the public to keep up with and is a maze of organizations. Mr. Richman said they have shown no progress and these plans do not work and this has been going on for years.

Mary Dinkuhn, Council of Governments, provided information on COG's perspective on the Blueprint Planning Process that will be agendized for their next COG meeting. *File #790*

23) Progress report on abatement of 1720 Cienega Road, Hollister (Cerrato property).

Planning Director Art Henriques provided a progress report in regards to the Cerrato property stating that property owners have gotten building permits for roof and barn and related buildings and they have 180 days to get the work done and call for inspections. Mr. Henriques mentioned that they are making good progress and are happy how the property owners are cooperating.

Supervisor Monaco mentioned that he is glad that there has been progress made and feels they have accomplished what they wanted to and would like to move on with this. Supervisor Monaco stated he does not feel that it needs to come back for any further report unless any further issues arise.

Supervisor Marcus mentioned that it looks like we have made significant progress with Mr. Cerrato and concurs with Supervisor Monaco and would like to relieve this board and the public from any further comments related to the Cerrato property unless something else arises.

Supervisor Loe mentioned that this parcel is in her district and has taken a long time to get this far and would like to have a final update in January 2009 and hopefully at that time we would be able to close it.

Planning Director Art Henriques suggested maybe making the report at the six-month window for the building permit period and maybe sooner if the work is completed.

Supervisor Loe stated that the six-month time frame would be fine. *File #790*

24) Approve contract with Denise Duffy & Associates for on-call Planning services in the amount of \$50,000.

Planning Director Art Henriques spoke in regards to the focus on the large project processing and reimbursement programs and the request for a contract for an on-call services contracting consulting firm which would help free up staff's time to continue overall project management, economic development and permit streamlining. Mr. Henriques provided information as to why they are recommending Denise Duffy & Associates for the contract.

Supervisor Marcus stated that he supports this and would like to see all projects, whether they are big or small, and does not want to see the Planning Department stand in the way of encouraged development in this community.

Supervisor Botelho stated that he also agrees with Supervisor Marcus and thanked Planning Department for bringing this forward.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor Botelho; **approved** contract for on-call Planning services with Denise Duffy & Associates in the amount not to exceed \$50,000; and **authorized** the Chair to sign contract. File #790*

PUBLIC WORKS DEPARTMENT – J. Cox:

25) Receive report on the Conceptual Parks and Recreation Facility Master Plan and provide direction to staff.

Acting Public Works Administrator Janelle Cox reported on the Conceptual Parks and Recreation Facility Master Plan and went over some successes that have been achieved so far.

Ms. Cox introduced Lee Steimentz, Principal, from Bellinger Foster Steinmetz, the firm that was hired for the development of the master plan. Mr.

Steimentz provided a power point presentation of the overview process and where they are to date.

Supervisors voiced concern of the specific nature in regards to the map that was presented.

Paul Wattis, local resident, voiced concern, as there has been no input from the Cattleman's or Farm Bureau Association. Mr. Wattis stated he is very concerned about trails going through private property and was wondering who is going to police this.

Scott Fuller, Chairman of the Board of YMCA, mentioned that the YMCA has an active capital campaign and in the next five years the plan is to provide a new YMCA facility that could possibly meet some of these needs and will work with the recreation committee.

Tim Foley, local resident, commended the County for their partnership with North County School District, Spring Grove School, for the magnificent fields that are going in there. Mr. Foley stated he is the vice-chair of the YMCA and emphasized they are going to have ample facilities for seniors. Mr. Foley stated that this is a tremendous asset for our community and our outdoor recreational possibilities.

Jeff Gafin, Superintendent Hollister Hills, mentioned that there is about seven thousand acres at the park and about three thousand of that was set aside through a lawsuit settlement agreement and are not available for motorized use.

Supervisor Marcus asked that Mr. Gafin provide County Counsel with the forms regarding the release of liability.

Ray Pierce, Parks & Recreation Commission, voiced concern about a bike path between the wine tasting areas and provided an overview of the project.

Discussion ensued by Supervisors.

Don Kelly, Parks & Recreation Chairman, mentioned that this map was strictly a conceptional work piece and got out before the final draft was done. Mr. Kelly apologized for not making sure that this was labeled in big bold letters as a conceptional map and the misunderstanding of the map.

Supervisor Loe thanked Don Kelly and the commission for all the hard work that they have done and invited Mr. Kelly to come back to a future board meeting with the concepts for the next one to five years.

Supervisor Marcus agreed with Supervisor Loe, and asked that no one be discouraged, you have a great committee and are doing a great job.

Supervisor Botelho and also thanked the Parks and Recreation Commission for doing a great job and do not take anything said today as negative.

Don Kelly thanked the Board for their input and said they would move forward with the valuable information from today.

Eric Burns, Superintendent Pinnacles National Monument, mentioned that this master plan is a wonderful opportunity for this county as well as adjoining counties and not to forget about your local parks service, as they would like to be a player.

Chairman De La Cruz gave direction to Janelle Cox, Public Works Administrator, to come back with one to five year goals; clearly identify in policy the property owner's rights; and contact the YMCA, Cattleman's Association and Farm Bureau in regards to their input.

CLOSED SESSION:

The Board adjourned into Closed Session at 12:05 p.m. and reconvened into Regular Session at 12:10 p.m. re:

- 26) Conference with Legal Counsel – Existing Litigation – (Government Code Section 54956.9, subdivision (a) Number of cases: 1**
Simpson v. County of San Benito, et al, Superior Court, San Benito County:
Case No. CU-08-00038.
No reportable action. 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: Monaco, Loe, Marcus, Botelho, De La Cruz
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to November 25, 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