



## SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios  
District No. 1

Anthony Botelho  
District No. 2  
Vice-Chair

Robert Rivas  
District No. 3

Jerry Muenzer  
District No. 4

Jaime De La Cruz  
District No. 5  
Chair

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

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### REGULAR MEETING FEBRUARY 21, 2012 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *regular session*. Supervisors De La Cruz, Botelho, Rivas, Muenzer and Barrios were present. Also present were County Administrative Officer Rich Inman, County Counsel Matthew Ganger, and Clerk of the Board Denise Thome. Chairman De La Cruz presided.

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

- a) Supervisor Barrios led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** There was no public comment.
- d) **Department Head Announcements:** County Administrative Officer Inman reminded that there was special meeting to discuss budget on February 28, 2012 at 6:00 p.m.

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

Supervisor Barrios thanked staff for the scoping meeting regarding the resource recovery park. She stated that she attended the Ramblers Motorcycle event in San Benito County. She further stated that she had attended Senator Canella's open house at Mars Hill and Supervisors Botelho and De La Cruz were also there. She added that she would be attending the California State Association of Counties (CSAC) meeting in Sacramento on Thursday to go over the Governor's initiative.

Supervisor Rivas reported that on February 15 he was invited to participate in a discussion by Congressman Sam Farr, regarding regional health foundations. He stated that there was discussion regarding coalition of counties and he would keep the Board updated.

Supervisor Muenzer reported that he attended the scoping meeting for Resource Recovery Park and felt the public was appreciative of the efforts to resolve the problem. He also reported on what the Fire Protection Committee had been doing.

Chairman De La Cruz indicated that the Board would want a report back regarding the fire contract.

CAO Inman stated that they would be doing that and would be receiving proposals from the City of Hollister and Cal Fire that week.

Supervisor Botelho reported that the Fire Protection Committee had been working diligently and would bring back the recommendations to the Board after reviewing the proposals. He noted that South County stations have not and never have been a part of the contract with Cal Fire response. He stated that he attended Senator Canella's open house and that it was well attended. He spoke of the Council of Governments (COG) meeting that he and Supervisor De La Cruz attended and that the big issue was the airport management plan. He reported that staff was directed to adjust the floor ratio density plan.

Chairman De La Cruz reported that he attended the Jovenes de Antano fundraiser and it was wonderful that they were pursuing the goal of becoming self supportive. He stated that he had attended Senator Canella's event and that Supervisor Rivas was there as well. He requested an update on In Home Supportive Services at the next meeting from CAO Inman.

## **CONSENT AGENDA:**

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

- 1) **Authorized** the Behavioral Health Director to sign certifications and all other related documents necessary to complete the application and award agreement as related to the Cal EMA 2011-12 Residential Substance Abuse Treatment Program (RSAT) Aftercare Treatment Services (ATS) Grant; and **authorized** the Chair of the Board to sign the Cal EMA RSAT, ATS Grant Certification of Compliance signifying the approval of the County Behavioral Health Director as the authorized official to sign certifications and all other related documents to complete the application and award agreement. *File #810*

### **CLERK/AUDITOR/RECORDER – J. P. Gonzalez:**

- 2) **Adopted Resolution No. 2012-6** authorizing the consolidation and provision for services by the County Clerk of the San Benito County Board of Education district election to be held on June 5, 2012 Statewide Primary Election. *File #285*

### **COUNTY ADMINISTRATIVE OFFICER – R. Inman:**

- 3) **Adopted Ordinance No. 889** of the County of San Benito amending Article 1 of Chapter 3.01 of Title 3 of the San Benito County Code to specify compensation paid to Grand Jurors in San Benito County. **(Continued from February 7, 2012 meeting)** *File #605*

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

- 4) **Appointed** Mr. Michael Spears to the Community Action Board for a three-year term effective February 21, 2012 through February 21, 2015. (CSWD) *File #939*

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

- 5) **Appointed** Mr. Juan Cruz to the Community Action board for a three-year term effective February 21, 2012 through February 21, 2015. (CSWD) *File #939*

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

- 6) **Appointed** Ms. Jill Tarolli to the Community Action Board for a three-year term effective February 21, 2012 through February 21, 2015. (CSWD) *File #939*

**PLANNING DEPARTMENT – G. Armstrong:**

- 7) **Adopted Ordinance No. 890** of the County of San Benito, amending Section 5.01.261 of the San Benito County Code pertaining to Traffic Impact Fees.  
(Continued from February 7, 2012 meeting) *File #790*

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 8) This item was pulled for discussion.  
Supervisor Botelho asked questions of and was answered by Public Works Director Wittry.  
**BOARD ACTION:** *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** the specifications for the repair and relining of the Stonegate Water Tank Repair and Relining project. File: CSA #31*

