

**SAN BENITO COUNTY
BOARD OF SUPERVISORS
REGULAR MEETING
MAY 25, 2004**

ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in regular session. Supervisors Loe, Scagliotti, Monaco and Kesler were present. Chairman Cruz was absent. Also present was County Administrative Officer Terrence May, County Counsel Karen Forcum and Senior Board Clerk Linda Churchill. Vice Chair Ruth E. Kesler presided.

9:30 a.m. CALL TO ORDER:

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

County Administrative Officer Terrence May announced the following changes to the agenda:

- Item #30 was pulled from the agenda and continued to a date uncertain.
- Item #31 was pulled and continued to the meeting of June 1, 2004 when a full Board is present.

c) **Public Comment:**

County Counsel Karen Forcum announced that this was an opportunity for members of the public to address the Board on items of interest not appearing on agenda. Ms. Forcum noted that there may be a number of people interested in approaching the Board this morning and requested that to the extent that the comments may duplicate one another that one or two representatives be selected to comment and not repeat each other if possible. Ms. Forcum noted that the Board is not able to respond comprehensively to comments made under the Public Comment period but can briefly respond to statements made or questions posed and they can also ask for clarification on any point that is made or request that staff bring back further information or agendize the matter on a future meeting agenda.

Comments were heard from the following members of the public:

Ignacio Velasquez, Hollister resident, commented how very disappointed he was in the Board of Supervisors and the continuing legal action that is taken against the citizens for nothing less than retaliation on personal issues within the County. Mr. Velasquez referred to a letter that his attorney received threatening more legal action against himself for speaking against the County. Mr. Velasquez asked the Board to please stop this litigation.

Cal Turpin, disabled Veteran of World War II, expressed his concern over the possible elimination of the local Veterans Service Office and the hardships it would cause to local veterans and their families. Mr. Turpin encouraged the Board not to eliminate this local service.

Pat Johns, County Director and 4-H Youth Development Adviser for the University of California Cooperative Extension spoke on behalf of the of University of California and the 4-H members and parents present at the meeting. Ms. Johns stated they appreciated the County taking the time to listen to their needs and concerns and the willingness to commit to working with 4-H. Ms. Johns said they did understand the financial crisis.

Leslie Fitzgerald, Hollister resident, came forward supporting the funding of the local 4-H stating that 4-H brings money into the county and noting that this is a county dependent on agriculture for its wealth.

Web Winans, Lovers Lane resident, stated that 4-H is a good thing but he felt that there would be sufficient private donations if necessary to keep it in operation and that should be explored. Mr. Winans noted that he too was a World War II veteran and he could appreciate the problems going on with that. Lastly, Mr. Winans noted that he had been attending meetings for the past 15 years and he could defend the Board of Supervisors in anything that may be going on with the local Free Lance Newspaper. Mr. Winans said he did not feel the Board has done anything wrong and they were always under the gun.

Aurelia Bozzo, Hollister resident since 1927, and a 4-H leader for years came forward. Mrs. Bozzo asked what happened to the money that was left to the 4-H by Georgia Wapple?

Ms. Johns answered that if the 4-H program does close then the \$1.7 million left by the Georgia Wapple Frasier Trust would revert to the University of California to be held in trust for three years in the event that the San Benito County 4-H program were to return.

d) **Department Head Announcements:** *None*

e) **Board Announcements, Introductions and Presentations:** *None*

CONSENT AGENDA:

***Upon motion made by Supervisor Scagliotti and seconded by Supervisor Monaco, approved Consent Agenda Items as follows:
(Vote 4-0. Cruz absent.)***

ASSESSOR:

- 1) **Approved** Assessment Roll Corrections.

AUDITOR:

- 2) **Approved** Departmental Claims.

CLERK OF THE BOARD:

- 3) **Approved** the minutes of the meeting of May 4, 2004 and the special meeting of May 14, 2004.

