



SAN BENITO COUNTY BOARD OF SUPERVISORS

Don Marcus
District No. 1

Anthony Botelho
District No. 2

Pat Loe
District No. 3
Vice-Chair

Reb Monaco
District No. 4
Chair

Jaime De La Cruz
District No. 5

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

REGULAR MEETING ACTION MINUTES APRIL 26, 2005

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in regular session. Supervisors Marcus, De La Cruz, Botelho, Loe and Monaco were all present. Also present was Acting County Administrative Officer Susan Lyons, Interim County Counsel Claude Biddle and Senior Board Clerk Linda Churchill. Chairman Monaco called the meeting to order.

9:30 a.m. CALL TO ORDER:

- a) Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** Joe Thompson came forward stating that has represented small businesses on the Central California Coast Region before State and Federal agencies for 25 years and also he is the founder of the San Benito Business incubator. Mr. Thompson announced that this was National Small Business Week and he felt it was important to take a moment to pay tribute to the small businesses in San Benito County. Mr. Thompson further commented that small businesses could certainly be helped in this county and the county could also help itself if the Board of Supervisors would adopt a resolution supporting Senate Constitutional Amendment No. 2 which is a new amendment to our State Constitution introduced by Senator McClintock which, if enacted, would provide that local county governments would not have to provide services for funding which was not made available by the State. Mr. Thompson stated that he felt there was a lot of incorrect spending in the transportation sector and he was volunteering his expertise to help the Board in any way he could.

Martin Seiler, Fairview Road resident, came forward. Mr. Seiler explained that he and his wife decided to build a house in the middle of an orchard that they own and they got the plans. Mr. Seiler stated that he went to the CDF in early summer of last year and asked what was required and after finding out he made the necessary provisions. After applying for the building permit he again asked the Planning Department what was required and they said that basically they didn't know but if something changed they would let him know. Mr. Seiler said he paid the fees and put in the application and it took about six months for the application to be processed and during that time he asked several times what the status of the fire protection and he was told no change. Finally at the end of January 2005 he got the permit along with the letter from fire department saying that now he must have sprinklers in the house. Now, also, apparently a fire hydrant is required also on Fairview Road, at his expense, to service everyone. Mr. Seiler wanted to know what had changed. Has the ordinance or policy changed and what now makes all of these things mandatory? Mr. Seiler said he was not sure where to go with his dilemma and it has become very costly.

Acting County Administrative Officer Susan Lyons directed Management Analyst Robin Scattini to follow up with Mr. Seiler's concerns and get it cleared up.

d) **Department Head Announcements:** There were none.

e) **Board Announcements, Introductions and Presentations:** Supervisor Loe reported that she had attended a meeting on April 21st with Santa Clara County and San Benito County representatives where Peter Siggins of the Governor's Office spoke. Supervisor Loe stated that Mr. Siggins was well aware of the California Valley Miwok project in San Benito County and he reported that there are no negotiations going on right now because there are government issues that must be cleared up first and also he stated that the Governor's policy basically says that there has to be local support from the governing body before they move forward with any project. It would not be handled by a survey. If the governing body supported it and everything is mitigated then there would have to be a vote of the property owners around the project that could somehow be harmed by the project itself. Supervisor Loe stated that there were many steps before any kind of casino could come to San Benito County and the way it looks right now the first step hasn't even been taken yet.

CONSENT AGENDA:

Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz, approved Consent Agenda Items 1 through 17 with the exception of Items 1, 11, 12 and 15 that were pulled for discussion.

ADMINISTRATION:

- 1) **Consider amendment to agreement with Sally Reed re: administrative consultation services. (Acting CAO)**

Supervisor Loe requested to have this item pulled and sent back to staff for clarification of language. Supervisor Loe was concerned about the wording of the last sentence and how it could potentially affect the County if there were some kind of lawsuit or liability and also if this was precedent setting and if there were any other contractors with this type of agreement.

Chairman Monaco directed staff to bring this item back on May 3, 2005 for consideration.