**SHERIFF'S OFFICE – D. Thompson:**

- 9) This item was pulled for discussion.  
The Board asked questions of and were answered by Kellie Kennedy of the Sheriff's Department.  
**BOARD ACTION:** *Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios **approved** the transfer of one (1) FTE Deputy Sheriff to budget/Sheriff State Grants from budget /Sheriff-operations; and approve the addition of one (1) 2012 Dodge Crew 4x4 pickup to the Sheriff's Schedule of Fixed Assets; and **approved** appropriations and revenues of \$178,373 for the California Rural Crime Prevention Grant Program as shown on the operating budget adjustment form. (the vote passed 5-0) File #110*

**REGULAR AGENDA:**

**COMMUNITY SERVICES & WORKFORCE DEVELOPMENT – E. Arreola:**

- 10) **Adopt Resolution approving the amendment of the Community Action Board (CAB) Bylaws designating the Community Action Board (CAB) as the San Benito County Home Investment Partnerships Program (HOME) Loan Committee.**  
Health and Human Services Agency Deputy Director Enrique Arreola gave a staff report.  
Housing Program Coordinator C.J. Valenzuela gave a staff report and explained the establishment of a HOME Investment Partnerships Program Loan Committee. He further explained that it was a sub-committee of the Community Action Board (CAB) and that one Supervisor would need to be appointed along with a CAB member and a representative of the industry.  
Discussion ensued.  
Chairman De La Cruz opened it up to public comment.  
Hollister resident Marty Richman agreed with the number of people on the board to prevent conflict of interest. He felt the best route was a neighborhood stabilization program. He hoped that criteria used would give preference to those applicants that would be putting some of their own money into it.  
Chairman De La Cruz closed the public comment section.  
**BOARD ACTION:** *Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **adopted Resolution No. 2012-7** approving the amendment of the Community Action Board (CAB) Bylaws designating the*

*Community Action Board (CAB) as the San Benito County Home Investment Partnerships Program (HOME) Loan Committee. (Unanimous) File #939*

There was a consensus to appoint Supervisor De La Cruz to the HOME Loan Committee. *(Unanimous)*

**COUNTY ADMINISTRATIVE OFFICER – R. Inman:**

**11) Receive activity report from Nancy Martin President of the San Benito County Economic Development Corporation.**

Economic Development Corporation (EDC) President Nancy Martin gave a PowerPoint presentation.

Supervisor Botelho felt that a few more partners were needed in the mix for EDC.

Supervisor Barrios stated that she would like to see a report back to the Board of Supervisors in April.

Ms. Martin stated that she could do that. She then continued with the presentation.

Supervisor Rivas asked for an update progress on the Enterprise Zone.

Ms. Martin explained that the Enterprise Zone in Salinas Valley and Watsonville were frozen right now. She added that some counties have abused it and some loopholes needed to be closed with regards to tax credits. She indicated that they felt they were a good candidate for the program and Senator Alejo was advocating for us. She noted that it was less expensive to join with an existing enterprise zone.

Supervisor Rivas noted that the potential investors were encouraging. He asked what they could do as a county to provide economic incentives and asked for an update in the future regarding incentives.

Ms. Martin replied that they had been looking at that and wanted to come back to the Board the following month to reveal a new website and incentives.

Hollister resident Marty Richman stated that the EDC has not worked for the County and City and had actually gotten worse. He noted that we were the lowest in jobs in the surrounding five counties. He added that people that work out of town spend money out of county. Mr. Richman felt they needed to concentrate on commercial development. *File #119*

**COUNTY ADMINISTRATIVE OFFICER – R. Inman:**

**12) Approve Memorandum of Agreement (MOA) transferring the authority of the Local Enforcement Agency to (CalRecycle) California Department of Resources, Recycling and Recovery; and adopt Resolution authorizing the transfer of the Local Enforcement Agency back to the State and execution of the MOA.**

This item was continued to March 6, 2012.

**INTERNAL SERVICES – R. Inman:**

**13) Receive Annual Impact Fee Report for the fiscal year 2010/2011. Reports are available for public review until March 20, 2012 at the Clerk of the Board, 481 Fourth Street, Hollister, California.**

Management Analyst Margie Riopel gave a staff report.

Discussion ensued between Board members and staff.

Hollister resident Richard Bettencourt stated that he had come before the Board several weeks before regarding the increase in truck traffic from dumping

and the deterioration of Fairview Road because of it. He felt it was poor business practice that they buy all this equipment but can't buy materials to use it.