DEPARTMENT OF EMERGENCY SERVICES:

- 4) **Approved** agreement renewal with the State Department of Parks and Recreation re: funding EMS services and mitigate impacts of Hollister Hills SVRA; and authorized Director of Emergency Services to sign said agreement and contractor certification. **File #75.5**
- 5) **Approved** two agreement renewals with Quinn Engine Systems re: generator maintenance for :
 - a) generator located in Administration Building with a contract term of May 1, 2004 through April 30, 2005; and
 - b) generator located at Fremont Peak with a contract term of May 1, 2004 through April 30, 2005. **File #75.5**

HEALTH & HUMAN SERVICES AGENCY:

- 6) **Approved** agreement with the Hollister School District re: School Nursing Services with a Contract term of April 1, 2004 through June 30, 2005. **File #420**
- 7) **Approved** alternate work schedule for the Social Services Unit of H&HSA for a three (3) month pilot project. **File #130**

MENTAL HEALTH:

- 8) **Approved** appointment of a Mental Health Clinician at Range 22.1, Step E. **File #810**

- 9) **Approved** amendment to Mental Health MediCal Managed Care, Specialty Mental Health Services contract with the State Department of Mental Health and authorized Mental Health Director to sign said amendment. *File #810*

PUBLIC WORKS:

- 10) **Accepted** bid and awarded contract to Central Maintenance Company as lowest responsive bidder re: janitorial services to County owned buildings with a contract term of July 1, 2004 through June 30, 2005. *File #105*
- 11) **Adopted Resolution Nos. 2004-37 through 2004-67** identifying services to be provided in FY2004/2005 for each County Service Area. *File #105 / Appeal file*
- 12) **Adopted Resolution No. 2004-68** accepting grant deeds for the purchase of real property for road right of way and grant of associated easement for Nash Road Bridge Project (Granite Rock). *File #645*
- 13) **Adopted Resolution No. 2004-69** accepting grant deeds for the purchase of real property for road right of way and grant of associated easement for Nash Road Bridge Project (Grimsley). *File #645*
- 14) **Approved** plans and bid document for the construction of Historical Park Bridge and authorized staff to solicit for construction bids. *File #93*
- 15) **Approved** request to declare Health & Human Services Agency - Health Division equipment as surplus. *File #105*

SHERIFF:

- 16) **Approved** agreement renewal with Global Tel Link re: inmate telephone services. *File #110*

SUBSTANCE ABUSE PROGRAM:

- 17) **Approved** agreement with Project Ninety re: residential treatment services with a contract term of July 1, 2004 through June 30, 2005. *File #1053*
- 18) **Approved** application for SAMHSA/CSAT Targeted Capacity Expansion Grant for FFY 2004-2006 and authorized Substance Abuse Program Administrator to sign related documents. *File #1053*

TREASURER:

- 19) **Accepted** Investment Report for the period ending March 31, 2004.

9:30 a.m. PUBLIC HEARING (or as soon thereafter as the matter may be heard):

PLANNING DEPARTMENT - R. Mendiola:

- 20) **Hold public hearing to consider a resolution and an ordinance re: Amendment to Zone Change 90-80A to reconfigure and expand the existing Pacheco Creek Estates Planned Unit Development (PUD), in order to create four more 2-acre residential parcels, and to increase the size of the agricultural preserve parcel (Parcel A) from 23 acres to 38 acres. The project involves three parcels containing 47 acres and would require subsequent approval of a Lot Line Adjustment (LLA 03-435) and Minor Subdivision (MS 1139-03) to enact the PUD. Location: Pacheco Creek Drive (APNs: 16-06-46; 47; & 48). Applicant: Casa de Fruta Orchards. Zoning: Agricultural Productive/PUD. (cont. from the mtg. of 4/27/04) (Request for continuance to the meeting of June 22, 2004 has been received.)**

BOARD ACTION: Upon motion made by Supervisor Scagliotti and seconded by Supervisor Loe, continued public hearing to the June 22, 2004 as recommended by Planning staff. (4-0 vote. Cruz absent.)

- 21) **Hold a public hearing to consider Revisions to Zoning Ordinance 479; Sections 3 (Definitions), 5.2 (Conditional Uses in the AR District), 9.3 (Building Site Area in the RR District), 27 (Lot Line Adjustments), 31 (Housing for Seasonal Farm**

Workers), 38 (Accessory Uses), 39 (Accessory Buildings), 45 (Non-Conforming Uses), 52 (Senior Dwelling Units), and 53 (Applications and Fees). These amendments were recommended by the Planning Commission at a public hearing held on April 21, 2004.

Susan Heiser, Senior Planner, presented staff report.

Held public hearing.

Sharon Slattery, spoke on behalf of the Union Heights Homeowners Association. Ms. Slattery expressed concern with the large animal clinics and small animals clinics that would be allowed under the zoning ordinance. Ms. Slattery stated they were opposed to the re-zoning and the building of the proposed animal clinic facility on Riverside Drive.