AUDITING – J. Hodges:

- 2) **Approved** Departmental Claims.

BOARD OF SUPERVISORS:

- 3) **Acknowledged** the appointment of Mark Wright by Supervisor Marcus to the Agricultural Preserve Advisory Committee representing Supervisorial District 1.
File #7

CLERK OF THE BOARD:

- 4) **Approved** the action minutes of the meetings of April 5, 2005 and April 12, 2005.
- 5) **Approved** Proof of Publication.

DEPARTMENT OF EMERGENCY SERVICES – M. Riopel:

- 6) **Reaffirmed** 14-Day Proclamation of Local Emergency – Thomas Road. *File #75.5*

DISTRICT ATTORNEY – J. Sarsfield:

- 7) **Approved** out of state travel request for a Deputy District Attorney to attend a prosecution of drug related crimes training course to be held July 26, 2005 through July 28, 2005 in South Carolina. *File #205*

FIRST 5 SAN BENITO – K. Castillo:

- 8) **Approved** the reappointment of Dr. Marni Friedman to the First 5 San Benito Children and Families Commission for a three-year term effective April 1, 2005 through March 31, 2008. *File #155*
- 9) **Approved** the reappointment of Luciano Medeiros to the First 5 San Benito Children and Families Commission for a three-year term effective April 1, 2005 through March 31, 2008. *File #155*
- 10) **Approved** amendment to agreement with the Hollister School District regarding the “School Readiness Services” program increasing cost amount by \$14,754. *File #155*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 11) **Consider agreement with the State Department of Health Services regarding Medi-Cal Administrative Activities (MAA) with a contract term of July 1, 2004 through June 30, 2005 and authorize H&HSA Director to sign on behalf of the County.**

Supervisor De La Cruz asked why this contract was coming now when it began July 1st of last year through June 30th of this year?

Health & Human Services Agency Director Kathy Flores answered that they have been submitting claims to the State and it was recently discovered that we did not have an executed contract and so we are merely trying to make something right.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz approved Contract #04-35104 with the State Department of Health and authorized Kathryn Flores to sign the contract. File #130*

- 12) **Regarding Year 05 Bioterrorism Funding Grant, consider the following:**
- a) **Augment Local Public Health Preparedness budget for FY2004/2005 in the amount of \$75,350 for expenditures and revenue; and**
- b) **Authorize Chair to sign the Certification Form that the funds will not be used to supplant existing funding and that the funds will be deposited in a Local Public Health Preparedness Trust Fund.**

Health & Human Services Agency Director Kathy Flores noted that the dollar amount typed on this agenda item is incorrect. It should read \$76,350.

Supervisor Botelho asked if a Work Plan had been done.

Ms. Flores answered yes it had been done clarifying that no money has been expended yet and this is a one time amount of funding.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Loe approved item as recommended. File #130*

MENTAL HEALTH – A. Yamamoto:

- 13) Regarding Special Data Project agreement with Idea Consulting to meet the Department of Mental Health reporting requirements, consider the following:

- a) **Approved** the acceptance of the contract for the term of March 1, 2005 to June 30, 2005 under Department of Mental Health Agreement #04-74307-000; and
 - b) **Authorized** the Mental Health Director to sign said contract and Contractor Certification. *File #810*
- 14) **Approved** proclamation declaring May 2005 as “Mental Health Month” in San Benito County. *File #430*

PLANNING DEPARTMENT – R. Mendiola:

- 15) **Consider lease agreement for a copy machine with Stringer Business Systems for a forty-eight (48) month period.**
 Supervisor Marcus asked if the order had already been placed?
 Assistant Planning Director Fred Goodrich stated that Stringer Business Systems had loaned them the machine to see how it works but we don't necessarily have to accept that particular machine.
BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz approved lease agreement with Stringer Business Systems for a period of 48 months. File #790*

SAN BENITO RESOURCE CONSERVATION DISTRICT:

- 16) **Approved** the reappointment of Paul Hain and Joe Conconi as Directors of the Resource Conservation District each for a term of four (4) years expiring November 28, 2008. *File #1059*

SUBSTANCE ABUSE PROGRAM – M. Narasaki:

- 17) Regarding amended Negotiated Net Amount (NNA) contract for FY2004/2005, consider the following:
- a) **Approved** amended NNA contract for FY2004/2005 with the California Department of Alcohol and Drug Programs; and
 - b) **Authorized** the Chair to sign said contract; and
 - c) **Directed** the Clerk of the Board to attach a Minute Order reflecting said action. *File #1053*

REGULAR AGENDA:

PRESENTATIONS / RECOGNITIONS:

- 18) **Award to Geri Davis of “Love Grandma” as part of the Child Abuse Prevention Month’s “Blue Ribbon Award” activities. (H&HSA)**
 Health & Human Services Agency Director Kathy Flores came forward stating that Ms. Davis was unable to attend. Ms. Flores provided background information with regards to Ms. Davis’ accomplishments.
 Chairman Monaco presented the Blue Ribbon Award to Vivian Van Dal-Tibioni who accepted the award on behalf of Ms. Davis.
- 19) **Consider presentation and consider request of Peter Frusetta for liability insurance regarding a private library in Tres Pinos.**
 Peter Frusetta, Tres Pinos resident, presented his vision for a private library in Tres Pinos dedicated to his mother and father to be located in the office of his home.

Mr. Frusetta stated that he intends to fully fund the library but was requesting help from the County in providing liability insurance.

Web Winans, Lovers Lane resident, stated that the Historical Society is very active in San Benito County and maybe they could contribute their time and help.

After considerable discussion Chairman Monaco directed Acting County Administrative Officer Susan Lyons to work with Mr. Frusetta and look into the suggestions made by the Board of Supervisors this morning such as working with the County Library or the Historical Society. *File #80*

COUNTY COUNSEL:

- 20) **Consider discussion regarding the establishment of a Campaign Ethics Committee, continued from the meeting of March 22, 2005 and direct staff accordingly.**

Supervisor Loe provided background information stating that this item was back to the Board of Supervisors for review.

Discussion was held and it was the consensus of the Board to postpone moving forward at this time.

BOARD ACTION: *Supervisor Botelho made a motion to dismiss this effort for now.*

Supervisor De La Cruz requested an amendment to the motion and moved to table this indefinitely.

The motion by Supervisor Botelho was clarified to discontinue exploring Campaign Ethics Committee establishment. Supervisor De La Cruz seconded the motion.

The Chair called for question.

The motion passed 4-1 with Supervisor Loe voting no. File #156

ADMINISTRATIVE BUSINESS:

- 21) **Consider appointment of Board Sub-Committee to develop improved relationship between the District Attorney and the Board of Supervisors. (Acting CAO)**

Chairman Monaco stated that this ad hoc sub-committee was important to continue a good working relationship with the District Attorney.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho approved the formation of an informal liaison committee consisting of Supervisor Marcus and Supervisor Botelho to continue the good relationships with the District Attorney. (Unanimous.) File #205*

- 22) **Receive presentation from Mr. Len Materman regarding the Rural Lands Stewardship Project. (Acting CAO)**

Joe Morris, San Juan Bautista resident introduced Len Materman, Director of River Communities a non-profit organization. Mr. Materman made a presentation regarding Rural Land Stewardship Program and handed out the presentation to the Board of Supervisors.

The following persons addressed the Board with regards to this program and Vision San Benito:

Marvin Jones, Hollister resident, urged the Board to look into this type of program because he had concerns that it would be an un-appointed body of Planning Commissioners.

Scott Fuller, San Juan Oaks Golf Club, felt that this program was worthy of looking into.

Paul Hain, Vision San Benito Committee member and President of the San Benito Agricultural Land Trust felt that this was a program that represents the values of San Benito County and that the process will work.

Joe Morris was hopeful about the Vision San Benito process and asked the Board for support.