Hollister resident Marvin Jones reported that at the last Council of Governments (COG) meeting staff mentioned a fund of \$700,000 for road repairs in San Juan Bautista, Hollister and the County that has been available since 2009. He felt that fees were being charged just because they could. He noted that they collected \$2,200 in fees and spent over \$206,000 and asked if there was any work done or was it just administrative fees.

Chairman De La Cruz closed the public comment section.

County Administrative Officer Inman explained that this report was mandated to show how the money was spent that was collected. He added that they did use the jail and juvenile hall fees to pay off debt to expand the facility.

Ms. Riopel noted that habitat fees were used for staff time and consultant fees for the habitat study. She noted that the habitat fund was not included in the nexus study. *File #119.2*

#### **PLANNING DEPARTMENT – G. Armstrong:**

- 14) **Review the proposed amendments to Section 19.11.008(D)(4) of Chapter 19.11 of Title 19 of the San Benito County Code pertaining to Development Agreements; read the title of the Ordinance for the record: “An Ordinance amending Section 19.11.008(D)(4) of Chapter 19.11 of Title 19 of the San Benito County Code pertaining to Development Agreement; accept introduction and waive further reading of the ordinance; and continue to March 6, 2012 for the adoption of said ordinance.**

Planning Director Gary Armstrong gave a staff report.

There was no public comment.

**BOARD ACTION:** *Upon motion duly made by Supervisor Rivas and seconded by Supervisor Botelho reviewed the proposed amendments to Section 19.11.008(D)(4) of Chapter 19.11 of Title 19 of the San Benito County Code pertaining to Development Agreements; read the title of the Ordinance for the record: “An Ordinance amending Section 19.11.008(D)(4) of Chapter 19.11 of Title 19 of the San Benito County Code pertaining to Development Agreement; accepted introduction and waived further reading of the ordinance; and continued to March 6, 2012 for the adoption of said ordinance. (Unanimous) File #790*

#### **PLANNING DEPARTMENT – G. Armstrong:**

- 15) **Discussion and direction regarding Caltrans' issue with existing Casa de Fruta Sign in the 101 Scenic Corridor and potential amendments to County sign ordinance.**

Planning Director Gary Armstrong explained that the matter was discussion only and at the request of Supervisor Botelho. He proceeded to give a staff report.

Discussion ensued regarding the matter.

Joe Zanger of Casa de Fruta stated that he appreciated the County and Planning Department's efforts. He explained that the billboards represent 100's of 1,000's of dollars and not 10's of 1,000's. He reiterated that billboards were big money. He stated that Highway 101 was designated a scenic highway by the Prunedale area but not the stretch where the sign is. He reported that the sign was permitted in 1968 and that they pay an annual fee which is paid through

2013. He indicated that he had spoken to Cal Trans that morning and they were getting closer. Mr. Zanger asked that Assistant County Counsel Barbara Thompson continue working with Cal Trans. He noted that page 14 of the ordinance was contrary to State law.

Hollister resident Marvin Jones read Article I, Section 10 of the Constitution of the United States.

Supervisor Botelho felt they needed to deal with this and it was not just the Zanger sign but that there were other signs out there. He wanted to direct staff to resolve the Zanger sign issue as effectively as they could and find out if the State designated it a scenic corridor and if it is, move forward to resolve designation.

Chairman De La Cruz suggested a letter to Cal Trans stating that the County was doing all that they could.

Supervisor Muenzer concurred.

Supervisor Barrios asked if the letter was legal and conforming when the permit was issued.

Supervisor Rivas agreed and wanted to make sure staff felt comfortable that it was legal and permissible.

Chairman De La Cruz asked if staff understood direction from the Board.

County Counsel Matt Granger stated that he understood that the Board wanted staff to do whatever was needed to have the signs along Highway 101 have protective status.

Chairman De La Cruz replied yes, that was the direction. *File #790*

The Board adjourned into Closed Session at 11:26 a.m. and reconvened into regular session at 12:04 p.m.

#### **CLOSED SESSION:**

##### **16) Conference with Legal Counsel-Anticipated Litigation**

Significant exposure to litigation pursuant to subdivision (b)(3)(B) of Section 54956.9: 1 potential case

The County has received a public records request requesting disclosure of an internal personnel investigation report.

*No reportable action was taken. File #235.6*

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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: Botelho, Rivas, Muenzer, Barrios, De La Cruz

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

There being no further business the Board adjourned at 12:05 p.m. to February 28, 2012 at 6:00 p.m.

**JAIME DE LA CRUZ, CHAIRMAN**

San Benito County of Board of Supervisors

**ATTEST:**

Denise R. Thome, Clerk of the Board