County Counsel Karen Forcum noted that Ms. Slattery's testimony was beyond the scope of this hearing item.

Supervisor Scagliotti noted that if this item is appealed in any way to the Board of Supervisors they will not be able to hear it because the Board has now heard information that was not relevant to the Planning Commission. The legislative body with the final say on this the Board has now been conflicted out of this because of information brought forward inappropriately on a item that hasn't been before the Planning Commission. Supervisor Scagliotti asked Ms. Slattery to stick to the consideration of amending the ordinance and not to go into the particulars of the project that she is concerned about because it will create problems down the road if this project moves forward and she then wants to stop it.

Ms. Slattery stated they were opposed to the re-zoning and handed out a list of signatures of Union Heights residents who are also opposed to the re-zoning.

Kurt Moran, Union Heights resident, came forward stating that small animal hospitals are Agriculture related and urged the Board to approve the ordinance.

BOARD ACTION: *Upon motion by Supervisor Monaco and seconded by Supervisor Scagliotti, adopted **ORDINANCE NO. 768** AMENDING ORDINANCE 479, AS PREVIOUSLY AMENDED, ZONING (CHAPTER 18 OF THE SAN BENITO COUNTY CODE).
4-0 vote. Cruz absent. File #790*

PROBATION DEPARTMENT - D. Botts:

Chief Probation Officer Deborah Botts presented staff report for the following two items.

Held public hearings for the following Items 22 and 23.

There was no public testimony.

- 22) **Hold two public hearings to consider the following resolutions:**
- a) **Proposed resolution authorizing the San Benito County Probation Department to Increase Electronic Monitoring Daily Fees for Adults; and,**
 - b) **Proposed resolution authorizing the San Benito County Probation Department to Charge an Installment Fee for Collections.**
- 23) **Hold two public hearings to consider the following ordinances:**
- a) **An Ordinance Increasing Housing Fee/Charges of the San Benito County Juvenile Hall; and,**
 - b) **An Ordinance Increasing Miscellaneous Charges of the San Benito County Probation Department.**

BOARD ACTIONS:

*Upon motion made by Supervisor Scagliotti and seconded by Supervisor Monaco, adopted **RESOLUTION NO. 2004-70** AUTHORIZING THE SAN BENITO COUNTY*

PROBATION DEPARTMENT TO INCREASE ELECTRONIC MONITORING DAILY FEES FOR ADULTS.

4-0 Vote. Cruz absent. File #510

Upon motion made by Supervisor Scagliotti and seconded by Supervisor Monaco, adopted **ORDINANCE NO. 769** INCREASING FEE/CHARGES FOR SERVICES OF THE SAN BENITO COUNTY PROBATION DEPARTMENT.

4-0 Vote. Cruz absent. File #510

Upon motion made by Supervisor Monaco and seconded by Supervisor Scagliotti, adopted **RESOLUTION NO. 2004-71** AUTHORIZING THE SAN BENITO COUNTY PROBATION DEPARTMENT TO CHARGE AN INSTALLMENT FEE FOR COLLECTIONS.

4-0 Vote. Cruz absent. File #510

Upon motion made by Supervisor Monaco and seconded by Supervisor Scagliotti, adopted **ORDINANCE NO. 770** ESTABLISHING MISCELLANEOUS CHARGES OF THE SAN BENITO COUNTY PROBATION DEPARTMENT.

4-0 Vote. Cruz absent. File #510

9:40 a.m. REGULAR AGENDA:

(For each regular agenda item, the following schedule shall include):

- a) Staff report.
- b) Public opportunity to address the Board on the particular agenda item. Please seek recognition by the Chair to comment.
- c) Consideration by the Board.

CHILDREN & FAMILIES COMMISSION - K. Castillo:

24) Consider ordinance to amend Chapter 5E of the County Code reflecting name change to First 5 California. (cont. from 5/11/04 mtg.)

BOARD ACTION: Upon motion made by Supervisor Scagliotti and seconded by Supervisor Monaco, adopted **ORDINANCE NO. 771** AMENDING CHAPTER 5E OF THE SAN BENITO COUNTY CODE, CHILDREN AND FAMILIES FIRST COMMISSION.

4-0 Vote. Cruz absent. File #155

ASSESSOR - A. Fontes:

25) Consider agreement with the State of California re: County Property Tax Administration Program.