Discussion was held and it was the consensus of the Board of Supervisors to support the general concept of the program.

Chairman Monaco encouraged the Acting County Administrative Officer to continue the relationship with Vision San Benito and encouraged the Board members to continue keeping in contact with this group. Chairman Monaco further stated he would like to see this on the agenda in the future for discussion and action if necessary.

Acting County Administrative Officer Susan Lyons stated that a letter could be agendized for Board approval as requested by Mr. Materman. The letter would be in support of the principles of the program.

Chairman Monaco directed the Acting County Administrative Officer to prepare a letter to the San Benito Agricultural Land Trust re: support of Rural Land Stewardship Program principles and to agendize the letter for approval by the Board of Supervisors at the May 3, 1005 meeting. File #156

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 at 11:30 a.m. and reconvened into Regular Session at 11:50 a.m. regarding the following items. Item 23c was continued to after the 1:30 p.m. scheduled public hearing.

- 23) **Conference with Legal Counsel – Existing Litigation**
Authority: California Government Code Section 54956.9(a)
a) Fancher & Roybal v. County of San Benito
No reportable action.
b) Martinez v. County of San Benito, et al.
No reportable action.
c) Monteon vs. Richard Scagliotti, et al.
No reportable action. File #235.6
- 24) **Conference with Labor Negotiator**
Authority: California Government Code Section 54957.6
Agency Negotiator: Susan Lyons, Acting CAO
Unrepresented Employees: Department Heads
No reportable action. File #235.6

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

PLANNING – R. Mendiola:

25) **Hold a public hearing to consider a proposed ordinance for Zone Change 04-139, a request to change the zone designation on 17.3 acres from Agricultural Productive (AP) to Rural Residential (RR). Applicant: Lico/Greco Partnership. Location: Southwest of Enterprise Road, east of Southside Road, and west of the Quail Hollow/Oak Creek subdivisions. Zoning: Agricultural Productive (AP). Environmental Review: Mitigated Negative Declaration.**

After conducting Public Hearing, consider the following:

- a) **Introduce ordinance; and**
- b) **Waive the reading of said ordinance; and**
- c) **Allow for Board discussion and public input regarding said ordinance; and**
- d) **Continue the ordinance to the May 3, 2005 Board meeting for consideration.**

Assistant Planning Director Fred Goodrich provided the staff report stating that in April 2005 the Planning Commission did adopt a resolution recommending that the Board of Supervisors approve the Mitigated Negative Declarations and the change of zone from Ag Productive (AP) to Rural Residential (RR).

Mr. Goodrich noted that the applicant has submitted a Vesting Tentative Map that includes 14 one-acre lots and a five acre lot that includes an existing residence and the remaining portion that would be undeveloped and would not be involved in the re-zoning.

The Chairman opened the public hearing.

Bill McClintock, MH Engineering, came forward and spoke on behalf of the Lico family. Mr. McClintock answered questions by the Board of Supervisors.

Mr. McClintock answered questions by the Board with regards to the traffic impact on Quail Hollow and also water discharge service that was denied by Sunnyslope County Water District and concern with nitrates and water quality in that area.

Questions were also addressed with regards to a higher density that was just adopted in the amendment to the San Benito County Housing Element and the issue of more affordable housing.

The Chairman closed the public hearing.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz, waived the reading of the ordinance. (Unanimous vote.)*

The Clerk introduced the ordinance by reading the title.

Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz, introduced the ordinance. (Unanimous vote.)

Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz continued consideration of the ordinance to the May 3, 2005. (Unanimous vote.)

Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz set the consideration of the ordinance on the Consent calendar. (Unanimous vote.)
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: Don Marcus, Jaime De La Cruz, Anthony Botelho,
Pat Loe, Reb Monaco
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to its next regularly scheduled meeting on May 3, 2005 at 9:30 a.m.

REB MONACO, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
John R. Hodges
Clerk of the Board
BY:
Linda Churchill
Senior Board Clerk