BOARD ACTION: Upon motion made by Supervisor Scagliotti and seconded by Supervisor Monaco, approved agreement as recommended.

4-0 Vote. Cruz absent. File #7.1

HEALTH & HUMAN SERVICES AGENCY - M. Coppola:

26) Consider grant award agreement for the Diabetes in Control Grant from the California Endowment with a contract term of July 1, 2004 through June 30, 2006 and authorize H&HSA Director to sign said agreement.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved grant award agreement as recommended.

4-0 Vote. Cruz absent. File #420

- 27) Consider establishment of a seniority list for the Health Education Associate I/II positions in Health Division and authorization to lay off one position in said classification.

BOARD ACTION: Upon motion made by Supervisor Scagliotti and seconded by Supervisor Loe, approved as recommended.

4-0 Vote. Cruz absent. File #420

- 28) Consider budget augmentation for In Home Supportive Services (IHSS) Public Authority, reflecting increase of IHSS Provider wages per MOU.

BOARD ACTION: Upon motion made by Supervisor Scagliotti and seconded by Supervisor Monaco, approved as recommended.

4-0 Vote. Cruz absent File #420

DISTRICT ATTORNEY - J. Sarsfield:

- 29) Consider proposed resolution authorizing the District Attorney to implement a Vehicle Theft, DUI and Vehicular Manslaughter Program within the County.

BOARD ACTION: Upon motion made by Supervisor Scagliotti and seconded by Supervisor Monaco, adopted **RESOLUTION NO. 2004-72** DIRECTING THE COLLECTION OF \$1.00 DMV REGISTRATION FEE TO ESTABLISH AND FUND A PROGRAM TO PROSECUTE VEHICLE THEFT, DRIVING UNDER THE INFLUENCE AND VEHICULAR MANSLAUGHTER CRIMES.

4-0 Vote. Cruz absent. File #205

- 30) Consider proposed reorganizational plan for the District Attorney's Office.

This item was pulled from the agenda and continued to a date uncertain as announced by CAO Terrence May.

ADMINISTRATIVE BUSINESS:

- 31) Consider and receive County Administrative Officer's FY2004/2005 Budget update. (CAO)

This item was pulled from the agenda and continued to the June 1, 2004 meeting when a full Board would be present.

10:30 a.m. CLOSED SESSION AGENDA:

- 32) Conference with Legal Counsel - Anticipated Litigation

a) Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9. Number of cases: **3**

2 cases – No reportable action.

1 case – Withdrawn by County Counsel

b) Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9. Number of cases: **3**

1 case – No reportable action.

2 cases – Withdrawn by County Counsel.

- 33) Conference with Legal Counsel - Existing Litigation

a) Sandman vs. County of San Benito

No reportable action.

- b) Monteon vs. Richard Scagliotti, San Benito County Board of Supervisors, San Benito County Financing Corporation, et. al.

No reportable action.

- c) California Farm Bureau Federation, et al. vs. California Department of Forestry and Fire Protection, et al.

No reportable action.

- d) Lawrence Family, LLC, vs. Charles Frost Roofing, R.M. Bracco, Inc., County of San Benito, et al.

34) Conference with Labor Negotiators:

Agency Designated Representatives: Elizabeth Brown, Human Resources Director & Daniel Vrtis, Finance Director

Employee Organization: General Unit - SEIU, Local 817

No reportable action.

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

- 35) Hold public hearing to consider an appeal of a Planning Commission decision made on March 17, 2004 regarding Minor Subdivision 1134-03; to amend Condition of Approval #28, regarding road improvements. Location: 5000 San Juan Canyon Road (APN 21-01-73) San Juan Bautista. Appellant/Applicant: Tor R. Johnson and Michael S. Reeves. Zoning: Agricultural Productive. (cont. from the mtg. of 4/27/04) REQUEST FOR WITHDRAWAL HAS BEEN RECEIVED FROM APPELLANT.**

THIS APPEAL WAS WITHDRAWN BY APPELLANT/APPLICANT.

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: Pat Loe, Richard Scagliotti, Reb Monaco, Ruth Kesler
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: Bob Cruz

There being no further business the Board adjourned to its next regularly scheduled meeting on Tuesday, June 1, 2004 at 9:30 a.m.

RUTH E. KESLER, VICE CHAIR
San Benito County Board of Supervisors

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